INTRODUCTION

Justice as generally understood as a set of principles designed for the welfare of whole human kind. It is not a private property of one’s particular individual or group or organization. As a universal impartial principle, the maxims of justice are equally applicable to all. Although the principles of justice differ from one country to another but the common goal of every society is the promotion of human rights and maintenance of peace and social order. For example, euthanasia which is legal in Holland but it is considered as illegal act according to Indian Constitution. Inspite of these variations, every society demands that every individual should work in such a manner it will help them to attain an ideal state. An ideal state can be possible if individual act as a member of society because both the individual and society are mutually dependent upon each other. In that sense justice is essential to both individual and society. It is an advantage for the individual to connect with the society where his/her talent got its proper shape. Society protects their citizens from every odd situation and trained them to fight for their rights. With the advancement of constitutional rights individual regain their lost identities and finds a motive to lead a dignified and happy life. At the same time development of society is depends upon the virtuous activities of citizens which includes co-operation, fellow feeling and concern for others interest. There are various meanings of justice in different spheres of society namely, claim right for legal justice, autonomy and exercise of freewill in the field of moral justice, attainment of highest end in the religious justice and equality and merit and fair atmosphere in the context social justice.

The role of justice is to maintain stability and orderliness in every society. Justice is an ideal concept which is to be realized for its own sake. Individual actions are considered as just or unjust only if it is done out of freewill. In this sense justice and
morality are related with each other. Because both justice and morality provide a standard for human beings and on the basis of this standard their actions are judged. Justice and morality deal with individual behaviors and prescribes what ought to be done and what ought not to be done. Unlike morality, justice defines the individual relation with society and realizes their obligations. Justice suggests that it is rational for being to just. Because we cannot expect from our lower creature to be just, as a social being it is their duty to maintain a just society. It proves that justice can only be realized in a society where individual can claim their rights. Justice and rights are inseparable from each other because the former one provides the ground for the citizen to exercise their rights. But before that they have to fulfill their duties as a citizen of a society and make relevant changes with the established structured principles for the betterment of human beings. The purpose of any principle is to bring happiness in the face of human being and if it comes in between their development and prohibits them to enjoy a free life then the whole system need to be reformulated. This is possible through the active participation in political affairs and gives valuable suggestion, so that its goal can be fulfilled. All these suggestions give us a clear idea that justice is a vital force in the society.

Now the question arises: how can justice be attained in the society? Some theorists argue that it is a command of external agencies (e.g. laws of institution) where other argues that it is a product of one’s own conscience which motivate them to lead a free life. The second argument seems to be stronger than the first because external agencies force us to do certain things which are against our wishes. These actions can never be treated as just ones. It is the individual autonomy to take the decision freely which will be benefitted for him as well as for the society to which he/she is a part. Kant and Rawls are two pioneer thinkers of liberal philosophy and they believe that
autonomous beings are competent enough to create the just society because rational beings obey the commands of self-imposed laws which motivate them to involve in constructive works. Those who go against the rules and voluntarily disturb the order of society they face severe punishments. For example, the criminal who involves in antisocial activities in order to satisfy his partial interest on the cost of others happiness. As a result he/she not only discriminate from social proceedings but also lose his/her motive due to his/her greediness. Individuals are considered as highest being among all the creatures because they are endowed with reasoning ability which helps them to discriminate between just and unjust actions. If he/she forgets their true nature involves in corrupts activities which will be harmful to whole mankind then whole purpose of human life will be lost. If everyone realizes this fact then there is no need for justice in the society which always bridges the gap between loser and gainer.

Justice is a social value and its motive is to create free and fair society where no one suffers discrimination due to others cunning attitude. Those who are honest, intelligent find the way on their own and they deserve to get respect from others. But there are other groups’ presents in the society that enjoy the fruits of others labour or adopt the short cut method. And in order to achieve their goal they can go to any extreme i.e., killing, looting others property etc. The actions of these individual needs to be constrained by the institutional rules otherwise people will loses their hope on legal system. Legal justice provides justice to victim by punishing the offender. The purpose of legal justice is to bring reformation in the character of criminals so that it inflicts punishments. Capital punishment can be given to criminal on the worst case where there is no chance of reformation. In this sense legal justice is able to maintain harmony in the
society and regulates the crime rate and provides the due to the rights of victim that are earlier violated by the society or a group of individuals.

