CHAPTER - II
IDEALISTIC APPROACH TO JUSTICE

The idealistic group of thinkers too treat justice as an ideal. They consider justice as a value concept. Justice to them is like righteousness and virtue. Justice is regarded as something supreme. According to this group of thinkers, the intentional actions of rational beings can only be considered to be just or unjust. Actions of non-rational beings are beyond the scope of such a standard.

The arguments of the idealistic thinkers may be summarised as follows: Man as a human being has got its importance. No standard of judgement can overlook this innate importance of human life. Nobody should be sacrificed for anything, however great the cause may be. We have to honour each man as an end in himself. No government should neglect any citizen. No one should be sacrificed for an end beyond himself. To sacrifice the interest of a man or making a man as a means for a greater end may fetch good results for the majority, but the majority do not have the right to subdue a man only because they are majority. Every man has got its own dignity. Dignity has meaning only when one's personality is honoured. No Government has got any right to dishonour
a man's personality by exploiting him without looking to his own interests. Instead, it is argued that everyone should be given his own due. A Government, while making laws, should consider man as an end.

All legal codes should take note of this aspect of human beings into consideration. The enactments of a Government should be treated just or unjust keeping only the human beings as an end in view. Even if a law neglects a single individual, it should be treated as unjust. Laws should aim at fulfilling the human ends and values.

Plato, one of the forerunners of the idealistic concept of justice, considers it as a value concept. In envisaging a theory of justice, he divides the entire society into three classes, viz., the ruling class, the soldier class and the class of producers representing the most wise class, the most valiant class and the most appetitive class respectively. Such a division of the society is being done on the basis of functional specialisation. Furthermore, specialisation is done on the basis of innate potentialities. The division, therefore, operates according to the nature of man. Plato considers the soul of man as the abode of three qualities. They are: reason, spirit, and appetite. Book IV of 'The Republic' corroborates to this:
"Is passion different from reason also, or only a kind of reason; in which latter case, instead of three principles in the soul, there will only be two, the rational and the concupiscent; or rather, as the state was composed of three classes, traders, auxiliaries, counsellors, so may there not be in the individual soul a third element which is passion or spirit, and when not corrupted by bad education is the natural auxiliary of reason? Yes, he said, there must be a third."¹

And the discussion between Glaucon and Socrates went on till they agreed:

"And so after much tossing, we have reached land, and are fairly agreed that the same principles which exist in the State exist also in the individual, and that they are three in number."²

Men whose souls are dominated by reason are regarded as the most rational and wise class; those whose souls are dominated by spirit are regarded as the most spirited and valiant class, and whose souls are dominated by appetite or desire are regarded as the most appetitive class. Such a division of the society is regulated as per the dictates of the soul of man. Men are stationed in the society according to their inborn nature and potentialities. Society cannot put an individual in the station of life, to which he does not fit in. This is how man's dignity is honoured and respected and he gets his due.
Plato's concept of justice has got two aspects. One aspect speaks of social justice and the other speaks of individual justice. Social justice is achieved when each class of the society performs its specified duties for which they are best fitted by nature and nurture without interfering with the duties of others.

"Seeing then, I said, that there are three distinct classes, any meddling of one with other, or the change of one into another, is the greatest harm to the State, and may be most justly termed evil doing? Precisely."^3

Social justice is achieved when all classes perform their duties in unison. Thus, harmony and peace prevail in the society. This perfect balance and equilibrium among the three classes give rise to virtues. Virtue is justice.

"This then is justice; and on the other hand when the trader, the auxiliary, and the guardian each do their own business, that is justice, and will make the city just."^4

Thus, we see, the social justice is a natural upshot of virtue done by each of the classes at the same time. Even if a single class fails to achieve virtue by not performing its duties in the most perfect manner, society will fall short of achieving social justice. Social justice is, therefore, a product of the joint venture of the three classes in the society.
Individual justice, on the other hand, is presupposed by social justice. As each of the classes helps in achieving justice, so also each member of the class achieves individual justice to himself. Plato maintains that man's soul has the qualities like reason, spirit and appetite. Individual justice prevails when there is balance and harmony in the soul of a man. Discord and chaos hinders the purpose of man. Only when man succeeds in setting each of the components of his soul in their proper sphere, only then he is virtuous and being virtuous is just.

