SOCIAL JUSTICE THROUGH PHILOSOPHICAL TRADITIONS:

Outlining the Conceptualisation

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Abstract: The present article traces the development of the concept of social justice through different philosophical traditions. The notion and philosophy of 'Justice' is the core of socio-legal and political streams and ethics. The idea of justice is applied not just to individual engagements but to broader aspects such as public policies and laws of the land. Justice is often used in the context of 'righteousness' and as a 'virtue'. Still, it is not easy to define and completely clarify the concept of justice. We can analyse it by employing specific terms, which acquaint us with the best possible understanding of justice. A single definition would not suffice to fulfil our aim of the study. Therefore, in this essay, the author delineates how philosophers and thinkers have theorised 'Justice' throughout ancient, medieval and modern times.

Index Terms - Justice, Society, Philosophical concept, Philosophers, Thinkers, Social thought.

INTRODUCTION

Why do people prefer justice to injustice? It is because justice is more beneficial than injustice. Justice is preferable in all circumstances. In comparison, injustice brings human beings into a series of disputes and violent acts. Injustice makes them enemies, whereas justice helps them be friends and creates a situation of the rational mind and right action among them. Injustice is consistently ranked with ignorance, greed and violence, whereas justice is related to wisdom, friendship and virtue.

Are Justice and Social Justice Separate?

Justice is a morally constructed practice which applies to every society. Moreover, if it is discussed in every society, it is more of a social concept. It is an essential aspect of society that tends to balance individual lives in a state or society. It is used to maintain order in a society. It gives a way to live in a fair and just society with no inequality concerning caste, colour, gender, religion etc. Justice demands fair distribution of resources and equal treatment of individuals. That way, justice becomes a process which prevents us from injustice. It can be done by giving rewards and punishment to an individual or community according to their deeds or occupation. If a person does some good work, then a reward should be given to him, but if he commits some crime, punishment must be given. So, the treatment of individuals according to their act is justice. It is used to change the situation in a better way and for the better. It reflects on 'what ought to be' rather than 'what is'. What justice is to one state may not be justice for another. It contrasts in different parts of the world.

Like justice, social justice is also a process practised in every society to live harmoniously. It tries to bring balance to society. It is a social relation of humans with ethics. Alternatively, it is how one person behaves or treats others in society. The main aim of social justice is equal distribution of resources and fair treatment of its subjects irrespective of caste, colour, gender, or religion. Everyone in society deserves equal economic, political, and social rights and opportunities. A just society is that in which there is equal opportunity for everyone, but those who are backward classes of society must be given some privileges or reservations. It focuses on the relationships among individuals within a society. It is a process in which individuals have equal access to economic resources, job opportunities, political rights, legal rights etc. It revolves around favouring or punishing individuals based on their actions or choices. It is in favour of equality. It also includes justice or fairness, or equality in terms of race, ethnicity, nationality, gender, mental and physical ability etc. The concept of social justice is dynamic, with no final statement. It gets changing for a better and just society. People exercise their freedom according to their wishes and desires in society until their desires do not harm other people. In *Principles of Social Justice*, David Miller (2003) claims that social justice is defined as the just distribution of societal benefits and burdens. In order to prevent harm at a larger scale in a society, we may harm an individual or a small number of people. If a person commits a crime, say, raping a child, he must be punished with a death sentence to prevent society from this type of crime, and it will become a lesson for other people.

Almost all the thinkers, philosophers and reformers of the world have, in various ways, explained and eulogised the different aspects of justice. Therefore, let us move towards observing specific influential ideas of distinct philosophers so that we can easily understand the motive behind them and also foresee the spirit of social justice.

CLASSICAL PHILOSOPHICAL TRADITION

To begin with, Cicero, a Roman philosopher and politician, calls justice "an intrinsic good". In order to make justice beneficial, he stressed the need for moral obligations and virtues. A man should follow his nature, which manifests itself in the practical philosophy of humankind. In Cicero's view, justice is essential to achieve the wholeness of man's being.