Like moral and legal justice, religious justice also suggests that justice is an ideal concept and it should be practised for the betterment of whole human kind. Here God is considered the supreme commander of whole universe and individuals are the instrument whose prime concern is follows the order of Supreme Being. Intention of divine being is to purify the character of individuals and makes them realize the ultimate purpose of human life, i.e., God’s grace. Religious justice demands of a free and fair society where each individual maintain cooperation with their fellow beings and this can be possible when there is no discriminations among the individuals. God treats all beings in an equal manner but we the individuals due to our selfishness and narrow mindedness attitude create distinction between one individual and the other. In this condition divine justice plays a major role to create a uniform atmosphere where all have to pay respects His commands in order to attain liberation. The cosmic moral order (Ṛta) defines that justice can be realized when there is a harmonious combination among the things present in the universe and these things orderly regulated i.e., all the seasons, sun, moon, day and night. Injustice occurs if any of these activities are interrupted which fails to fulfill the cosmic goal. Christianity also endorses the righteous and just activities and gives advice to human beings to follow the correct path that brings ultimate happiness in their life. The Ten Commandments of Moses suggests that each individual should do his/her duty on their own without interfering in others life. Treating human being as an instrument for the mere fulfillment of desire should be banned and give respect to others privacy. Doctrine of karma is the best example in this context where individual alone is responsible for his/her deeds. The Niṣkāmakarma of the Gītā teaches us disinterested action and this can
be achieves when we performs our duty without hankering after result. It is our action which determines our praise or blame so it is not worthy to involve in wrong activities which ruin our life. The *Nīṣkāmakarma* gives a complete independent picture of man which is the sole architect of his/her destiny without being related to supreme deity.

The similar form of discussion can be traced to the *Upaniṣads* which is considered as the destroyer of ignorance. The phrase ‘I am Brahman’ (*Aham Brahmasmi*) in the *Muṇḍaka Upaniṣad* explicate that status of wise individual who independently take the decision for his/her better future. Only the ignorant are incapable so they have to depend upon their masters whose direction brings light to their dark life. But the wise man realizes oneness with the Brahman and lead a dignified life. *Upaniṣads* are free from all sorts of social differences which are the root cause of all social disturbances. So the division of superiority and inferiority does not come into the picture which creates differences among the individuals. Only the liberated beings are able to perceive the real essence of Brahman because they have the capacity to dominate irrational part of soul with rational part which makes them perfect. Religious justice not only explicates fairness and equality in the metaphysical domain but also it has the applicability in the social spheres. All the religious texts give a real description of an ideal man which is able to conquer his desire, passion and develops the feeling of humanity, universal brotherhood which is necessary for the welfare of society. Human beings are the possessor of highest quality, i.e., rationality which is free form caste, creed and colors and it is the duty of society to create a congenial social atmosphere that provides equal opportunities for every citizen. Later on each individual develops their inner talents and reserves a particular place in the society. Religious justice never promotes the view that children
should use their parental property for creating their identity because it makes them idle and it is unjust for others whose resources are not enough to meet their basic needs.

There is no fixed meaning of justice in the society and its nature varies from one society to other. So it is not possible to maintain uniformity among these views but the common objective of all the societies is to provide dignified lives which are the natural rights of individuals. Greek thinkers primarily give emphasis on the ability of individual which helps them to form a unique identity in the society. Both Plato and Aristotle admit that mere engagement in any activities does not bring out fruitful result, so each individual should do such act for which he/she is best fitted. The ability of individual is depends upon the act that he/she did voluntarily and it can be helpful for the growth of any society.

Individual morality plays the pivotal role in Platonic philosophy which suggests that internal conscience helps individual to involves in righteous and just acts. Unlike Plato, Aristotle argues that individual reason is not enough to lead just life so it has to be constrained through external laws. Here justice signifies the ability of meritorious person whose rationality is more effective to fulfill the goal of politics. Aristotle is least bothered about the deprived class people because in his society equal beings are always in the advantage position and others are get unequal treatments. Liberals accuse Aristotle for being so insensitive towards the development of under privileged groups and suggest that it is the duty of the society as well as the advantage groups to extend their support so that they can overcome the social discrimination. It is not justified to neglect the plight of less privileged group and at the same time to treat both meritorious and ignorant equally is also considered injustice to the former group. The conflict can be resolved only when we take a middle path between these groups where talented individual get proper recognition.
from society and undeserved people are able to enjoy a better life. This is the prime intention of choosing the topic of justice where rights of individuals are justified with the help of social rules and makes them aware of their duty towards society.