An individual can be just, unsupported by others. His ultimate purpose is to act according to the dictate of his own soul. The dictates of the soul are nothing but the dictate of the inner nature of man. Individual justice is achieved when one acts in accordance with one's own nature, for which one is best fitted by nature and nurture. A just manifestation of a soul achieves individual justice. A soldier doing the action of a philosopher-king acts contrary to the nature of the soul, thereby inviting chaos and turmoil. Interference with the action of another or acting contrary to the dictate of the soul is not only detrimental to the individual himself, but also to the society at large. Plato's purpose is to confine each
individual to his own sphere of action. To say that an
individual is just is to say that he is unfolding his own
nature and acting in accordance with the dictates of his
own soul. Such a conformity makes man virtuous. Man fails
to achieve perfection, virtue or justice if he goes against
the nature of his own soul.

Individuals, acting in conformity with their nature,
achieve not only individual justice for themselves but
also social justice simultaneously. Therefore, social
justice presupposes individual justice. Social justice is
inconceivable without individual justice. There cannot be
a just society without just individuals. This shows the
importance given by Plato to the dignity of man. Indivi­
dual justice and social justice are complementary to each
other. At the same time, society is not ignored. As an
organism cannot function properly without different organs
of it, so also society becomes defunct without individual
human beings. Each individual acts both as a means and an
end to himself. He is a means in so far as others are
benefited out of his individual action. Further, he is an
end to the extent he is benefited by the acts of others.
An individual, according to Plato, is insufficient by
himself. Such insufficiency can be overcome only when
individuals work to fulfill reciprocal needs. Each man,
therefore, acts as a means for others and by the by, becomes an end in himself. Plato, therefore, considers man, both as a means and an end.

Plato's theory of justice speaks only of should and ought. It is, in this sense, visionary and utopian in nature. It speaks of moral righteousness. It looks into the inner perfection of man. Laws are unnecessary for a disciplined mass who are very much conscious of their duties. They know where justice lies. Justice is not an external fact that can be controlled by law. It is nothing but the external manifestation of the feelings of a righteous soul. External law has no part to play in Plato. Plato appeals to the conscience of man to perform duties most perfectly. It is the dictates of the soul, not external laws, that guide man. For Plato, morality is the only standard of judgement in matter of justice. Being moral is just and right. Being immoral is unjust and wrong.

Thus, Plato's theory of justice has moral overtone. It upholds moral righteousness and inner perfection. It believes in the infallibility of human reason and conscience. It believes in realisation rather than in coercion and imposition. No law can reform the soul. It is
realisation on the part of human beings that matters. It
does not believe in man-made legal codes bereft of mora-
\[\text{It depreciates external laws and coercion and}
\text{treats them to be redundant and superfluous.}
\]

With the theory of justice worked out by Aristotle,
we pass to a theory rich in legal content. It is its
basic character that distinguishes it from the Platonic
conception of justice as complete virtue devoid of any
reference to law. But Aristotle gives a theory which is
concerned in large part with justice as an application of
\[\text{law as opposed to the whole of virtue.}
\]

Aristotle distinguishes between three kinds of jus-
tice; (i) general or universal justice, (ii) particular
justice, and (iii) commutative justice. He identifies the
former with the whole of righteousness or complete virtue.
\[\text{According to Aristotle, the law of the land covers the}
\text{whole range of human activities. General justice lies in}
\text{the conformity to the law of the land. Therefore, the}
\text{just could be considered identical with the lawful.}
\text{Aristotle remains silent as to how the law can conform}
\text{to morality or complete virtue. The tendency to identify}
\text{moral justice with legal justice is one of the major}
\text{characteristics of Greek thought.}\]
"... Aristotle's 'General' justice appears in what is called legal or social justice. Its business is to direct action towards the common good... Its function is to define the general principles of social organisation."5

"In the abstract sense, therefore, the just can be identified with all law and therefore with all morality... This kind of justice is not a part of virtue, but the whole of virtue."6

Particular justice is of two types: distributive and corrective or remedial.

"Distributive justice is exercised in the distribution of honour, wealth, and the other divisible assets of the community, which may be allotted among its members in equal or unequal shares."7

Here Aristotle introduces the important principle of proportionate equality. It is a principle of geometrical proportion. If $A$ and $B$ are two persons and $C$ and $D$ are shares to be given, then according to distributive justice, it should be given according to their merit. It is unjust to treat unequals equally and equals unequally.

