

## **Justice as a Basic Instrument to create Harmonious Society: with special reference to Buddhism and Platonism**

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### **Introduction:**

The concept of justice can be considered as one of the central themes in the modern global and cyber society. It has been explained in different ways within the present legal system and the legal philosophy. But, according to the current trends the philosophical views on it need re-discussed and re-investigated – because, the concept of justice is ethical and value-laden. It also has a deep relationship with epistemology and religion. Whether the concept of justice is relative or absolute, it is also one of the controversial philosophical questions for present-day philosophers working in the field of legal philosophy. Therefore, this study is an attempt to investigate, philosophically, the views on the concept of justice with special reference to the Buddha's teachings and the dialogues of Plato, and their applications to create peaceful co-existence within individuals and society.

Plato in his philosophy gives a very important place to the idea of justice. He used the Greek word “*Dikaisyne*” for justice which comes very close to the word ‘*morality*’ or ‘*righteousness*’. This concept properly includes within it the whole range of duties of man. It also covers the whole field of the individual's conduct insofar as it affects others. Plato contended that justice is the quality of soul, in virtue of which men set aside the irrational desire to taste every pleasure and to get selfish satisfaction out of every object and as the factor with which men allowed themselves to the discharge of a single function for the general benefit of everyone else.

The Buddha was an enlightened human being who had reached the pinnacle of the moral life. He was indeed concerned with the welfare of all living beings in general and, certainly, in particular, the happiness and welfare of human beings who, according to him, have the capacity to achieve ultimate freedom and knowledge par-excellence. Buddha had a slightly different interpretation of morals and laws from those who believe morals have to be laws. The Buddha's term for justice is *dhamma*, and its adjectival form, *dhammika*, is used to refer to whatever deed that is ‘just’. The concept of law and morals outlined above could not give rise to a standard of justice where positive law has to conform to ‘the immutable and unwritten laws of heaven’. The Buddha's conception of justice has direct reference to human society, person and natural phenomena. According to him, the individual is a person with self-interest and society represents ‘mutual self-interest’. This definition of society includes the individual without subjecting him or her. Therefore, the justice would be that which promotes ‘mutual self-interest’.

The Buddhist views on ‘*dhamma and vinaya*’ or justice, in its particular social application, are not universal or absolute notions but social in practical. Therefore many scholars have identified *dhamma* and *vinaya* as Buddhist social justice. This study will analyze the given arguments in comparison with Plato's' views on the concept of justice.

### **Identification of the Concept of Justice in general:**

Justice is a concept involving the fair and moral treatment of all persons, especially in the field of law. It is often seen as the continued effort to do what is ‘right’. In most of all cases what one regards as ‘right’ is determined by consulting the majority, employing logic,

or engaging in mysticism. If a person lives under a certain set of laws in a certain country, justice is considered making the person follow the law and be punished if he does not. Classically, justice was the ability to recognize one's debts and pay them. It was a virtue that encompassed an unwillingness to lie or steal. It was the basis for the code duello. In this view, justice is the opposite of the vice of venality. In jurisprudence, justice is the obligation that the legal system has forward, the individual citizen and the society as a whole. Justice, in both senses is part of the debate between moral relativism and moral absolutism: is there an 'absolute standard' of justice under which all behavior should be judged, or is it acceptable for justice to have different meanings in different societies?

Social justice or civil justice is a concept largely based on various social contract theories. Most variations on the concept hold that as governments are instituted among populations for the benefit of members of those populations, those governments which fail to see to the welfare of their citizens are failing to uphold their part in the social contract and are, therefore, unjust. The concept usually includes, but is not limited to, upholding human rights: many variants also contain some statements concerning more equitable distributions of wealth and resources. Social justice refers to the overall fairness of a society in its divisions of rewards and burdens. The eradication of poverty and illiteracy, the establishment of sound environment policy, and equality of opportunity for healthy personal and social development is the social justice.