In Greek tradition, there were *Wise* men; certain thinkers, popularly known as *Sophists*, were teachers and learned men. In their view, good and evil, moral and immoral, right and wrong, justice and injustice all are relative to the individual. It means justice or injustice and the like are based on an individual's desires and feelings. The statement of Protagoras: "Man is the measure of all things," manifests that right or wrong, justice or injustice, good or bad etc., are not objective but altogether subjective. A thing has no inherent value; only its use by man adorns it with a particular value. That is why the Sophists did not recognise good, truth and justice as independent of an individual's desires and feelings. Elucidating the same theme, a famous Sophist, Thrasymachus, said that justice is

what a powerful individual wish to be; in fact, justice is an interest of the powerful, though it was contradicted by other thinkers like Socrates, Plato and Aristotle. For Plato, justice is the virtue of the soul; it is good because it is absolutely necessary. Justice is a differentia of an individual and also a whole city.

As the introductory paragraphs mention, justice has also been viewed as a 'virtue'. This notion of justice being associated strongly with virtue started with reference to traits of individuals. Moreover, even today, we conceive all individuals to possess a certain amount of inherent virtue of 'justice' or 'social justice'. The discussion of not just 'justice as a virtue' but 'justice as a philosophical idea' started with Plato. In his book *Republic*, he offers the first constant discussion in the form of dialogues on the nature of justice and the relation between justice and happiness. A traditionalist conception of justice propagates that justice is 'speaking the truth' and 'paying your debts'. Plato finds justice to consist in each component, where each component has a specific role. He divides society into different classes based on their qualities, such as wisdom, courage, self-control etc. Every small component contributes just like the larger; justice in the individual comprising each part does its work.

Plato states how to create a more just society. Plato considered justice as the highest good or virtue. According to Plato, Justice is something which comes from within the self of an individual. If an individual is just, then automatically, society will be just. Plato considered virtue/justice the highest good to live a good life. For him, *means* are essentially based on an individual's reason or capabilities; then, automatically *end* will be perfect.

Moreover, the qualities of an individual are mind, soul, spirit, appetite, reason etc. Justice can be perceived through senses and reason (mind). So, for Plato, justice is the relation of an individual to society according to his capabilities and capacities. Plato used justice in order to maintain social equilibrium and rational coordination. Every individual in society must perform a proper or appropriate function at which he/she is good.

In Plato's times, there were three existing theories regarding justice, namely;

- "Traditional theory of Cephalous and Polemarchu: to speak truth and pay one's debt."
- "Radical theory of Thrasymachus: justice is the interest of the stronger."
- "Pragmatic theory of Glaucon: justice is the third child of fear."

Plato, after discarding the above-mentioned theories, propounded his theory of justice. He said that justice is not essentially a legal concept. It is, rather, a moral concept, which may be explained at two levels; individual and social. Concerning justice on an individual level, Plato stated that the human soul is divided into three parts having three corresponding traits. Out of these three, one trait is dominantly leading to three functions:

- the *logistikon* (reason)
- the *thymoeides* (spirit)
- the *epithymetikon* (appetite)

Plato said that every individual has the proportionate presence of these three traits. There is coordination among the three, but one trait always remains dominant in every individual. Every individual should perform that duty to which he is best suited. If an individual could perform that duty which suited him best, then we could say justice happened at the individual level.

Concerning the concept of justice at the social level, Plato stated that different individuals comprise the society, and every individual is uniquely gifted with one trait at which he is best. He says that those who have wisdom should go to philosopher class, those who have courage should go to warriors class, and those with sensuality should go to producers class. At the social level, every individual should remain dutiful to their class and not interfere with other classes of society, which means just society, according to Plato.

- class of *Gold* who can govern
- class of *Silver*, the subordinate members of the government
- class of *Iron* and *Copper* who are fit to be tradespeople, artisans, or soldiers

According to Plato, the features of a just society are:

- Presence of classes in a society
- A moral concept rather than legal
- Internal elements of the soul
- Man's importance lies only in being a member of society
- Wisdom of king accorded topmost priority
- Division of labour and specialisation of work
- Non-interference

On the other hand, Aristotle, in *Nicomachean Ethics*, does not see virtue in the same comprehensive sense as Plato does. Instead, he sees it (in *Politics*) as a *virtue of character*, *constitutions*, and *political arrangements*. Aristotle defines the relationship between these forms of justice to be closely related, without being tantamount to the same concept. The political arrangement is the origin of political justice, and according to Aristotle, justice as a personal virtue follows the conception of virtues of character.