In the Nicomachean Ethics, merit is taken to be the basis for distributive justice. Whatever equality is taken as the basis, awards must be proportionate to it. However, in nature there are no two individuals who are
equal. In fact, there is no equality in nature. Equality is a social category. When we say that two individuals are socially equal, it does not mean that they have no difference of any other kind among themselves. Some differences do really exist between them. But these differences like sex, race etc., are of no relevance.

Corrective justice is the rule of law on particular cases of violence and is a matter for the judiciary. It is concerned with restoring a law. It deals with private transactions between persons. It takes account cases of unequal distribution and of loss and gain. It tries to strike a balance. The judge is the mediator who divides the shares or gifts equally between the two fighting persons. Corrective justice applies to voluntary and involuntary transactions as well. Voluntary transactions are fraud or theft which correspond to violation of contract or tort in English law. The role of the judge is not to punish but to redress. The involuntary transactions are deeds which relate not only to individuals, but also to the state.

Corrective justice comes into operation when the standards created by distributive justice are violated. It may manifest itself either in the form of reparation
or of punishment. Thus, distributive justice is the creation of a system of rights according to the principle of 'equality of consideration', and corrective justice is the effort to maintain this system.

"...corrective justice is designed to maintain the system which distributive justice has created."8

The third kind of justice according to Aristotle, is commutative justice. Its aim is to regulate fair transactions and exchanges considering the skill of the parties and the corresponding worth of their products. It is otherwise known as 'commercial justice.' It operates in the field of exchange of goods of different kinds, generally, between persons who are different and may be unequal in merit. It may so happen that the worth of a party's product is more than that of others. Therefore, the disparity in the worth of commodities, has to be equalised. To make bartering equal, there must be a common standard. Though demand of the parties, is in reality taken to be the standard, it is "conventionally represented by money." Money is treated as,

"the measure of all things, and so of their superior or inferior value, that is to say, how many shoes are equivalent to a house or to a given quantity of
food. As therefore a builder to a shoemaker, so must such and such a number of shoes be to a house (or to a given quantity of food); for without this reciprocal proportion, there can be no exchange and no association; and it cannot be secured unless the commodities in question be equal in a sense."9

Thus, Aristotle's three forms of justice have got their respective functions and responsibilities. General justice, which is identified with submission to the law of the land is virtue itself. Justice is the embodiment of virtue. It identifies law with virtue and therefore, with justice. To be law-abiding is to act justly. Law prescribes certain conduct and general justice looks into adherence to such conduct by the individuals. It controls the conduct of people according to the moral prescriptions of the law of the land. Distributive justice, which comes under particular justice, looks into the fair distribution of assets, wealth, and honour, taking the proportional merits and contributions of the individuals into consideration. Corrective justice, the second kind of particular justice, looks after the maintenance of fair distribution worked out by distributive justice. In case of violation of the principle of distribution, it effects a balance by compensation or by punishment. It brings proportional equality by a remedial method.
Commutative or commercial justice, the third kind, operates in the sphere of exchange of goods among the parties in their individual transactions and maintains fairness by equalising the values of different products by a common standard of measurement.

Kant has given a rational interpretation of morality. He upholds the supremacy and legitimacy of reason. Reason is infallible. The dictates of reason are the most rational, therefore, the most moral and just. Kant calls the dictate of reason to be the categorical imperative. It is the unconditional command of reason which teaches morality and which in fact, is morality itself. He, thus, identifies reason with morality. To act as per the dictate of reason is to act justly and to be instinctive is to act unjustly. Categorical imperative teaches man and directs him to move through the right path. The universal reason is present in each man. It is this component in man that shows the light as to what should be done and what should not be done.

Kant, most interestingly, also has identified law with morality. Of course, he says, laws operate in external sphere and morality in the internal sphere. A law is nothing but the manifestation of reason; the dictates of
the categorical imperative. The law of the land is the commands of reason of the law makers. Laws are rational. These laws make man most free. Man should act according to the categorical imperatives. He gets the maximum freedom by that. A disciplined citizen finds no problem in obeying the laws of the state, because, the laws are, at the same time, the dictates of his own reason. It is his own categorical imperative that is non-different from the commands of the law-makers. For an indisciplined citizen, law teaches what should be and what should not be done; it teaches what is the true nature of reason. Law teaches a man by forcing him to obey the law who does not know his true freedom.