### **What is law?**

John Austin's definition of law is presented to mean the following: laws, properly so called, turn out to be commands requiring conduct: and what is called positive law, issue from a sovereign to members of an independent political society over which sovereignty is exercised. Commands entail a purpose and a power to impose sanctions upon those who disobey. A sovereign is a determinate human superior who is not himself in a habit of obedience to such a superior and who himself receives habitual obedience. An independent political society is one in which the bulk of the society habitually obeys the sovereign.<sup>1</sup> There are many criticisms made against this definition. John Rawl's describes justice as follows:

'So long as the basic structure of society is reasonably just, the duty extends to obey unjust particular laws, provided they do not exceed certain limits of injustice, such as making unjust demands only of a particular group or by denying basic liberties. When these limits are exceeded conscientious refusal to obey the particular law is justified, and in the case of blatant injustice, civil disobedience of it or other laws may be warranted.'<sup>2</sup>

J. Salamon said that, "Law may be defined as the body of principles recognized and accepted by the state in the administration of justice"<sup>3</sup> Law is defined as consisting of the rules in accordance with which justice is administrated by the judicial tribunals of the state."<sup>4</sup> According to this definition the important role of law is the administration of justice. Daniel Webster said that "justice is the greatest interest of man on earth."<sup>5</sup> Roscoe Pound defines the term justice, according to law, as follows:

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<sup>1</sup> J.Austin, *The Province of Jurisprudence*, Determined, 1832

<sup>2</sup> J.W.Haris, *Legal Philosophy*, p. 212

<sup>3</sup> J.Salamon, *Jurisprudence*, (ninth ed.) p. 49

<sup>4</sup> *Ibid* p. 60

<sup>5</sup> A.K.Sen, *Justinians, Institutes and Justice for the Common Man*, p. 38.

“We come to an idea of maximum satisfaction of human wants or expectations. What we have to do in social control (law is regarded as a means of social control) and so in law, is to reconcile and adjust these desires or wants or expectations, so far as we can, so as to secure as much of the totality of them as we can.”<sup>6</sup> In this we can see to avoid conflict in the society law is the instrument, as well Law is regarded as an instrument of justice in satisfying social needs of the persons living under an organized social order”<sup>7</sup>.

Justice in the widest context consists of many branches, such as social justice, particular justice, distributive justice, corrective or compensatory or remedial justice, and legal justice. In every branch of justice lies the virtue of ‘just’, and every man anticipates a ‘fair’ or a ‘just’ deal with regard to his problems affecting his life, property, social status, employment, wages etc. Because it is a virtue and beneficial to mankind, justice is considered as something very closely connected with the affairs of human beings. Justice has been so attractive and near to the human heart, that it has been said of it that, “justice is often thought to be the greatest of virtues and neither evening nor morning star is so wonderful, and proverbially in justice is every virtue comprehended”<sup>8</sup> - in this way we can see justice is a quality-of-life issue and it ensures equality within society. This great virtue is, undoubtedly, the basic instrument to peaceful living.

### **Conceptualization of *dhamma* and *vinaya* or justice according to Buddhism:**

The term *dhamma* is a central term in Buddhism. In simple use it means the Buddha’s teaching. The etymological meaning of *dhamma* is ‘according to the nature.’ There are varieties of other meanings for this. *Dhamma* is frequently used as a philosophical and religious concept. It is ethical in a sense but it is highly epistemological because *dhamma* is the truth: not only the relative truth, but going beyond conventional truth or it is used to mean the absolute truth. *Dhamma* is the truth of many applied fields like politics, economics and communication too.

The philosophical explanation the *dhamma* has two primary meanings. *Dhamma* is the universal law of nature or the teachings of the Buddha which lead to enlightenment. *Dhamma* used in plural means the characteristics of the elements or the constituent factors of the experiential world. Buddhist social ethics is based on the Buddhist epistemological theories. In that way *dhamma* is the ultimate and transcendental truth on which human behavior is adjudicated. The Buddha’s life is the example for just life. His life was so pure that he was considered as embodiment of *Dhamma* and logically, the term Buddha was identified as *Dhamma* itself. Philosophically, the Buddha himself, advised that instead of looking at his physical body, one should look at *Dhamma* as the Buddha himself. In the *Samyutta Nikāya’s Vakkali-Sutta* the Buddha advised one of his disciples:

‘yo hko vakkali dhammam passati so mam passati’  
(vakkali, whosoever sees the *dhamma* sees me.)

