



An Empirical Study of Human Rights and Social Justice

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Abstract: *Human rights and social justice are discussed in terms of their normative dimensions in this research. Human rights and social justice are seen as separate concepts in political theory today, with social justice being a set of greater egalitarian standards and human rights serving as baseline protections against frequent risks made by states to the general interests of those subjected to them. Human rights and social justice's normative domains are often viewed as distinct, but this study aims to challenge this perspective by outlining an egalitarian normative model of human rights, which better reflects an egalitarian understanding of social justice.*

Keywords: *Constitution, Human Rights, Social Justice, Violence.*

1. INTRODUCTION

Recent decades have seen a rise in calls for social justice and human rights safeguards. Social justice and human rights activists have frequently joined forces in the political sphere. To protest racial and sexual discrimination, the human rights to equal opportunity and equal protection have been protested; an adequate standard of living has been declared on the basis of an unequal society, which allows the wealthy to enjoy luxurious goods while impoverished people struggle to meet their most basic needs. Human rights and social justice are inextricably linked, an astute observer might conclude. A flood of books and articles on justice and rights theories have been published (or attempted to be read). Due to their separation from one another, these two collections of philosophical and legal literature are particularly noteworthy.

Human history bears witness to many battles between man and animals for the survival of the fittest, which eventually takes the form of racism between black and white. Pre-Civil Rights America was a segregated and even legally discriminatory place for African-Americans,



leading to the shameful system of slavery that we have all come to know and abhor today. As a result of the British Raj's implementation of apartheid, Gandhiji was forced to disembark from a moving train in South Africa. Casteism, which occurs when the upper caste exploits the lower caste, is another consequence of racism. The so-called dalits and harijans were mistreated by casteism in mediaeval India. As a result, there is a rise in male chauvinism and sexism. In some countries, women were denied the right to vote and were barred from participating in political decision-making. Dalit women were also paraded naked by upper caste people in various parts of India. Even if the girls (Malala, the Pakistani girl and Nobel peace prize winner) pursue education, religious fundamentalists are willing to put their lives at risk to do so. Only a few have been mentioned in this post. Cross-sections of society are raising their eyebrows as the list continues. What do all of these issues actually tell us about the world we live in? As a result of a series of unfortunate events in the recent past, a significant number of human beings were denied their fundamental human rights. Is there anything we could have done better? Is it right or wrong to treat everyone equally? Whether or not a person has a right to infringe on another's rights is an open question. In this way, human rights can be brought into the discussion.

Objectives

An attempt is made to examine the meaning, source and justification of human rights, as well as the conceptual linkage between human rights and social justice in this paper.

Human beings and human society are at the heart of traditional conceptions of rights and justice. As we all speak with equal passion and moral sensitivity about other forms of rights, I intend to argue that human rights are the most important of all. Only in a derived and secondary sense is the concept of right applied to non-human animals and inanimate objects (such as the environment, the river, the mountain, etc.). As a result of our various life circumstances, each of us is endowed with a unique set of rights. To borrow materials from Washington University's libraries as a faculty member is one thing; to be protected by the diplomatic corps while abroad is another. The IVR's General Assembly will take place on Wednesday, and as a member of the audience, you have the right to vote and I have the right to speak openly and thoughtfully to you. The term "human right" refers to a moral right that one has as a person. As long as a person is a human being, he or she is entitled to the same rights and privileges as any other individual. Human rights, to use the expression loosely, are a subset of moral rights. Because several European states joined the European Convention on Human Rights, they are referred to as "human rights," a suitable title for these legal rights. Because current conceptions of human rights are the contemporary heirs of classical theories of natural rights, I'm temporarily putting them on hold in my terminology to avoid any misinterpretation. Neither human rights nor fundamental rights can be restricted in any way. Even though a right may be fundamental in one moral system and derivative in another, it can be of fundamental importance to political debates and individual lives in different centuries and parts of the world. It is also not required that all human rights are equal. A person may be able to have more or less of a human right if they can have more or less of the capacities of a human being. Attempting to resolve these issues through definition alone would be both unfair and pointless. Definitions are meant to answer questions, not to ask them. My original query has been rephrased as follows: As human beings, what is the relationship between society's justice and the moral rights we have as individuals?



Why Social Justice Is Important

As with the term "human rights," the phrase "social justice" has gained in popularity in recent years. What exactly is meant by social justice? Basically, it's a concept of fairness in a social context. That includes the distribution of wealth, opportunities, and basic necessities. Now, you'll hear it applied to discussions of gender, race, and the environment as well. Social justice includes:

