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CONSTITUTIONAL MORALITY VERSUS SOCIAL MORALITY: AN AMBEDKARITE PERSPECTIVE ON JUSTICE, EQUALITY AND DEMOCRATIC TRANSFORMATION

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Abstract

This article examines the relationship between constitutional and social morality in Indian democracy through Dr. B. R. Ambedkar's philosophy. Drawing on his Constituent Assembly speeches and judicial interpretations, it explores constitutional morality as a framework for addressing caste, gender and other social inequalities. It argues that constitutional values should guide the critical transformation of unjust social practices while respecting legitimate traditions. The article concludes that democratic stability depends on a social culture rooted in liberty, equality, fraternity and human dignity..

Keywords: Constitutional Morality, Social Morality, B. R. Ambedkar, Democracy, Social Justice, Equality, Fraternity, Indian Constitution.

1. Introduction

Democracy depends not only on elections, institutions and laws but also on the values and practices governing social relationships. A democratic Constitution may coexist with discrimination and exclusion when prevailing social practices contradict constitutional principles. This tension is particularly significant in India, where constitutional ideals of justice, liberty, equality and fraternity confront historically entrenched caste hierarchy, patriarchy and graded inequality. Dr. B. R. Ambedkar emphasised that political democracy requires corresponding transformation in social relationships. Addressing the Constituent Assembly on 4 November 1948, he observed that constitutional morality is not a natural sentiment but must be cultivated. He warned that democratic institutions could be weakened when the spirit of constitutional governance is undermined. The distinction between constitutional and social morality is therefore central to Ambedkar's vision of democracy. This article examines their relationship, potential conflicts and contemporary relevance to building an inclusive and just society.

2. Objectives of the Study

The article has the following objectives:

1. To explain the concepts of constitutional morality and social morality.
2. To examine Ambedkar's understanding of constitutional morality and its relationship with democracy.
3. To analyse the conflict between constitutional principles and discriminatory social practices.
4. To examine the contemporary relevance of constitutional morality in promoting equality, dignity and social justice.
5. To suggest ways of strengthening constitutional morality in Indian society.

3. Methodology

The article adopts a theoretical and philosophical approach. It is based on conceptual analysis, critical textual interpretation and normative evaluation. Primary sources include the Constituent Assembly Debates and selected writings and speeches of B. R. Ambedkar. Secondary scholarship and significant judicial decisions of the Supreme Court of India are used to examine the development and contemporary application of constitutional morality. The study does not employ empirical data or claim to measure the prevalence of constitutional morality in society. Its purpose is to clarify the

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concepts, examine their normative relationship and develop a philosophical argument about their significance for Indian democracy.

4. Understanding Constitutional Morality

Constitutional morality refers to commitment to the fundamental values, principles and procedures of a constitutional system. It extends beyond legal compliance to respect for individual rights, institutional accountability and constitutional limitations on public authority. In his Constituent Assembly speech of 4 November 1948, Ambedkar, drawing upon George Grote, emphasised respect for constitutional procedures, accountable authority, freedom of public criticism and confidence in democratic processes. His explanation highlights five dimensions: adherence to constitutional procedures, accountability of public authorities, freedom of expression, protection of minorities and cultivation of democratic attitudes. Ambedkar's observation that constitutional morality is not a natural sentiment but must be cultivated underscores the importance of democratic consciousness. His warning that democracy was merely a "top-dressing" on an essentially undemocratic social soil reflected the gap between constitutional institutions and prevailing social realities.
Thus, constitutional morality is both an institutional principle and an ethical standard governing public authority, citizenship and social relationships.

5. Understanding Social Morality

Social morality comprises the values, customs, traditions, beliefs and behavioural expectations accepted by a society. Developed through family, religion, culture and social institutions, it promotes cooperation, belonging and continuity through values such as honesty, compassion and mutual respect. However, social acceptance does not necessarily establish moral legitimacy. Customs may reinforce unequal power relations and discrimination. Caste restrictions, gender-based inequalities and exclusion from educational or religious institutions, for instance, may be justified in the name of tradition while violating equality and human dignity. Therefore, social practices must be critically evaluated against the rights and dignity of every individual rather than accepted merely because of their historical continuity, religious sanction or popular approval.

6. Constitutional Morality versus Social Morality: The Ambedkarite Perspective

Ambedkar recognised that unjust social structures could undermine democratic institutions. He viewed democracy not merely as a system of elections and representation but as a way of associated living based on mutual respect and equality. In his Constituent Assembly address of 25 November 1949, he argued that political democracy could not survive without social democracy, which he described as a way of life founded on liberty, equality and fraternity. He emphasised that these principles are interconnected and essential to democratic existence.

This understanding provides the philosophical foundation for distinguishing constitutional morality from social morality.