*Dhamma* and *Vinaya* are often called the doctrine and the discipline respectively. In a broader sense *vinaya* encompasses rules or in the canonical language *sikkhapadas* which regulate the outward conduct of the clergy (*sangha*) and some times the laity. The *vinaya* of the lay followers, however, is found in the *Sutta Pitaka*, not in the *Vinaya Pitaka*. While the *dhamma* is equally applicable to the *Bhikkhus* and laymen, *Vinaya* in the *Vinaya Piaka* is

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<sup>6</sup> R.Pound, A Justice According to Law, p 31.

<sup>7</sup> Ibid

<sup>8</sup> J.Feinbrg,H,Gross, Philosophy of Law, p 221

only applicable for the ordained. On the other hand, well disciplined monks, leading a righteous life following Vinaya and guided by the Dhamma, are a blessing not only to the *sasana*, but to the whole world.

Buddhist legal philosophy is going beyond the Western ideal. The Buddhist concept of Dhamma is assumed to be the foundation of legal thinking. The Jataka stories and various myths in relation to past kings and universal monarchs present to us: the Buddhist ideals of legal systems. All such idealistic presentations tell us that Dhamma is the authority behind law. According to the K.N. Jayatilleke the Buddhist concept of law is following:

‘That it means that the ultimate sovereignty resided not in any ruler, human, or divine, nor in anybody governing the state, nor the state itself, but in *Dhamma*, the eternal principle of righteousness.’<sup>9</sup>

In this we can see that not only in the legal system, but even the political authority of state, is based on the concept of righteousness. It is said that, ‘justice is often thought to be the greatest of virtues.’<sup>10</sup> Virtue is the fruit of righteousness, and the combination of both produces ‘ideal justice’ - fit enough to govern the entire world community. The *vinaya* originated by the Buddha has the *Dhamma* as its base, and the principles of righteousness pave the way for the good conduct and behaviors of the monk in particular, and the progress and welfare of the laity, in general.

### **What is Vinaya:**

Buddhist code of law is called the *Vinaya Pitaka*. The word ‘*Vinaya*’ has a peculiar technical and practical meaning in the Pāli language; it means the collection of rules and ceremonials as dictated by the Buddha for the practical guidance of *Bhikkhus*. The Theravada *Vinaya* laws were formulated to govern the lives and activities of the members of the Buddhist monastic order, the Sangha. The *Vinaya* canon has five books; two of these, Parajika Pāli and Pacittiya Pāli, together called the Bhikkhu Vibhanga give a list of 227 offences not to be committed by monks and the punishments prescribed for each of these. Buddhaghosa defines ‘the *Vinaya* as the discipline which by various means controls the body and speech, and prevents them from erring;’<sup>11</sup> and hence the Vibhanga section of the *Vinaya* is known as a compilation of rules, which clearly state what is wrong and what is right, what is offence and what is non-offence together with the principle of restraint. There is a second section in the *Vinaya Pitaka* called Khandaka which has positive instructions on social etiquette and the use of common property. The precepts in the *Vinaya Pitaka* were looked upon as the command of the worthy Buddha. Naturally, the subject of the *Vinaya* is the moral training known as ‘*Adhisilasikkhā*’ in Pāli,<sup>12</sup> and hence it gives warnings against moral transgressions.