According to Aristotle, self-realisation is the highest good. Individuals must possess psychological, physical, and political appetites in their souls. For Aristotle, the virtue of justice is the virtue of character (ethics). In his book *Nicomachean Ethics*, Aristotle deals with justice's moral and political virtues. For him, a virtuous soul is an ordered soul. Aristotle says that justice consists in what is lawful and fair, with equitable distributions (IEP). Individuals have to be selfless. They must think of commune interest. In distributive justice, Aristotle divides burdens and benefits fairly among society's individuals. He also talked about retributive justice and commutative justice. Aristotle clarifies between what is just and what is unjust in society. For him, justice and morality should go in the same direction in order to live in a decent society. Just society must contribute to the common good of its people.

MEDIEVAL PHILOSOPHICAL TRADITION

For Augustine, "the cardinal virtue of justice requires that we try to give all people their due," something profoundly close to home, however, with social ramifications since people are not atomised creatures yet basically social. "The capacity of equity is to appoint to every his due." Nevertheless, Augustine's definition does not stop there. Equity is additionally something inside the request for people. Similarly, he follows Plato: "consequently there is built up in man himself a specific simply request of nature, by which the spirit is subjected to God, and the body to the spirit, and therefore both body and soul are subordinate to God." In this way, the affection for God is the wellspring from which equity streams, for it is just in the adoration for God, shown in the adoration for other

people, from which equity can "dole out to every his due." Moreover, since the city of man is focused on the affection for self (and deception) instead of the adoration for God (and truth), which keeps the city of man from successfully and magnanimously cherishing others, "the overall attribute of that city [of man] is that it is without genuine justice." It is without genuine equity because the wants of people in the city of man are scattered and unavoidably exhausted into the lie which keeps real equity from being apportioned.

Thomas Aquinas' Summa Theologiae represents the most significant section of the treatise on justice. The treatise on justice attracts attention from moral and political philosophers as well as social and legal activists. For Aquinas, the human person is, by nature, a social and political animal. Some of these societies are natural, like family and the political community. Other persons create for practical reasons like trade unions, political parties, and academic societies. Still, another is created by God, the church. Aquinas explains that fortitude and temperance guide and perfect one's actions in relation to oneself, while justice perfects one's actions in relation to others, particularly strangers. The object of justice is "the due is that to which someone has a legitimate right or claim." The complex network of natural and positive rights leads to a variety of expressions or species, as Aquinas calls them, of justice. It involves a part rendering what is due to another part within the overall good of the whole. Aquinas notes that while the subject or seat of justice is the will, which results in the just one's perpetual and constant intention to render the other his due, the primary effect of the virtue lies outside of the will. The virtue was accomplished not simply in bending the will to justice but in the actual commission of justice. The concrete is "rendering the other their due," which results in the others' concrete enjoyment of which they have a just claim

When Aquinas treats failures in justice or the sins against justice, he groups them according to the particular species of justice that they offend. For example, Aquinas list respective persons as a sin against distributive justice. It occurs when the political authority distributes some communal good to individuals, not according to the right but according to some other unjust or irrelevant criteria like personal preference or family relation. Against commutative justice, he lists murder, bodily injury, theft and robbery as injustices committed in deed and reviling, backbiting, tailed bearing, derision and cursing as injustices committed in speech. Whatever its type, every sin against justice requires that restitution be made to the one injured, with compensation also required in cases where strict restitution cannot be paid or fails to restore what has been unjustly taken.

Aquinas had a strong faith and belief in God. He was a rational philosopher who used reason to prove God's existence. He argued that God created the universe; he put too much emphasis on nature but the existence of God. Aquinas discusses his concept of justice along with the idea of prudence, fortitude, and temperance. He considered justice as a virtue, i.e., to do right. According to him, there must be justice towards one another and ourselves. Justice as virtue involves faith, hope (theological virtue), charity (which should never be avoided) and cardinal virtues (justice, prudence, fortitude and temperance). For him, justice is concerned with the individual in relation to his own self. When an individual is just with himself, there will automatically be a just society. Following the Aristotelian idea, justice for Aquinas is a rational concept that deals with the common good of people.