Thus, in Kant, law is morality in its entirety. There is no conflict between positive law and moral law. Though law takes the external actions into consideration, still then, it does not conflict with morality. Law and morality originate from the same source, that is, reason or categorical imperative. Law, in Kant, is the most just and moral. There is nothing like unjust and immoral law in Kant. The infallible reason is the source of both law and morality. A man who is moral is also lawful and therefore, just. The categorical imperative operates in
the internal sphere and in the external sphere too. It manifests as morality in the internal sphere and exposes itself, in the form of laws in the external sphere. Though morality is tinged with subjectivity, still then, it is objective in the sense that it is itself the categorical imperative. Morality is not linked with the external consequences of an action or its effects upon other persons. Kant has associated morality exclusively with the inner attitude of a person towards his acts. In the words of Karl Mannheim, Kant places,

"all the moral emphasis not upon objective and obvert behaviour and its visible consequences, but upon the intention of the doer."  

Justice and law, according to Kant, operate in the external sphere only. These are concerned with the external relation of man with his fellow beings in the society and the transactions of society.

"Whatever is juridically in accordance with External Laws, is said to be Just...; and whatever is not juridically in accordance with External Laws, is Unjust."  

A man who harbours a good intention is moral though his acts bring grievous consequences for the society. Hence,
"the state of mind of the Agent or Doer of a deed makes a difference in imputing its consequences, according as he did it in passion or performed it with coolness and deliberation."12

A man who with a refined mind harbours the best of intentions, but because of awkwardness and unskillfulness brings about disastrous consequences, is no doubt moral though unlawful and unjust.

Kant gives importance to the intention of the doer. He matters the nature of the will much. The will should be good. It should be a rational will of a rational man. It should be the will in accordance with the categorical imperative. It should not be a relative, selfish will arising out of hypothetical imperative. The good will is the universal will. It is the objective will; the will of all. As men are rational, each possesses this rational good will which corresponds with the will of all rational men. Such good, objective will differs from the individual subjective will which is nothing but the manifestation of irrational instinctive will.

The objective good will is the means to achieve an objective end; the end of humanity. It is the aim of good will to achieve moral perfection. Such an end is
given by reason itself, not by reason at the service of inclination.

"These ends must be valid for every rational being; they must be objective ends, not merely subjective ones; they must be absolute and not relative; they must have an absolute and not a relative worth, being good in themselves and not merely good for a particular kind of agent. To say this, is to say that they must be ends in themselves."13

Kant, therefore, tells,

"So act as to use humanity, both in your own person and in the person of every other, always at the same time as an end, never simply as a means."14

The good rational will acts as a means to the furtherance of moral perfection as an end. This absolute end acts as the ground of the categorical imperative as relative ends act as the ground of hypothetical imperatives. The categorical imperative or good objective will is present in every rational being. So, man should be treated always as an end in himself. He should not be treated as a means to an end whose value, instead of being rational, absolute, objective and universal becomes relative and instinctive, if so treated.
Rational man is regarded by Kant as an absolute value. Value is intrinsic to man. In no case such an inherent value should be neglected. Such a value should never be used as a means to an end external to the personality of man. To consider man as only a means to an external end is to subordinate an absolute, objectively universal and supreme value to a value relative and subjective. It is to neglect the human worth and dignity. Kant, therefore, treats rational beings to be the ideal ends of society. We ought to seek such ends.

Accepting rational human beings to be values, Kant upholds them as ends in themselves. The laws of the state should aim at this end: honouring of human values and dignity. Actions ought to be guided by a set of universal laws which are the manifestation of the categorical imperative. Human acts should be at par with such universal objective laws. Private ends are not the ideals before us. The Kingdom of ends are the universal ends. Private ends should be sought only when they are compatible with the categorical imperative or the universal laws.