The present study tries to make a comparison between Aristotle and John Rawls whose contribution towards the development of concept of justice gets wider appreciation from the champions of socio-political philosophy all over the world. These two philosophers are responsible for giving a new vision and orientation to the idea of justice which is not only helpful for protecting the rights of individual but also provides them a means to lead a qualitative life. The above comparison highlights both the similarities and differences between these two philosophers and realizes the importance of community life where the identity of individual blossoms prosperously. There are mainly three major issues involved in this comparative study which need proper attention and elaboration. First of all, shortcomings of contract theories seem to be a huge barrier on the way of human progress. Classical contract theories lack their relevance in the present scenario because of their rigidity and strict principles. They lost their motive for which they were framed. They impose unnecessary restrictions through which individual cannot exercise his/her rights. Instead of providing support for the development of inner talents of individuals, they limited their natural growth. Both Aristotle and Rawls never explicate the merits of sexual contract in marriage. Sexual contract for them remains as a repressed dimension of the contract theories. Although Aristotle in his Politics defines family as the major social institution of society, yet the concept of mutual obligation seems to be lacking there. Family for Rawls is a private organization where each one can join and leave voluntarily.
Secondly, society fail to provide dignified life to women and their rights have been violated in every phase of life. Since the time of Greeks to modern times rights of women have been exploited by the male dominated society. It is the demand of nature that man and woman are united for the sake of procreation. Their unity is limited only for the sake of procreation not for any other social functions such as maintenance of household, political activities, academic works, public offices, religious ceremonies and so on. Man is treated as the lord of the house who takes all the major decisions for the betterment of his house, wife, and children. Wife and children have to obey the commands of the lord. Women and slave are the mere tools for the smooth functioning of the household works. Aristotle in the *Politics* recognizes two forms of natural subordination, namely, master over the slave and that of the man over woman. Aristotle claims that slaves and women are unable to reason well, so they must be subordinated to the control of those (men) who can reason well both for their own good and for the good of community. Unlike natural slaves, women have just as much rationality as men. But their rationality is not effective. Women’s reason is being overruled by passion or emotion, therefore, they need to be ruled by those whose reason continually dominates. Rawls’ original position is a clear example of patriarchal relation of subordination which makes the difference between private domestic life and public political life.

Thirdly, liberal’s separation of individual good form community good makes them empty where disembodied selves lost their real identity. Liberals conceive that individual’s existence is prior to the society. For them individual is the focal point of all the discussion. Priority of individual rights is not bound by any social good rather its principles are independently derived. Kant and Rawls explicate that individual’s rights are prior to social good. Individual possesses a unique capacity of free will which helps
him/her to take any decision freely. Deontologists claim that individuals are not merely purposive beings whose aim is to attain the end rather than their self-reflective capacities which presuppose that end. But communitarian’s rejects the view that individuals should be free from social responsibilities. For them, social practices, constitutional rules, and narratives of human life play an important role for the development of individual ability. The method adopted in this work comprises of historical, analytical and critical approaches to the study of problematic. The present work has been classified into five chapters excluding introduction and conclusion.

In the first chapter an attempt is made to show the application of justice in the diverse fields. It shows a gradual development of the concept of justice since from Greek period to modern time. For the Greek thinkers justice is an ideal concept, in the sense that it is an end in itself. Inspite of differences of opinion both Plato and Aristotle admit that each individual is born with a particular aptitude which determines their results. Just action is that which brings happiness for whole humankind and vice versa. For the Greek thinkers justice and equality are related terms which cannot be separated from each other. But modern thinkers give a completely different image of justice which seems to be incompatible with Greek views. Individual is the main focal point of discussion for the modern thinkers, for which they broadly divided into two groups, namely, liberalism and utilitarianism. Thomas Hobbes, who is considered as father of political philosophy, brings a new direction to the society where both men and women are get equal treatment from society. But individual occupies an inferior status from the Hobbesian society and his actions have to be constrained through the rules of sovereign ruler. Liberals like Locke, Hume, Kant, and Rawls not only acknowledge the rational element in human
beings but also make them realize how to secure their rights. Unlike liberals, the prime motive of utilitarians is the overall welfare through which particular goods are neglected.