- **It ensures that everyone gets the essentials for a good life:** Everyone is entitled to the fundamentals when it comes to fairness. The three most basic human needs are food, shelter, and clean water. As in many cultures, these are taken for granted, but there are always a few exceptions. Consider Flint, Michigan, where safe drinking water is a rarity due to high levels of lead in the water supply. Everywhere in the United States, there are food deserts, and in places like Oregon and Washington, the homelessness problem has gotten out of hand. Justice for all extends to those in other countries who are in need of basic necessities, but do not have access to them. People are promoting social justice by speaking out in favour of basic necessities.
- **It ensures everyone gets adequate healthcare:** We cannot overstate the importance of maintaining a healthy diet and lifestyle. This is a matter of life and death. When it comes to access to health care, society's healthcare system dictates who gets what and how much they have to give up in order to get it. The social justice movement in healthcare focuses on a variety of issues, including more accessible and more affordable health insurance plans, as well as more readily available medications.
- **It protects people with disabilities:** People with disabilities are finally getting the attention they deserve because of the rise in social justice. Many people with disabilities (such as those with mental illness) face discrimination in the workplace, healthcare, and other settings. If social justice is to be fair to all, it must include the rights of people with disabilities.
- **It protects people from religion-based discrimination:** A person's religion is an important part of their identity, and social justice demands that they be free from religious discrimination. Laws that restrict religious freedom exist in a number of countries, while others do not adequately protect those rights. If you don't believe in any religion, you should have the same rights as anyone else.
- **It protects people from ageism:** As people get older, they're more likely to face prejudice. The fact that they're older may result in them losing their employment or being treated with disdain in their everyday lives. As part of social justice, ageism is a kind of discrimination.
- **It defends people from racism:** Discrimination based on one's race is a major problem in many cultures. As a result, they may struggle to get a job, live peacefully, and more. People of all races should be able to enjoy a high quality of life and have equal access to opportunities.
- **It helps promote equality between genders:** It indicates that discrimination based on gender is a long-standing wrong. They are also members of another persecuted group, such as a race or religion, making life much more difficult for these women and girls. As a movement dedicated to social justice, we want to bridge this divide and empower women no matter where they are.



- **It helps promote economic equality:** The wealth disparity appears to be widening all the time. The disparity between those who can't afford to feed their families and those who receive multi-million dollar severance packages is simply unjust. Every person should have the ability to meet their basic needs and live without fearing that a single setback could put them on the street. The goal of social justice is to ensure that no one is left behind financially.

How can human rights achieve social justice?

1. Promotion of Equality: The goal of social justice and human rights is to ensure that everyone has equal access to human dignity. Human rights are in direct conflict with issues such as poverty, exclusion, and discrimination.

2. Human rights can help to fight indignity. As an example, securing everyone's right to health is essential to upholding human dignity. A prisoner's human rights should not be violated by degrading treatment, even if he or she is in prison.

3. Anti-discrimination: Human rights do more than just promote equality; they also guard against both direct and indirect forms of discrimination based on one's personal traits. Indian constitution Article 14 prohibits discrimination based on sex, race, religion, political opinion or sexual orientation in the exercise of one's constitutional rights.

4. Welfare systems: As part of the protection of the vulnerable, the democratic government must perform a variety of welfare functions. This safety net includes human rights. As a human rights violation, avoiding such measures is unacceptable.

5. Employment rights: Social justice rests on a level playing field for all people. People's ability to achieve social justice is directly correlated to their ability to find gainful employment. Social and economic status will be determined by their compliance with these rights. As a result, human rights and social justice are intertwined.

Importance of Human Rights

It becomes apparent that Human rights are critical only when we examine the concept of "rights" in its broadest sense. It stems from the fact that we are moral beings, and as such, we have moral rights. Because only those with free will, a sense of right and wrong, and the ability to discern whether or not rights are being exercised properly can be considered subjects of rights or right holders in the strict sense of the term. As a result, only human beings can be referred to as right promoters or rights subjects. To quote Kant, "treat other people as ends in themselves, not as means to your own or other people's ends. It is important for me to remember that you are a volitional being just like me, and that I should treat you as I would like to be treated when we interact. In the same way that you are not an instrument to serve my goals, neither am I." Human rights, on the other hand, are the primary rights, while animal rights and the rights of inanimate things like nature and the environment are secondary and extended rights that are more important. As a result of certain inherent characteristics of the human condition, only human rights can be considered absolute and unassailable. People are said to have certain "right-making properties; some have also called them right-conferring properties" by virtue of these features. "These properties are so called because their presence in us justifies our holding of the rights in question; they confer on us the relevant rights." In order to be referred to as a human being, a person must possess certain characteristics. Hinman and Mohapatra both stated that two criteria must be used to