6.1 Equality versus social hierarchy

The Constitution guarantees equality before the law and equal protection of the laws under Article 14. Articles 15 and 16 prohibit specified forms of discrimination and provide for equality of opportunity. Article 17 abolishes untouchability. However, social morality may continue to legitimise caste distinctions, discriminatory customs and unequal treatment. The conflict becomes evident when individuals are treated differently because of caste identity despite the constitutional guarantee of equality. Ambedkar’s critique of caste was fundamentally a critique of graded inequality. In Annihilation of Caste (1936), he challenged the social and religious justifications of caste hierarchy and argued for the reconstruction of society on principles of equality and fraternity. From this perspective, constitutional morality requires society to reject practices that deny equal human worth. Social acceptance cannot provide justification for discrimination.

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6.2 Individual liberty versus social control

Article 21 protects life and personal liberty, subject to the procedure established by law. Constitutional democracy also recognises freedoms of expression, association, movement and belief, subject to constitutionally permitted restrictions.

Yet social morality may impose restrictions on individual choices, particularly in matters of marriage, relationships, dress, occupation, belief and lifestyle. Individuals may face social pressure or coercion when their choices differ from established expectations. The constitutional perspective places individual dignity and liberty at the centre of democratic citizenship. It does not mean that every individual choice is beyond regulation; rather, restrictions must be justified within the constitutional framework and cannot be imposed merely because a section of society disapproves of that choice.

6.3 Gender justice versus patriarchal traditions

The conflict between constitutional morality and social morality is especially visible in gender relations. Constitutional equality requires women to enjoy equal dignity, opportunity and freedom. Nevertheless, patriarchal practices may restrict women's education, mobility, employment, property rights and participation in decision-making. Such restrictions are often defended as expressions of family honour, cultural expectations or customary values. However, customs that deny women autonomy and equal citizenship cannot be considered legitimate merely because they are socially accepted.

An Ambedkarite approach recognises that social democracy requires the transformation of unequal relationships within the family and society. Gender justice is therefore not an isolated legal concern; it is integral to the broader struggle against social hierarchy.

6.4 Fraternity versus exclusion

Fraternity is an essential component of Ambedkar's understanding of democracy. It involves a sense of common belonging and mutual respect among citizens. Without fraternity, liberty and equality may remain formal principles rather than lived social realities. Social morality, when shaped by caste, communal prejudice or social exclusion, may weaken fraternity. Constitutional morality, by contrast, encourages equal citizenship and respect across social differences. The distinction is not between culture and Constitution as such. It is between those cultural practices that promote human dignity and those that sustain exclusion.

7. Constitutional Morality in Contemporary Indian Society

The significance of constitutional morality is not confined to the Constituent Assembly period. It continues to inform debates about individual rights, social equality, pluralism and the limits of majoritarian opinion.

7.1 Navtej Singh Johar v. Union of India (2018)

In Navtej Singh Johar v. Union of India (2018), the Supreme Court of India examined the constitutional validity of Section 377 of the Indian Penal Code insofar as it criminalised consensual same-sex relations between adults. The judgment placed considerable emphasis on constitutional morality, individual dignity, equality and personal autonomy.

The Court distinguished constitutional morality from prevailing social or popular morality. It recognised that the rights of individuals, including members of socially marginalised groups, cannot be determined solely by majority attitudes. The decision illustrates the role of constitutional morality in protecting individual freedom and equal citizenship where social prejudice may persist.

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7.2 Joseph Shine v. Union of India (2018)

In Joseph Shine v. Union of India (2018), the Supreme Court invalidated the adultery offence under Section 497 of the Indian Penal Code. The provision treated women in a manner that reflected patriarchal assumptions about marriage and female autonomy. The judgment is relevant to the constitutional morality debate because it questioned the legitimacy of laws that reproduce unequal gender relations. It reaffirmed the importance of equality, dignity and individual autonomy in evaluating legal provisions. The decision demonstrates that inherited social assumptions cannot automatically determine the content of constitutional rights.

7.3 Equality, caste and social inclusion

The constitutional abolition of untouchability under Article 17 represents a decisive rejection of a historically entrenched social practice. Nevertheless, constitutional prohibition and social transformation are not identical processes. Formal legal equality does not automatically eliminate discrimination in access to education, employment, housing, public spaces or social participation. Constitutional morality therefore requires sustained institutional commitment to equality and the active rejection of discriminatory practices. It also requires citizens to recognise that social justice is not simply a matter of legal entitlement but a condition of democratic coexistence.