The second chapter provides a detailed description of Aristotle’s meritocratic account of justice, which is necessary for the determining individual future. The teleological method plays a central role both in his *Ethics* and *Politics* which justifies the purpose of individual existence both in private and public level. Aristotle’s *Ethics* gives us the impression that happiness (*eudaimonia*) is the summum bonum of individual life and for this he has to inculcate virtuous character. Only the virtuous beings are qualified to attain the highest goal and they have the ability to develop these qualities among their fellow beings. Likewise in *Politics*, only the virtuous citizens have the ability to attain the political goodness which brings benefits for the whole society and for themselves. Slaves, women and children’s are not illegible to take part in public activities and their actions has been determined their masters whose rationality modifies the activities of the above dominated groups. Friendship cannot solve the dispute that occurs between these groups because friendship also demands equal beings that means it is impossible to conceive friendship between true friends and traitors. Only the deserving are claim to get all the respects from the society because growth of society depends upon their contributions.

The third chapter explicates a new mode of distribution of goods among human beings. Rawls’ basic structure of society primarily addresses the issues of least deserved people and in order to provide them a dignified life which is their basic rights creates a unique atmosphere where all are equally treated. Influenced by classical contractualists, Rawlsian original position made a contract with their members with a dream to create a fair society provided they are free and equal and ready to maintain cooperation with their fellow mates. Liberty and difference are the two principles for the members of original
position which gives priority to individual rights over social good and concerns for the upliftment of underprivileged people. The prime intention of Rawls is to create a less constraint free society where individuals can freely exercise their autonomy. But the separation of private life from public life fails to secure the rights of women, old, and physically challenged people. Rawlsian society gives over emphasis on the establishment of fair society in the public sphere as a result private sphere is neglected. Feminists highlight the shortcomings of Rawls fair society and realize the importance of women in the society.

The fourth chapter highlights the gulf between communitarians and liberals concerning the nature of justice. The apparent gap between these two groups can be resolved with the help of citizenship theory. Communitarianism shows the merit of communal life which is beneficial for the individual to develop his/her hidden potentiality. Old communitarians (Aristotle, Rousseau, and Hegel) emphasized the organic element of society which binds all the people into one unit and their goal is to fulfill the goal of state of which they are the parts. But the new communitarians (MacIntyre, Taylor, and Sandel) motivate the members to practise sharing nature which strengthens their understanding level. Communitarians attack Rawlsian disembodied selves which is free from social responsibilities that make their life inert. It justifies the role of tradition, social practices, moral intuitions which are necessary for development of their inner abilities. Finally, Rawls admits his mistake and realizes the advantage of mutual co-operation. Citizenship theory brings unity between communitarianism and liberalism where rights and duties are properly distributed among the members of society.

The last and final chapter shows how justice upholds human rights. Right to life is the only right of human being but the liberty right, claim right, power and immunity right
he/she can be found out only in the society where he/she exercises his/her rights. Society is the custodian of human rights and citizens can be permissible to claim their rights only insofar as they deliver their duty. Indian notion of rights defines the inseparable relation between rights and duties. Aristotle also tries to establish his notion of rights with the help of natural justice. Individual cannot develop his virtuous character until he enjoys his human rights which are regarded as the means to attain the final goal. Rights of women and children are neglected in Greek political society which is very much biased towards the women’s credibility, so the decision making power lies with men. Liberal thinkers like Kant and Rawls explicate that freedom is the natural right of human beings which helps them to take the decisions independently. But the similar patriarchal trend presents in liberal tradition that neglects the rights of women and does not provide the equal space with men.

The question of justice and injustice arises not only in the public life where citizens are either in favorable position or suffer discrimination, but also it is equally concerned about the private life where few powerful men show their supremacy over weaker sections or groups. Justice has direct relationship with human happiness which preserves their rights and protects them from all kinds of violation whatever it may be. The principles of justice should be flexible, i.e., the prime motive of justice should be human welfare rather than mere disapproval of discrimination and harassment. It should set a criterion that is helpful for individual progress which ultimately leads to social progress.