Aquinas concludes by observing that justice perfected by piety manifests itself in the meekness spoken of by *Christ* in the beatitudes. Furthermore, this is Aquinas's last word in the summa on justice: "the spirit renders a man meek by removing from his all possible obstacles to justice and piety, the meek one remains ever ready to act in the pursuit of justice, meekness is the mark of a man whom God has justified." As there are three elements in an individual, correspondingly there are three types of men in a society. The classification among the types of men is based on the dominance of one attribute over the others in the respective source. Thus some people are predominantly rational. They are more adaptable to rational pursuits. Some other people are neither strong in reason nor spirit but only in passions. These are required to be controlled by the other two.

Ibn Khaldun, a 14th-century Arab scholar and a historiographer, points out that there is injustice in society, which is why we should emphasise justice. He criticises history for being unjust, adding subject matter to history. He said that humans are responsible on their own for destroying their civilisation by adapting laws and cultures that are unsuitable for them. Al Masoodi, an oriental philosopher, influenced Khaldun. He claimed that laws not only regulate or preserve but also represent the society in which they are applicable. The only way to preserve civilisation is through justice, where all humankind should be treated or weighted equally, for which God has his representatives in the world.

MODERN PHILOSOPHICAL TRADITION

In modern times, the renaissance movement added a new dimension to the idea of justice; the French revolution also advocated the cause of justice and proliferated its allied ideas far and wide. Respect for human intellect, attraction towards human rights, democratic government, equality of all citizens before the law, freedom of thought and expression etc. were some of the critical ideas and ideals, which became popular among the people, and they were considered to be the fundamental elements of *just* social order. In the direction of adding these elements to justice, the thinkers like Voltaire (1694-1778), Montesquieu (1685-1755), Locke (1632-1704) and Rousseau (1712-1778) made commendable contributions. They strongly emphasised that the intellectual, political and religious freedom of the individual, freedom of press and elections, political equality and rights must be available to all citizens. Without these rights, no one could think of any justice.

These thinkers popularised the ideals of liberty, equality, fraternity and natural rights as essentials of justice. Rousseau belonged to the labouring and peasant class. He demanded "equal rights and deliverance from social bondage," and Voltaire stood for "equal political rights and liberty of thought and conscience for the middle class." In brief, they all stood for the "Rights of Man" in a democratic system. In his book *Confessions*, Rousseau confesses about society's experiences. He also wrote dramas but then did not favour theatre. He was in favour of the closure of theatres. For him, an individual's life is free, healthy, happy, innocent and independent. He criticises education. He argues that education corrupts the nature and innocence of humans. For him, "man is born free," dictates that man's natural condition is freedom, but there is no example of perfectly free humans in a society, so individual rights are above all.

German philosopher Immanuel Kant's works, focus on the relationship between individual freedom and the State. For Kant, reason is more important and is the source of morality and aesthetics. For him, justice and rights are independent of one another. According to Kant, an individual's will must not hurt others. Kant puts individual freedom as the central value of political life and defines the purpose of the existence of the State to both protect and restrain individual liberty for a peaceful co-existence. Kant also believed that the *righteousness or wrongness of actions does not depend on their consequences but on whether they fulfil the duty*. "Kant's principle of morality puts forward the fourfold classification of duties that arises from the intersection between duties towards oneself and others and between perfect and imperfect duties. Thus, the four classes of duties are:

Perfect duties to oneself (for example, prohibition of suicide);

- Perfect duties to others;
- Imperfect duties to oneself; and
- Imperfect duties to others."

Later, Kant puts forward a theory of *Recht*, i.e., duties of law/justice, which can be enforced by coercion. His treatment of duties of virtue is not as complicated and strict as that of duties of justice. He characteristics these duties that promote one's perfection and the happiness of others. For Kant, positive laws are based on the rights of the people which they ask for. All the laws in the world, whether natural, ethical, or moral, are positive. *Law* is a skill which trains people on how to live in a society. Laws act as an external agency and juridical science.

The thinkers, or the leading philosophers, of utilitarianism [Jeremy Benthem (1748-1832), James Mill (1773-1836), John Austin (1790-1859), and J. S. Mill (1806-1873)] also added a new dimension to the concept of justice. "They considered "practicability and utility to be the measure of virtue and justice. The value of justice is inherent in how many individuals derive pleasure from it, that is, how far it is valuable or full of utility in favour of the common interest. That which is not practical, or does not contain any utility, cannot be just and ethically justifiable. Thus, the maximum good of the greatest number of individuals was regarded as the basis of justice. To them, utility ought to be the measure of goodness, right, morality, progress and justice. Jeremy Bentham, the brilliant and versatile reformer in the field of law, stressed that justice must be demonstrated and the welfare of the needy and the oppressed be protected. To put it briefly, the utilitarian thinkers advocated that the measure of justice should be utility. Whatever is useless, painful, evil and unjust must be reformed or changed in the interest of the most significant number of individuals."