7.4 Religious freedom and constitutional values

India's constitutional framework protects freedom of conscience and religion under Articles 25 to 28, subject to constitutional limitations. This creates an important relationship between religious freedom, cultural diversity and individual rights. Constitutional morality does not require the rejection of religion or tradition. Rather, it requires that religious and customary practices be considered within the framework of constitutional rights and limitations. The challenge is to maintain respect for religious freedom while ensuring that appeals to tradition do not become instruments for denying equality, dignity or liberty. This comparison should not be interpreted as suggesting that every social value conflicts with constitutional morality. Many social values, including compassion, cooperation, mutual respect and non-violence, are compatible with constitutional ideals. The conflict arises when social practices violate fundamental rights or reproduce unjust forms of hierarchy.

9. Critical Analysis: Is Constitutional Morality Always Superior to Social Morality?

The proposition that constitutional morality should guide social morality requires careful philosophical consideration. A constitutional order cannot function by treating every social tradition as inherently undesirable. Social practices are diverse, and many contribute to collective identity, ethical development and social solidarity.

At the same time, social acceptance cannot be the final test of justice. Majorities may endorse practices that disadvantage minorities or restrict individual freedom. If constitutional rights were made dependent on prevailing social approval, the protective purpose of fundamental rights would be weakened.

Three considerations are important.

First, constitutional morality must be interpreted through constitutional principles rather than personal preferences. It should not become a vague expression used to justify arbitrary judicial, legislative or administrative decisions. Its application must be supported by constitutional text, precedent, reasoned interpretation and respect for institutional boundaries.

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Second, social morality should be open to critical reflection and reform. Tradition may have cultural significance, but historical continuity does not make every practice ethically defensible. Social values must remain responsive to changing understandings of equality and dignity. Third, constitutional morality must be cultivated through democratic participation. Courts can protect rights and invalidate unconstitutional practices, but they cannot independently transform all social attitudes. Education, public debate, civil society, democratic institutions and community-level reform are equally important.

Thus, constitutional morality should not be understood as a force that simply replaces social morality. Its more constructive role is to provide a democratic and rights-based framework for evaluating, reforming and transforming social norms.

10. Strengthening Constitutional Morality in India

The development of constitutional morality requires sustained efforts at institutional and societal levels.

1. **Constitutional education**: Educational institutions should promote understanding of constitutional values, fundamental rights, duties, equality and democratic citizenship. Constitutional education should encourage critical reflection rather than mere memorisation of constitutional provisions.

2. Value-based democratic education: Liberty, equality, fraternity, justice and dignity should be integrated into teaching-learning processes and institutional practices. Students should experience democratic participation, dialogue and respect for diversity.

3. Social reform and public awareness: Public campaigns and community initiatives should challenge caste discrimination, gender inequality, communal prejudice and other exclusionary practices.

4. Institutional accountability: Legislatures, executives and public institutions must exercise authority within constitutional limits and remain accountable for violations of rights.

5. Protection of vulnerable groups: Effective implementation of laws and policies protecting historically disadvantaged communities is necessary to bridge the gap between formal equality and substantive equality.

6. Responsible public discourse: Media, educational institutions and civil society should encourage reasoned debate, respect for dissent and rejection of prejudice.

7. Democratic citizenship: Citizens should cultivate constitutional habits in everyday life, including respect for differences, rejection of discrimination and willingness to resolve disagreements through dialogue and lawful means.
These measures reflect Ambedkar's insight that democracy requires not only constitutional institutions but also a social culture capable of sustaining them.

11. Conclusion

The distinction between constitutional morality and social morality reveals a fundamental challenge confronting Indian democracy: the relationship between constitutional ideals and the social practices through which citizens live. Constitutional morality is grounded in the principles of justice, liberty, equality, fraternity and human dignity. Social morality emerges from customs, traditions, beliefs and collective expectations. While the two may complement one another, they come into conflict when accepted social practices perpetuate discrimination, hierarchy or restrictions on individual freedom. Dr. B. R. Ambedkar's political philosophy provides a powerful framework for addressing this

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conflict. His insistence that constitutional morality must be cultivated and his argument that political democracy requires a foundation of social democracy remain central to contemporary debates on justice and citizenship. The Constitution cannot achieve its transformative purpose if society continues to reproduce the very inequalities that it seeks to abolish. At the same time, constitutional morality should not be reduced to formal legal compliance or an unrestricted justification for institutional intervention. It must operate through reasoned constitutional interpretation, democratic accountability and sustained public engagement. Social traditions that promote compassion, cooperation and mutual respect can enrich constitutional democracy, while those that deny equal dignity must be critically reconsidered.

Ultimately, the relationship between constitutional morality and social morality should be understood as a process of democratic transformation. Constitutional values must influence social attitudes, while democratic participation must deepen public commitment to constitutional principles. The success of Indian democracy therefore depends not merely on the existence of a Constitution, but on the extent to which its values become principles of everyday social life. In this sense, Ambedkar's vision remains relevant: the real measure of democracy is not only how a state is governed, but also how human beings recognise, respect and treat one another as equals.

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