### **Difference between Dhamma and Vinaya:**

The *dhamma* deals with the purity of mind, and with theological problems and moral doctrines. The range of the *dhamma* is indeed wider than the *vinaya*, but it is through the *vinaya* that the whole Buddhist community attained stability; if the *dhamma* is the doctrine and theory, the *vinaya* is the practice and not less important, because it is only through the practical application a doctrine is put to test. Buddhaghosa, in the *Samantapāsādikā*, calls the

<sup>9</sup> K.N. Jayatilleke, *The Principles of International Law in Buddhist Doctrine*, p.38

<sup>10</sup> C. Ananda, Gerero, *An Analysis of The Theravada Vinaya in the Light of Modern Legal Philosophy*, 1996, p. viii. (A Saying of Aristotle, published in the book, *Philosophy of Law* by Feinberg and Gross, p. 221)

<sup>11</sup> ‘Vividha visesanayattā vinayanato ceva kāya vacanānam, Vinayatthavidūhi ayam vinayoti ākkāto’, *Samantapāsādikā*, 1, p. 19

<sup>12</sup> Atthasalini. p. 21

*Vinaya* the very life of the teaching of the Buddha and adds that all Buddhist doctrines and precepts are an outcome of the *Vinaya* alone.<sup>13</sup> This, however, is an arguable claim, since scholars like Professor Dheerasekara have argued that Dhamma has a more positive practical scope than what legalized *vinaya* could achieve. The laws of the *Vinaya* are distinct from any of the contemporary law-codes.

The *vinaya* laws, according to the monastic leaders opinion, are highly extensive as well as intricate and reveal the legal aptitude and the common sense on the part of the Buddhist religion. They are obviously vivid and run into minutest details, so that even a partial knowledge of them gives us a fair picture of the monastic life of the early Buddhist. They are systematically and methodically arranged, though their classification may fall short of the modern methods.

### **Conceptualization of Justice according to Plato:**

The Greek term: *dikaiousune*, in English versions of Plato, is translated as: 'justice', but the Greek concept is somewhat wider than that. The English word 'justice' primarily refers to ethical principles regulating the distribution of social benefits and burdens. It suggests the idea of people receiving their fair share or their appropriate deserts, and is closely linked also with the idea of law. *Dikaiousune* sometimes carries similarly specific connotations, but is also used more wider so that it almost amounts to something like 'the disposition to act rightly', that is, in one's dealings with other people, for *dikaiousune* is the social virtue *par excellence*. Often we could translate it as morality.

Plato has rejected the traditional theories of justice prevailed in his times in Athens, and he has identified justice as a fund in his work: 'The Republic'. The central plot of the book is concerned with virtue in the form of 'justice', as the final goal of individuals and of the state. He raises the questions, "What is the nature of the end in which man finds his well-being, the 'virtue'? Which is the expression of his proper function as a man?" To express this he used the technique of dialogue with his teacher Socrates. The discussion starts from a consideration of the particular and typical virtue: justice. According to Plato the just life is the only real worthy thing in human life. But here there should be a clarification of what justice is and what is the just-life. Plato has pointed out this: in two ways, one has psychological basis. He attempts a psychology of human soul. For if virtue is an attribute of man's nature or it is the heath of personality. In that way he identifies justice as mental health. The other point is that justice is doing one's own job or the duty of man and administrative part of justice or the law and discipline, within the different levels of the people in human society.

According to Plato: life of a just man is better and happier than many people think. There is always some specific virtue in everything, which enables it to work well. If it is deprived of that virtue, it works badly. The soul has specific functions to perform. When it performs its specific functions, it has specific excellence or virtue. If, it is deprived of its peculiar virtue, it cannot possible do its work well. It is agreed that the virtue of the soul is justice. The soul which is more virtuous or in other words more just is also the happier soul. Therefore, a just man lives happily. A just soul, in other words a just man, lives well; an unjust-man can not.

Social contract theorists describe the historical evaluation of the society where justice as a necessity had become the shield of the weak. In the primitive stage of society without law and government, man was free to do whatever he likes. So, the stronger few enjoyed life at the expense or sufferance of the weaker many. The meek, however, realized that they suffered more injustice. Faced with this situation they came to an agreement and instituted

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<sup>13</sup> Samantapāsādikā 1, p. 13.

law and government through a sort of social contract and preached the philosophy of just. Therefore, in this way justice is something artificial and unnatural. It is the 'product of convention'. It is through this artificial rule of justice and law that the natural selfishness of man is chained. A dictate of the weaker, for the interest of the weaker many, as against the natural and superior power of the stronger few.