The Marxist view of social justice differs from those analysed so far. It believes that the idea of justice has developed through the ages. It has no fixed and immutable nature—the concepts of social justice change from one age to the next due to changes in economic relations. The economic base of any society plays a "decisive role in establishing and maintaining social justice." As a rule, justice as the relations between classes is brought into being by the economic structure of society. The ruling class vindicates the existing economic relations based on the exploitation of the toiling class by the capitalist class, while the revolutionary class, the exploited sections of society, criticise and negate them by the proletariat revolution. Marxism has elucidated the concept of justice and measured it concerning the vital needs of natural social development. Hence, Marxist ethics first associates the concept of justice with the idea of liberating society from the exploiting class, and "Social justice attains its summit in communist society, in which all traces of social and economic distinctions disappear."

The Marxist theory of justice recognises class struggle as a matter of social reality and tries to direct it towards a just society, in which classes are abolished through class struggle, that is, through a violent overthrow of the capitalist society. When the economic basis of society under capitalism is abolished, and the controlling power comes into the hands of the proletariat, the entire superstructure (law, morality, culture, religion etc.) changes in favour of people's public interest. Under communism, social interest becomes the prime aim of the government, and the state also becomes an instrument of social justice. Since the laws and the legal provisions of the socialist society fully correspond to the people's interests, the right to private ownership of land and industries is abolished. The just social order expresses itself in collectivism, the collective spirit of cooperation, mutual assistance and mutual trust. Under a socialist society, people receive equal wages for equal work. Here lies the justness of the socialist principle of distributive justice. Implementing the cardinal principle of communism "from each according to his ability, to each according to his needs" would imply that society has established full economic equality, the cornerstone of social justice. Then, there will be no repression and exploitation, and the state will wither away with the disappearance of the classes. The society under communism will be capable of sustaining itself through people's honesty and insight who will perform their duties without any external force. The moral conscience of all will be so exalted that everybody will produce in whole collective spirit to satisfy society's material needs. Society will be peaceful, giving to each one according to their needs.

John Rawls, the most prominent political philosopher, gives his famous argument, "justice as fairness." From this argument, Rawls derives two principles of justice, i.e., the equality principle and the difference principle. In his *Theory of Justice*, Rawls attempts to solve the problem of distributive justice (i.e., the just distribution of resources in a society). For the equal distribution of goods, Rawls came up with a remedy. That remedy has been divided into two sections—one is the "veil of ignorance", and the second is the "original position". In the veil of ignorance, people are taken back to the original position where they do not know their identity, i.e., ignoring their actual identity. Then the authority or power given to the individual is given in order to distribute things in society. According to Rawls, the original position is where an individual forgets himself. Alternatively, a position where one will distribute resources without thinking about his belongings. However, it is impossible to take this remedy because man is self-seeking by nature. After observing and analysing the various ideas and theories of social justice, it is easier to claim that social justice is not one thing, a single idea, or a theory alone. It consists of several elements; its nature and process are very complex; its scope is extensive; it may be adorned with several meanings, and more and more content can be added to its concept. Therefore, it is impossible to contain social justice in one formula, or it cannot be defined strictly in fixed terms. Here, however, it may be explained or expanded on certain premises as follows:

- 1. Social justice is based on the dignity of the human personality, its respect and honour, and human brotherhood, and it is related to the nature, organisation and practical way of society.
- 2. Social justice emphasises the need for equitable distribution of economic benefits, equality of political rights, social duties, legal obligations, constitutional methods and devotion toward the nation and constitution.
- 3. Social justice, being the upholder of public interest and impartial, recommends and grants specific critical priorities and reservations.
- 4. Social justice is man-made, an order of human relations, a way of virtue and righteous conduct, and in its empirical form, it gives us effective and practical results.
- 5. Social justice is the guardian and protector of the interests of the disabled, the poor and downtrodden, deprived and destitute, including the most backward classes.
- 6. Social justice, inherent in *equality* before the law, universal education and the right to religious conviction, is vehemently opposed to caste discrimination, untouchability and birth-based social prestige.
- 7. Social justice, relative to religion, supports religious tolerance and communal harmony and is also, within national limits, an inspiration for the welfare of all humankind.
- 8. Social justice is a will for the service of all suffering human beings and is, in varied forms, the supporter of its implementation. It is also a method of providing resources needed for it.