The idealistic notion of justice got an absolutistic touch in the hands of Hegel. Hegel treats the state as the absolute in all matters of social life. It is the
embodiment of spirit, reason or mind. Perfection reaches its zenith in the objectification of the state. All contradictions and differences are subsumed under the state. State is nothing but mind, reason or spirit objectified through a triadic rational way. State is rational. It is rational in its actions and volitions. State is the divine idea as it exists on the Earth. State is the supreme and the most perfect and the just manifestation of the spirit. The voice of the state is, therefore, rational. It is the voice of the spirit objectified in the form of the state. State is the supreme as it is the most harmonious manifestation in which the substantive spirit realises its real form.

Man is an element in the spiritual hierarchy. Every man is a spiritual entity participating in the spiritual display of the Absolute spirit. Of course, man is not the perfect manifestation of the spirit; still then, man possesses that rational and spiritual aptitude as he is a partial manifestation of spirit. Man owes everything to the all comprehensive state. Man can be understood and conceived only in reference to the state. State is an absolute organism engulfing all the stages of the manifesting spirit in itself. It is the most
rational, the most moral, the most just because it is
the most perfect stage of the unfolding spirit.

Law is the voice of the substantive will or spirit
ingrained in the state. The rational attitude of the
state is reflected in the form of laws and therefore,
laws are moral and rational. It is the most perfect and
ethical reflection of the most perfect substantive spi­
rit of the state. Not only in laws, but also in all
rational arrangements the pulse of the spirit is felt.

Justice lies in submitting to such rational wills
of the state, i.e. to the laws. Hegel emphasizes that in
submitting the private interests to the laws of the
state, men submit their passions to the control of rea­
son. In such cases, a less rational will obeys the most
rational will and gets an opportunity to enjoy the pro­
ducts of rational deliberations. Furthermore, the indi­
vidual subjective will is reconciled with the objective
will in the obedience of the law. Man's freedom and
liberty are compatible with the submission to laws
because it is the same substantive spirit reflected in
the form of subjective will and the laws. True freedom
lies in the willing acceptance of the acts and legisla­
tions of the state. By doing this one is not coerced,
rather dictated by his own reason, as a member of the rational fabric. Hegel also justifies coercion in cases when man is guided by his instincts, rather than by his rational insight. Coercion does not enslave man, rather ignites his dormant rational will in teaching the true sense of freedom.

Man's chief glory is his personality. A personality is a unit of freedom quite aware of its rights and independence. Freedom, is

"just as fundamental a character of the subjective will as weight is of bodies... free entity is the will. Will without freedom is an empty word, while freedom is actual only as will, as subject." 15

The all inclusive spirit does not impede the exhibition of human freedom in the form of rights. It is an objectified substantive spirit giving vent to the free expression and execution of the rational rights of man. Freedom to such rights does not ever contradict the rational activities of the state because they stem from the same source. The basis of rights is the free individual will. The will is free and therefore, freedom is the substance of right and its ultimate goal. Rights of human beings are nothing but their freedom made actual. Freedom
becomes explicit when it takes the form of rights in the social organism. Man unfolds his true nature only when he establishes his freedom in stressing upon his inviolable rights. In demanding rights, man does not go contrary to the objective will but moves most symmetrically. He obeys the counsel of reason. It is only because

"right is the embodiment of the absolute concept or of the self-conscious freedom that it is something sacrosanct."16

The personality of a man and his rights are inseparable. It is inconceivable and contradictory to say that there is a person who does not possess freedom to his rights. By the mere reason that man is a link in the chain of rational manifestation of the absolute free spirit, he possesses the freedom to implement his inalienable rights - the right to live as a human being. Of course, human reason is fallible being subjected sometimes to his instincts. Therefore, the state, being the most perfect embodiment of reason stands supreme in all matters. Individual personality is better protected under the supervision of the state. Man is subordinate to the state and he should dedicate himself to the ethical whole for the proper security of his immanent freedom.
Hegel succeeded most interestingly in compromising the supremacy of the state and individual freedom. Absolute reason is never erroneous. Laws which are the objectified spirit, are therefore, most rational and moral. Laws cannot go against the rational will of the human beings in protecting their fundamental rights. Justice lies in the obedience to such laws. In obeying the laws framed by the rational state, man does not obey anybody else but his own reason, because the subjective will and the will of the state are non-different. Degradation of human personality arises only when man is guided by an extraneous authority. Hegel made man the architect of his own fortune in leading a free social life according to his immanent freedom. Nonetheless, Hegel says that as man is subordinate to the ethical state, he should act according to the advice and order of it and even if