In this way justice is something external 'an accomplishment, an importation, or a convention, they have, none of them carried into the soul or considered it in the place of its habitation.' Plato proves that justice does not depend upon chance, convention or upon external force. It is the right condition of the human soul but the very nature of man when seen in the fullness of his environment. It is in this way that Plato condemned ideas on justice as external. To him, it is internal as it resides in the human soul. It is now regarded as an inward grace and its understanding is shown to involve a study of the inner man. It is, therefore, natural and not artificial. It is therefore, not born of the fear of the weak but of the longing of the human soul to do duties according to its nature.

### **Platonic Analysis of Justice**

Plato in his theory of justice strikes an analogy between the human organism on the one hand and the social organism on the other. The human organism according to Plato contains three elements: reason, spirit and appetite. An individual is just when each part of his or her soul performs its functions without interfering with those of other elements. For example, the reason should rule on behalf of the entire soul with wisdom and forethought. The element of spirit wills sub-ordination of mental and bodily training. They are set in command over the appetites which form the greater part of man's soul. Therefore, the reason and spirit have to control these appetites which are likely to grow on bodily pleasures. These appetites should not be allowed, to enslave the other elements and usurp the dominion to which they have no right. When all the three agree that among them reason alone should rule, there is justice within the individual.

Corresponding to these three elements in human nature there are three classes in the social organism - philosopher class or the ruling class which is the representative of reason; auxiliaries, a class of warriors and defenders of the country is the representative of spirit; and the appetite instinct of the community which consist of farmers, artisans and are the lowest rung of the ladder. Thus, weaving a web between the human organism and the social organism, Plato asserts that function specialization demands from every social class to specialize itself in the station of life allotted to it. Justice, therefore, to Plato is like a manuscript which exists in two copies, and one of these is larger than other. It exists both in the individual and society; but it exists on a larger scale and in a more visible form in the society. Individually justice is a human virtue that makes a man self consistent and good: socially, justice is a social-consciousness that makes a society internally harmonious and good.

Justice is thus a sort of specialization. It is simply the will to fulfill the duties of one's station and not to meddle with duties of another station, and its habitation is, therefore, in the mind of every citizen who does his duties at the appointed place. It is the original principle, laid down at the foundation of the state that one man should practice one thing only and that the thing to which his nature was best adopted. True justice to Plato, therefore, consists in the principle of non-interference. The state has been considered by Plato as a perfect whole in which each individual, which is its element, functions not for itself but for the health of the whole. Every element fulfils its appropriate function. Justice in the Platonic state would, therefore, be like that harmony of relationship where the Planets are held together in the orderly movement. Plato was convinced that a society which is so organized is fit for

survival. Where men are out of their natural places, there the co-ordination of parts is destroyed, the society disintegrates and dissolves. Justice, therefore, is the citizen sense of duties.

Justice is, for Plato, at once a part of human virtue and the bond, which joins man together in society. It has the identical quality that makes everything good and social. Justice is an order and duty of the parts of the soul, it is the soul, and it is to the soul as health is to the body. Plato taught that justice is not mere strength, but it is a harmonious strength. Justice is not the right of the stronger but the effective harmony of the whole. All moral conceptions revolve about the good of the whole-individual as well as society.

### **Justice is the Fundamental Principle to a Well-Ordered Society (*Dhamma* and *Vinaya* compared to *Dikaisyne*):**

The term *Dhamma* covers a wide scope. When the Buddha preached the *dhamma* he did not intend it to be characterized or analyzed as a philosophy, science or ethics or law etc.; he simply explained the truth and the course of action to follow in order to lead a happy and useful life. But Plato's views were dependent on Socrates, his teacher's teaching, and his attempt was to further develop Socratic ideals. He also had a big challenge: to give a dependable, strong solution for prevailing issues in the city state. He has observed how the political leaders killed his teacher; but the injustice was not met with at that time. Then he tries to give a practical definition to justice. To him justice is a 'human virtue' that makes a person self-consistent and good; socially, justice is a social consciousness that makes a society internally harmonious and good. In a practical aspect it is sort of specialization in the different qualities in one's professional life; and it creates the ideal human personality. The ultimate aim is to create a spiritual and truthful, as well a just human personality - and then justice will prevail to form the construction of an ideal society in which 'justice' reigns supreme. Since Plato found in justice the remedy for curing these evils - in this way the fundamental principle of well-order society is justice.