- Social justice is a continuous process of serving, uplifting and developing all the weaker sections, broken families and helpless individuals of society in the best possible ways and is also an identification of the demonstration of respect and honour, liberty, equality and fraternity towards them.
- Social justice is a comprehensive concept that aspires for the establishment of those legal provisions and moral principles which envisage planning and make it effective in practice in order to bring about proper relations between man and man in all aspects (political, economic, moral, religious, empirical and scientific) of human life emphasising the need of an integrated approach.

CONCLUSION

Considering all the philosophers mentioned above, I conclude this essay by saying that justice is a dynamic and broad concept. It is not the same all over the globe, nor is it from the ancient to the contemporary world. It keeps changing from time to time. What according to one person is just may not be the same for another person. It depends upon their culture, mindset and society. In today's so-called educated, scientific and modern world, there is injustice everywhere, whether in western countries or third world countries. In some countries, people face injustice based on race and colour, and in some countries, people face injustice based on gender, religion, ethnicity etc. Some people are facing injustice also on the basis of the language they speak. So, laws should be made for the betterment of people, and injustice must be prevented irrespective of caste, religion, region, language and ethnicity. Furthermore, those who violate these laws must be punished.

Almost in all societies of the world, it is found that some sections regard themselves as superior (as descendants of a pure race). Each member of such a racial group does not like to mingle with others; they keep their matrimonial relations limited to their group. For instance, the Jews in Israel, the Brahmins and also the Aryans in India, the Whites in South Africa, the Pathans in Afghanistan etc. regard themselves as the people of superior races; and their arrogant behaviour, or other practice, manifest themselves into apartheid, blatant discrimination, violent outbursts and other obstructions in the way of social equality for those, who are fighting for it. These so-called superior races do not favour adequate civic facilities and political or human rights to the people of other communities, castes and classes. Consequently, depressed and oppressed people do not get equal opportunities for employment in private and public establishments. They are also deprived of dignified social status, even if they deserve it because of their merits. The blacks in Western countries and the shudra-untouchables in Asian lands suffer predominantly in heinous ways because of the so-called superiority of racial groups. They are, however, not silent and inactive; they have come forward and started demanding equitable shares in social health and natural national wealth. The possibilities of social equality and justice have significantly increased. However, racial prejudices, apartheid feelings and caste injustices still exist to thwart the process and emancipation of the poor, lowly and the weak in different world societies. Besides, racialism also expresses itself in racial colonies and concepts of supermen. The races, which are well-to-do and have state power, endeavour to transform the small and weak countries into colonised regions to serve the powerful countries' national interests. Indeed, they provide some modern facilities and comforts to them, including some employment opportunities.

Nevertheless, the small and weak countries, and their inhabitants, do not get adequate political freedom, social equality and justice for being full-fledged nations to be at par with other free nations. This way, they become victims of injustice, exploitation and oppression. Such tendencies and policies were well supported by thinkers like Manu and Nietzsche, who advocated that only those, who are superior in race, mind and intelligence, deserve to rule the poor, lowly and the weak. They supported the doctrine of social inequality, ideas of class-based rule and morality, and they also said that only the supermen were entitled to have virtues of courage and justice. In brief, the ideas of superman and colonisation, socio-economic imperialism and political protectionism are apparently, based on feelings of hatred, injustice, exploitation, oppression and racial inequality, which stand as strong enemies in the way of social justice. Social justice is an active movement. For those who need it badly, only their efforts can make its process and implementation effective. To make social justice available, and procure its advantages for the needy, is not an easy task. It has several enemies, some strong and some unpopular, which create obstructions in the path of social justice. Therefore, to create more possibilities and solid prospects for social justice, it is essential to counteract its enemies with all legitimacy, vigour and vitality. It is an arduous task that only social justice friends can undertake and perform for its early fructification.

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