"the state claims life, the individual must surrender it."17

But I wish to point out that demanding the life of a human person is not an act of reason. It is incompatible with the nature of the highest ideal - the state. If in any case, the state claims the life of an individual, this should be treated as an act of injustice. Human person should not be sacrificed for an ulterior end, however noble it may be.
Idealism in its different form grew in the first half of the twentieth century in Italy and Germany. It was the absolutistic trend perpetrated by no less than men like Mussolini and Hitler. Inspired by the Hegelian dialectic of the supremacy of the state, they idolized and glorified Italy and Germany as the states and nations having life of its own and being the moral end of everything. Liberalism, democracy and socialism were thrown aside, and in their place arose a novel fabric of absolutism and totalitarianism. The novelty consists essentially in the repudiation of the assumptions, ideals and the methods of democracy, liberalism, and socialism. None of these methods aims at the end of the society or the nation. Either they look to the interests of the individuals or the interests of the economic classes. The interest of the state is not the summation of private interests nor is it the general will of Rousseau, but the state has its own will and life. Individuals form an organic part of the state. They are the means, the instruments for the advancement of the nation. The state and the nation are ends in themselves.
Fascism and Nazism are the twin by-products of such a nationalistic and totalitarian outburst in the twenties of the twentieth century. Being victims of the treaty of Versailles of 1919, the nationalistic spirit of the Italians and Germans were subdued. It was the flaring words of Mussolini and Hitler that could inspire the spirit of a lofty nationalism in the hearts of the people which could engulf the entire Europe for at least two and a half decades and its echo is still heard in the nook and corner of the entire world. It was an anomic society which readily reacted to the call in a period of crisis for reassurance and promise for reestablishing the rights of the mass only to be deceived very soon. Human personality was ignored and trampled by the totalitarian feet of the two dictators.

Fascism is identified with the political upheaval which prevailed in Italy from 1922 to 1945 under the dynamic leadership of Benito Mussolini, the Duce. This period witnessed many deviations from the traditional trend and the admission of many new ideas. It saw the abolition of individual liberty of the liberalists, the abolition of the socialistic distribution of the state economy of the socialists and the subjugation of the free-voice of the democrats. On the grave of these, there
arose a sense of strong nationalism which admitted

"Everything for the state; nothing against the state; nothing outside the state."

Establishing the party, Mussolini wanted to have an ideology of Fascism. For this, Giovanni Gentile, the idealist, following the Hegelian theory introduced the same to Fascism. As a result, Fascism became an upshot of Hegelian Idealism. The basic theory of Hegel aims at glorification and idolisation of the state. The state is the highest manifestation of the divine spirit. It is the embodiment of morality, reason and of the highest ethical values. Gentile, not having enough time to chalk out an independent ideology, introduced the theory in hand to Fascism.

For Fascism, the state is the absolute. It is

"... an organic entity which embodied in itself all the noblest spiritual reality of the people as a whole..."18

In the Article 1 of the Labour Charter of 1927, the Italian Nation was described as an

"organism having ends, a life and means superior in power and duration to the single individuals or groups of individuals composing it."19
Every one is to be inspired by the moral sentiment of the fatherland and by national solidarity. As every one belongs to the state, therefore, the interest of every individual and class ought to aim at the firm consolidation of the state. Devotion to one's liberty, equality and happiness ought to be replaced by devotion and submission to the state as a moral end that includes or overrides all individual goods. Every interest and value are to be controlled by the state. Everything is to be judged from the interest of the state. All legislations and enactments were made to suit the Fascists' absolutistic ideology. It was argued that the spiritual faculties of men could be developed to a finer degree not by submitting to the individualistic and instinctive rights and liberties, but by surrendering and merging themselves to larger organisms - the family, the church, and finally the state.

Fascism deprecates human liberties let loose. It denies liberties to men to do what they think fit. It denies licensed liberties to men. The liberty that it sanctions is the categorical submission of every one to the dictates of the all pervasive and all powerful state. Submission to the ethical will of the state is sacred.
It very much resembles the Hobbesian sense of liberty when he says that liberty is "subjection to law" and as a "concession by the state." Human rights and liberties are only honoured and counted when they are conferred by the state and only when they "coincide with the will of the state."\(^\text{20}\) Liberty is simply subjection. Freedom is enjoyable by voluntary submission to the state policy supposed to be moral and just. Though it seems paradoxical, as we find in Rousseau, human rights, liberties and freedom go hand in hand in keeping faith in the state. To act in a nationalistic spirit is just. To be motivated by the idea of national solidarity is to behave morally and justly. Justice lies in the unconditional submission of man without interference with the state policy and attaching firm faith to the lofty idealism of the Fascists.