To him justice is psychological as well political in another way; justice is the health of a soul, as well it is connected with the life of the state. He has pointed out: justice will not exist in its full entirety until the philosophers became kings and the kings became philosophers. What Plato claims is that a king could rule in a just manner, therefore maintain justice, only if he has knowledge of the true form of justice - that is: true knowledge of the forms. The forms represent the ultimate truth, the way things really are, through a more knowledgeable sight than the one offered by science.

In order to explain what the definitive truth is, Plato uses the analogy of the divided line: a vertical line, representing the condition of the soul, is divided into two unequal subsections. The low subsection is smaller and represents the visible, the high subsection represents the intelligible. Both subsections are divided again in the same ratio; whereas the high subsection in each is longer. The lowest condition of a soul is lost out of ignorance, is the lowest in the visible: consisting of images, shadows and the mere reflections of the objects they portray. This stage of the soul is regarded as nothing more than imagination. The second stage, still in the visible, consists of objects that previously were only known by their shadows and now that the soul is in the stage of belief, it can see the objects as they really are confined to the visible aspect. The third stage comes out of investigating, that is when the soul reaches for the reason things are and makes hypothesis based on the objects discovered in the previous stage. This condition of the soul is in the intelligible realm, consists of mathematical entities and is referred to as a stage of thought.

The fourth, and most tricky part of Plato's analogy, is the understanding of the forms. In this stage the soul reaches an understanding far beyond the stage of thought, an

understanding of the true forms. The true form of justice is one of them. Only after enormous difficulty and vast education can a soul reach this level of understanding. By the time a philosopher-king's soul reaches that intellectual height of understanding he is no longer interested in the common rewards of fame and fortune, rather he is occupied with the true forms and seeks to guide his people towards the truth and justice.

Once acquiring this knowledge of the forms, and only then, a ruler can be fit to rule in a wise manner for he is able to truly put the interest of the whole as his own: thus, ruling in a manner where justice exists and is carefully preserved. Accordingly, Plato's theory of justice was based on state and soul interaction. Justice should be, as shown clearly, both in the state and the soul, and then comes the claim regarding the philosopher-king which is the only combination of a ruler that fit to rule both in the sense of a just-state or a just-soul.

Buddhist views for justice are based on the vision of the welfare of all living beings and happiness. To them moral life rests more on the individual. The one who adopts a moral life takes care of oneself without being individualist, while continuing to work for the welfare of the society. For the Buddha, morals are not meant to be enforced on the people against their will. Morals turned into laws can be tyrannical, as it has been the case with some traditions. Moreover, laws are meant to regulate society with the welfare of the people as the basic motivation; so, there is a need to restrain errant ones. The reason for this is: virtues and morals that are necessary ingredients in higher life (*brahmacariya*) were presented not as commands, categorical imperatives or laws, but as things to be avoided (*veramani*) or cultivated (*bhavana*).

The Buddha, when formulating specific laws to govern a particular country, had an awareness of the diversity of the physical geography as well as the historically-evolved cultural conditions. They were not the same everywhere in the world. In the Buddha's ideals for the Universal Monarch (*cakkavatti rājā*), as the ideal king, the king should follow the above principles. Thus, he lets the king convert some of the basic virtues he inculcated into laws or commands. This is the very reason that the universal monarch is made to modify the language of description of the virtues from one of abstention into one of prohibition like when a sutta has: "Do not kill."<sup>14</sup> It shows the recognition that morals and laws have slightly differing purposes or goals. It is interesting to note that when the Universal Monarch wants to practice the morals to their perfection, he cannot continue to be the Universal Monarch but has to renounce that position, thereby indicating that ruling a society and going about meting out punishments, even without a stick and a sword, is not what a morally perfect person can be expected to undertake.