determine the properties of these substances. In order to be a "right conferring property," they must be "the more essential a property is to being human, the stronger it will be." The "right conferring properties must be moral nature, must be morally good or at least morally neutral," as well. Non-essential or accidental characteristics are not included in the first criterion because they will have no effect on one's humanness. When one's freedom of expression and religious beliefs are curtailed, one's humanity will suffer greatly. Individuals' capacity to exercise their rights in a dignified and self-respecting manner, as well as to exercise their capacity for a sense of justice, is fundamentally dependent on their ability to freely associate, think, and express themselves politically, as Rawls made clear. Rightmaking properties have a moral component, according to the second standard. It does not include any characteristics that are morally undesirable or immoral. Human characteristics such as rationality, the capacity to reason and judge, autonomy, the ability to choose one's own course of action and the capacity to place value on things stand out as strong contenders when attempting to define what constitutes a property with legitimate right-making properties. Animals and inanimate objects do not have any right-making properties that can be attributed to them. Human rights take precedence over all other considerations because of the reciprocity between their rights and duties that is inherent in a morally obligatory system. Other people owe it to me to ensure that my rights are upheld and not infringed upon, and vice versa. In the words of Prof. Mohapatra, "not to interfere with the exercise of the rights in question by the right holders and, if need be, to cooperate by providing, or creating the conditions conducive to such exercise" are their responsibilities as "right observers" Members of the society known as "right promoters" are responsible for carrying out both negative and positive duties, as well as indirect and direct duties, in order to promote the rights. Promoting rights is a moral obligation that belongs to those who are moral by nature. Rights and duties are human beings' prerogatives because of this correlation and complementarity between them. Right holders and right promoters are linked conceptually and logically by reciprocity, the very foundation of morality. The human person is therefore the paradigm right holder, and human rights are the most important rights. Other forms of rights do not follow from this. Animals' and nonhuman things' rights make sense, but only if the duties that go along with those rights are also respected. They only have rights in the sense that they are secondary and broader.

Despite the fact that we are morally obligated to act in favour of animals, it is impossible to do so in the interests of inanimate objects such as the environment or the natural world. A duty is an obligation owed to a person or a group of people who are morally responsible. As a result, human rights are the most important ones.

Rights Being Absolute:

Human rights advocates such as Ronald Dworkin and Alan Gewirth advocate for the inalienability and absoluteness of human rights as a fundamental principle. 'Any undertaking to waive or to infringe on them are void ab initio,' John Rawls writes in his book *The Principles of Justice*. Even the most fundamental of natural rights are not absolute and inalienable in the strictest sense. If you're committing a heinous crime like murder or a national emergency necessitates a suspension of your constitutional rights, you may lose those rights, which are generally inalienable and unalienable but can be forfeited for misuse or suspended if necessary. Each of us has the right to pursue his own personal goals, but society has a greater goal in mind, and no one should go after his own interests at the expense



of the greater good. A "mutually beneficial constraint on the conduct of rational persons," according to T.M.Scanlon, is morality. Rights, which are essentially moral in nature, are subject to such restrictions or limitations in difficult circumstances. Because rights are supposed to be inviolable and inalienable, despite the fact that they can be defeasible in certain circumstances, they are therefore inviolable and inalienable. Human rights, such as the right to life, liberty, and the pursuit of property, can be considered basic and absolute, but not overriding by definition, under this proviso that rights are defensible in conflict situations. Human rights and social justice are inseparably intertwined concepts. In this context, it can be said that human rights and social justice are inseparable, just as the individual and society cannot be separated. To put it another way, in order to discuss human rights, we must also discuss social justice. Furthermore, it is impossible to understand social justice without considering both the individual and society as a whole. It is true that individuals exist in real time and space, whereas society is an idyll of the individual's hopes, dreams, and aspirations. As a result, to speak of social justice is to speak of equality for all people. This means that there can never be social justice or human rights that are detrimental to society. As a result, social justice and human rights are conceptually intertwined.

Conceptually, justice and equality go hand in hand. Because the definition of justice is "equity and due process for all," treating men unfairly and in violation of their basic human rights is a clear violation of the law. As the unjust distribution of primary social goods is exacerbated by the infringement of these rights, the need to right the wrongs becomes more pressing. Unless an unequal distribution of any social value benefits everyone, Rawls argued that the concept of justice bears a clear stamp of equal treatment. Treating people who are like you and those who aren't would be the formula for social justice. "The ideal of equality governs the principles of justice, which set them apart from other moral principles." Therefore, distributive justice is another name for social justice. It stands for the equitable distribution of national assets, which philosophers like Bertrand Russell and others argued for, regardless of national boundaries or nationalists. Even though it sounds idealistic, there is no such thing as a fair distribution of wealth in this sense. All forms of discrimination, inequality, exploitation, and oppression should be eliminated from human society by social justice champions and protagonists. Every individual's fundamental right is aimed at eliminating all forms of social injustice and creating a just society. In today's world, this seems like a long shot. Nearly every aspect of society is plagued by corruption. The poor get poorer, while the wealthy get richer. For Gandhiji, social justice can only be achieved if people's minds are changed on an individual level. Society, like a living organism, is constantly evolving. Interdependence and interrelatedness between human beings and the rest of nature contribute to the stability of society in general. The tools of social change are activism on the levels of the individual, the judicial system, and the academy. India's affirmative action and reservation policies are examples of this. Achieving and protecting human rights can be accomplished through the application of social justice, which is more than just an ideal.

2. CONCLUSIONS



In a relatively short period of time, human rights practises have grown to be a remarkably significant political force. Now, the dominant language for arguing about the political system and making claims about institutional treatment is English. As a result, human rights have not necessarily spawned a new set of political concerns, but rather work to more explicitly link conventional political claims and expectations to the universal language of the equal moral standing of humanity. Members of a political organisation are entitled to the same rights and privileges as everyone else.

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