Fascism went to the extent of controlling the economy of the state as a whole. It denied the individualistic standard of private ownership of property. It also denied the fruit of the labour as contemplated by the socialists or the idea regarding the distribution of profit according to merit and sacrifice. It considered all economic questions from the stand-point of national
utility. Profits and gains, production and distribution of wealth are primary matters of national and not of private concern. As a result, it repudiates both laissez-faire and public ownership as its dominant economic policy.

"Thus it is the explicit aim of Fascism to displace the enfeebling creeds of individual equality, freedom, and right, by its own orderly doctrine of an organic, hierarchically constituted nation, whose few verile and discerning citizens hold the multitude of commonplace individuals in subservience to the realization of destinies more important and permanent than their limited hopes and beliefs can contemplate." 21

Such an absolutistic conception of state justifies human actions only when they satisfy the national interest in contributing to national solidarity. Action, however sublime may be, is unjust which does not contribute to the well-being of the state. As state is an "ethic state," the incarnation of morality and values, it does no wrong. Obeying the policy of the state, conducting one's activities according to the Fascists' programme and submitting to the will of the Duce when he so desires, is to move in the most refined path to achieve justice.
Fascism, no doubt, had succeeded in perpetrating absolutism of the state in the Hegelian line. But it falls short of the cream of Hegelian thought. The Fascists' state was not an "ethic state" or an embodiment of morality in the true sense of the term. Rather, it was a pseudo moral state characterized arbitrarily as an "ethic state." Though Italy did not witness the ghastly genocide enacted so faithfully by Hitler's followers, and even though "at its worst, Fascism never robbed the Italians of their humanity," still then the liberty of the Italians was ignored. Voice of the people was silenced and they were forced "to follow without question the orders of the Duce."

Individualism was sacrificed for the end of the state. People were made the means and instruments not for their own end but for an extraneous end - the end of the state. People's personality, liberty and rights had some meaning if at all they served for a national end. Restricting human talents and liberties only to the end of the state is nothing but a flagrant violation of a human sense of justice. Every man has got his own worth and value, and is in possession of some inalienable rights, which a Duce cannot annul. Such human values
and rights are logically inseparable from the personality of man. Anything contrary to this, does nothing else but snatches away the very essence of humanity. Subduing the individuals by a mightier force of the state and keeping men in awe are against the dignity of man. Dethroning human beings from their basic rights is incompatible with their nature. Justice lies not in destroying human values, not in hindering human free expressions, but in providing congenial conditions for a fearless exhibition of their rights and liberties. It is an act of injustice on the part of a state to treat man just as a means for the ulterior end of the state. Every man is a value in itself which ought to be respected. It ought not to be sacrificed for a utilitarian and absolutistic end. Man is an end, and end in itself.

The Nazism of Hitler which influenced political power in Germany for at least two decades from 1925 to 1945 functioned in a way more barbarous and inhuman than that of Fascism. The sole aim of the concentration and extermination camps was to demonstrate that

"man's soul, his dignity, and his self-respect can be reduced to dirt and ashes..."23
The non-Germans, specially the Jews, were viewed with contempt and Hitler upheld the extermination camps as the "final solution to the problems of the Jews." He was so faithful to his race and confident of its superiority that he attributed the growth of human culture only to the Aryan race. Hitler declared in Mein Kampf:

"It was the Aryan who laid the groundwork and erected the walls of every great structure in human culture." 24

Hitler's absolutistic nationalism turned very soon towards a totalitarian trend when he identified the nation with himself. He rejected all human values as debased. Under a state policy of terror and murder, he kept human personality and individuality constantly at bay. Such a nihilistic tendency had only one aim: to throttle the human qualities which were not acceptable to the Nazi principles. By a constant process of state legislation, Nazism perpetrated a systematic degradation of human personality and human worth. Hitler was so deeply imbued with the totalitarian sense of state that his twelve years' dictatorship was