For the Buddha, the rewards in heaven and the punishments in the bad destinies are not the sources for a conception of natural justice. Such rewards and punishments may be visible in this world itself. In this we can see Buddha's ideal of justice has a relative basis and it is not based on metaphysical things. In this way the virtuous deeds that bring about rewards in heaven are called 'merit' (*punna*) and those that lead to punishments in hell and the world of departed spirits are called 'demerit' (*apunna, papa*). Buddha realized that the beginner pursuing a moral path does so with little understating of its ultimate goal. Such a person can generate an acquisitive tendency in regard to 'merit'. The Buddha did not perceive great danger in allowing room for such tendencies at the initial stages of the path. However, the very same virtues constitute part of the noble eightfold path and are cultivated with proper understating. Thus, as one progresses along the moral path, one abandons that acquisitive tendency and these virtues are then referred to as the 'wholesome' (*kusala*) and the 'unwholesome' (*akusala*). At this stage one is supposed to have eliminated interest in both

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<sup>14</sup> Digha-nikāya 3.62.



merit and demerit. Therefore, while some may consider consequences such as reward in heaven and punishment in hell as a basis for formulating a system of justice, for the Buddha, the conception of natural justice is embedded in the noble eightfold path and its ultimate goal. Neither the excessive enjoyment of power, wealth and pleasure of senses, as is part of life in heaven, nor the termination of a human life, comparable to the punishment in hell, could be accommodated within the Buddha's conception of justice.

The Buddha's description of a Universal Monarch brings to the forefront his conception of justice. The King should place human welfare as the goal of sovereignty. The king is supposed to roll the wheel of prosperity, both material and moral. According to the Buddha, birth into a royal family does not by itself qualify a person to be king. His duty is to provide moral ward and protection (*dhammikam rakkhavarānaguttim*) for all the subjects including the army, those associated with the warriors, the householders, the villagers, those living in the provinces, recluses, as well as the beasts of the forest and birds of the air. That means the entire universe and its creatures are under his protection.

Another important aspect of the Buddha's conception of monarchy is that it is not governance by a single individual. Nor is the king a mere titular head or a puppet. He represents a unity, not individuality. His authority comes from below, from the people, not from above. In this we can get the idea of the characteristic of the Buddha's theory of government. For the first time in the history of political theory we find democratic spirit infused into the concept of monarchy. If the authority to rule is derived from the people, then those very people could not be sacrificed in the name of law. The universal monarch is, therefore, expected to rule the country without harsh punishment and weapons (*adandena asatthena*). In this, we can see Buddhist views on law and democracy are based on the highest virtues: justice for everybody.

In the Buddhist social system monks and nuns have a major role to play in society. The community of monks and nuns should carry out the responsibility of creating a psychologically healthy society. When the monastic community played such a vital role in the affairs of the society, it could not ignore public opinion. As a result some of the rules were instituted because of the indignation of the people themselves (*manussā ujjhāyanti khīyanti vipācenti*).<sup>15</sup> While the individual's welfare remained a major concern of the community, the community itself functioned with its own unity or identity, not simply as a group of individuals. The legislative, judiciary and executive powers thus came to be vested in the community. The four 'great indicators' (*mahāpadesa*) explain the manner in which unknown disciplinary rules were brought to assembly of monks came to be examined before acceptance. They were taken to be valid only if they tallied with the existing laws even if they were brought to assemblies claimed as if introduced by the Buddha, by a unitary community, by a body of learned monks proficient in the discipline (*vinayadhara*) and by a single learned monk proficient in the discipline. Their validity has to be tested out by comparing them with and finding conformity in the existing body of doctrine and discipline (*dhamma-vinaya*)

The Buddha's conception of justice had to emerge from his understating of the nature and status of both the individual and the society. To him, the individual person with self-interest and that the society with 'mutual self-interest' are both important. This definition of society includes the individual without subsuming him or her. Accordingly, justice would be that which promotes 'mutual self-interest.'

In this way *dhamma* and *vinaya* cover the vast religio-philosophical area. They are not based merely on moral or ethical concerns. The total knowledge about the universe and the life is at the background of the Buddhist Dhamma and Vinaya. It will lead everybody in the

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<sup>15</sup> Vinaya pitaka 1.43,74-75; 3.72,etc.

society to a happy and peaceful life. The justice and the justified life can create harmony, and it is the highest virtue or the universal virtue. But term *dikaisyne* is the conduct or ethical life is just pointing out the importance to ethics to the society and claim that ethical life is the justified life. Plato did not try to go beyond ethical life. Therefore, *dhamma* and *vinaya* are deeper and wider philosophical concepts that explain the philosophy behind administration, individual life and righteous human behavior. Justice is the major tool to protect and promote human dignity and the welfare of individual and society. The practical application of justice comes under the *vinaya* rules.

But Plato did not go into the deep philosophical foundations of the justice and examined its importance like Buddha has done. However, he also has identified it, justice, as a universal virtue, and the necessity of it to create peace in society.

## Conclusions

Justice is the most important instrument needed to create peaceful life for individuals and peaceful state for them to live happily. It is the vision of administration of the state, as well as the ultimate aspiration of man. The foregoing analysis of the Buddha's views regarding the universe, life in the universe, and the social life of the human beings would mean that any notion of justice has to emerge within that framework, not from outside. The Buddha's conception of justice is rooted in the five destinies. We can discern the psychological aspect of justice here. It is universal because it is going with the human nature in general. Plato also has pointed out the significance of the moral behavior emphasizing the importance of it in creating peace and happiness in our society. Plato finds the essence of justice in order. The end of the state is the common good, and injustice makes this unattainable; it sets men at variance with their neighbors, and renders harmonious action impossible. Justice is accordingly a state of things where each man has his own work to do, and does it without trying to go outside his proper sphere and take on himself the function which some one else is better fitted to perform; it is 'minding one's own business. In his state there are three classes they have separate duties to fulfill. The ruling class is the responsible to possessed wisdom. In this way, justice will consist in the right coordination of these separate classes, each with its characteristic on virtue. When every segment works in proper way the justice and harmony will be prevail

To administrate justice the ruler has an important roll to play, according to Buddha and the Plato, the ideal of The Universal Monarch and the Philosopher king has some similarities in their vision. According to Plato the Philosopher king should be a knowledgeable man and should be unattached with the certain identified things in material life. But Buddha has not set any limit to king's personal life. He gave full liberty to his personal life. The democratic values are the basis in Buddhist justice system. The moral principles are the things each and every citizen should be aware of and it constitutes the Knowledge. The Buddha has pointed out how the injustice are devising in society occur when there is wrong knowledge at work. But Plato's society is a divided one, they have certain limitations to their life, those limitations are based on the professional life. In another way, there is a claim that one's professional life can set limits to human needs. But the Buddha did not propose divisions in society in any circumstances because Buddha has envisioned how the divided ruling can cause conflict. In this manner we can see Plato's concept of justice is a narrow and restricted one while the Buddhist concept of justice is universal and it is applicable to any time period in human civilization.

The modern world has claims of being developed and presenting sophisticated knowledge about just and jurisprudence, but unfortunately, peace and justice – especially human justice does not seem to prevail in our society. Conflicts and power straggles are

increasing day by day. The concept of justice also abused to fulfill their personal selfish motives. There are many new theories and ideologies being introduced to the intellectuals discussions. Still people do not seem to enjoy peaceful and happy life. The Buddhist theory of justice as well as Platonic theory of justice indicates the right to enjoy the justified life and the right to rule the country in just manner. It is our moral duty to emphatically show to the present world that it is the natural virtue and we have inherent right to respect and promote this natural virtue. It is the major instrument to create peace in society.

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