"barren of all ideas save one- the further extension of his own power and that of the nation with which he had identified himself." 25
The totalitarian regime of Hitler neglected all human feelings and emotions. He sacrificed human dignity in the struggle for dominance. He treated genius of individual to be primary and decisive. And on this stand, the voice of the majority can be subdued. Nazism stamped down a reign of constant annihilation of human personality in the struggle for power. Hitler contends:

"The genius of the individual is decisive, not the spirit of the masses. All life is bound up in three theses: struggle is the father of all things, virtue lies in blood, leadership is primary and decisive."26

And Hitler in his firing speeches reverberates:

"One creature drinks the blood of another. The death of one nourishes the other. One should not dribble about human feelings... the struggle goes on."27

Nazism did not take note of any human liberty. Human liberty was regarded incompatible with the totalitarianism of Nazism. Man was sanctioned only with the solitary liberty - the liberty to submit unconditionally to the authoritarian state. I wish to point out that a nation, not honouring the dignity of human beings, can never be justified. To cancel human values like liberty, right, freedom, is to arrest the natural tendency of man.
Man should be left to himself. He should be the maker of his own destiny. Justice does not lie in determining the destiny of one by the forceful hand of others. Men should not be discriminated by the station of their birth. From the stand-point of human values, Aryans are as good as non-Aryans or the Jews.

I have put Plato, Aristotle, Kant, Hegel, Hitler and Mussolini under one head. All of them, in the dissertation, have been treated as idealists. The reason for putting them together is the following: All of them advance a theory of justice which can be characterised as idealistic. Idealism treats justice as an end in itself. Justice is absolute and indivisible. It is an end, but not a means. The utilitarians and pragmatists treat justice as a means. It is a means to some higher end. To the extent, it secures the desired end, to that extent it is acceptable. But for the idealists, justice knows no other end than itself. It is the supreme end. All other considerations are extraneous, and so, irrelevant to it.

But the idealists, I wish to point out, have not emphasized the value element in the concept of man. Plato and Aristotle emphasize the rational element in
man. Plato even goes to the extent of identifying justice with morality. Aristotle identifies justice with righteousness, so far as general or universal justice is concerned. Kant relates justice to categorical imperatives. This means that no compromise can be made in the name of justice. Persons are to be respected, because they are the centres of categorical imperative. Hegel, following the idealistic line, treats justice as indivisible and absolute. But he places justice, not in the person, but in the state. The locus of justice, according to Hegel, lies not in the person, but in the state. That is why, Hegel proclaims that freedom is obedience to the state. This means that to the extent a person obeys the order of the state, to that extent he is free. Obedience, freedom and justice go together. Hitler and Mussolini, following the footprints of the idealistic thinkers, treated justice as absolute. But both of them made human persons subordinate and subservient to the state. This is how they treated state as primary, and persons as secondary. On the other hand, I wish to argue that persons are primary and state or government is secondary. Further, 'person' being a value concept cannot be made subservient to the state. Almost all the idealists seem to have overlooked this point. But their argument that justice is absolute and
indivisible, is quite reasonable. As I have pointed out earlier, justice is central to understanding human society. The positivistic concept of society is not adequate. It stands in need of certain other modes of understanding. Understanding of human society in terms of justice is such a mode. It provides a way of understanding human society in terms of reason, value, morality and justice. Above all, such notions cannot stand in isolation. They need human persons for instantiations. It is only in this sense that human persons can be said to be primary. Kant, while advocating respect for persons, approximates to this position. To quote his own words:

"But rational beings, on the other hand, we call persons, since by their very nature they exist as ends in themselves, never to be treated simply as things. A person is an object of respect; thus we cannot treat him in any arbitrary fashion. He is not simply a subjective end, as though his value rested solely on our desires; he is an objective end, one who exists in himself as an end. We cannot make him a mere means to some end substituted in his place. If a rational being be not such an end, nothing whatsoever has absolute value. But if everything has only relative contingent value, then there can be no supreme principle of practical reason."28
REFERENCES

2. Ibid., p. 705.
3. Ibid., p. 697.
4. Ibid., p. 698.
12. Ibid., p. 39.
16. Ibid., p. 33.
17. Ibid., p. 241.
