

I. Introduction: Ideas of Justice in *Billy Budd, the Sailor*

A simple approach to justice is about dispensing of ideas that are fair and applicable to all. This notion often differs from individual to individual and has multiple interpretations ranging from society to states. Furthermore, imposition of law on certain individual and party makes it further complicate. In *Billy Budd, the Sailor*, Captain Edward Fairfax Vere goes on to implement his executive power by giving orders to hang Billy Budd, a young sailor of his ship in pretext that he was involved in killing of a fellow sailor. The idea when seem from the point that Billy Budd killed a person is more complicated when background for the events are laid bare. Based on these conflicting notion of justice in sense of interpretation and its imposition, the present research aims to conduct this research from the perspective of 'Justice and Fairness' from John Rawls's concept and John Stuart Mill's idea on Utilitarianism.

Law and justice are related to violence by engaging in a close reading of Herman Melville's (1819-1924) posthumous novella *Billy Budd, Sailor (an Inside Narrative)* (1891; 1924), suggesting that it may be read as a revenge text which problematizes the operation of law and the possibility of justice. Billy Budd describes a controversial trial on an accidental murder, which is generally regarded as a personal revenge around 1797, on a battleship. Billy Budd, the innocent murderer, is executed under martial law.

Billy Budd, the Sailor lives with pride and dignity. He is a character of almost flawless behavior. However, there are people who find fault in his way of life and living. In this concern, there are critics who explain Budd's characters from different point of view. Frank J. Dostoyevsky in *The Seeds of Revolt* opines of the ideology of need base idea, as:

Utility or the existence of pleasure and the absence of pain is both the basis of everything that people desire, and as the foundation of morality.

However, utilitarianism does not say that it is moral for people simply to pursue what makes them personally happy. Rather, morality is dictated by the greatest happiness principle; moral action is that which increases the total amount of utility in the world. (98)

The self-imposed ideology is largely a notion of thinking based on rational and fair distribution of resources. So, in the form of murder of Billy, both are justified from social and legal philosophy.

Imposition of justice differs from person to person based on influence, power and motivation. In everything which men are accustomed to characterize as just or unjust, a common attribute or collection of attributes is always present. It is often noticed that the notion of justice is not applicable to all class and status of people in the same magnitude. As such, justice is judged from this particular attribute or combination of attributes would be capable of declaring the idea of fairness and injustice.

The novella does not simply “end with Billy’s life” (28), but finishes with three endings in separate chapters: a conflict with the French which causes Vere’s death, an official army publication a “naval chronicle of the time,” (29) which “reports” the story by making John Claggart a hero who has discovered Billy’s plot and is “vindictively stabbed” (29) by Billy’s “sheath knife” (29), and lastly, a posthumous ballad “Billy in the Darbies” (30) imagined to be sung from his prison cell before the execution. If we take Billy Budd as a story primarily motivated by the three protagonists’ actions against others, we may argue that there are three crises in the narrative. The first is a plot devised by Claggart against Billy. Being “secretive” and full of “malice” (12), his actions may be regarded as a materialization of “the gall of Claggart’s envy” (13). His nature is “surcharged with energy as such natures almost invariably are, what recourse is left to it

but to recoil upon itself and, like the scorpion for which the Creator alone is responsible, act out to the end the part allotted it” (12).

As such, justice is often a sentiment of that peculiar character and intensity by virtue of the general laws of our emotional constitution, or whether the sentiment is inexplicable, and requires to be regarded as a special provision of nature. If we find the former to be the case in resolving the idea of justice, then we humans might have resolved the problems underlying fair justice. However, this is not the case, as is witnessed in the case of Budd, the sailor.

There are also critics who opine that *Billy Budd* is a novel that ought to be read from historical record of development of legal theories rather than for literary purpose. The notion of justice in the novel is found in the form of murder based on utilitarian purpose. In the words of Melville’s biographer, Leon Howard:

The inside story and the historical record were at odds in their implications concerning the puzzling actions of Lt. Gansevoort and of the Captain, and Melville’s interest was diverted to the problem of reconciling conflicting implications. How could a man in a judicial position be held morally free from guilt while condemning to death another human being who was known to be morally innocent of the wrongdoing? (97)

The idea that initially developed as a ballad and had been expanded into a prose work introducing John Claggart and the conflict between an angelic foretop man and a demonic master-at-arms finally centered on Captain Vere and the nature of his responsibility in a world where the conflict of the “inside narrative” became a frightening metaphor of human existence in the world at large. It is on the character and

function of Captain Vere, consequently, that critical attention has necessarily concentrated.

The language of justice is used when revenge is discussed by the narrator. Retaliation, which means both revenge and payback, refers to the eye-for-an-eye logic assumed in business activities. Revenge claims to have a “just” return, an exact eye-for-an-eye payback, instead of a high-yield profit, as a usurer would demand. But the use of the metaphor, revenged as “an inordinate usurer” to charge for the “interest” of the offence, cannot be a just act, because usury expects interest.

The theme of struggle between ‘good’ and ‘bad’ is one of the prominent issues in the reception of the doctrine that utility or happiness is the criterion of right and wrong, has been drawn from the idea of justice. The powerful sentiment, and apparently clear perception, which that word recalls with a rapidity and certainty resembling an instinct, have seemed to the majority of thinkers to point to an inherent quality in things; to show that the just must have an existence in Nature as something absolute, generically distinct from every variety of the Expedient, and, in idea, opposed to it, though (as is commonly acknowledged) never, in the long run, disjoined from it in fact.

For the purpose, imposition of justice on *Billy Budd, the Sailor* it is practically important to consider from the notion of justice and injustice. It becomes more essential to examine, as people are in general willing enough to allow, that objectively the dictates of justice coincide with a part of the field of general expediency; but as the subjective mental feeling of justice is different from that which commonly attaches to simple expediency, and, except in the extreme cases of the latter, is far more imperative in its demands, people find it difficult to see, in justice, only a particular kind or branch of general utility, and think that its superior binding force requires a totally different origin.

To find the common attributes of a variety of objects in regards to determining equal treatment in the eye of law, it is necessary to begin by surveying the objects themselves in concern. Human affairs are judged on the basis of various modes of action, and arrangements are classified by universal or widely spread opinion: 'just or unjust.' The things well known to excite the sentiments associated with those names are of a very multifarious character. I shall pass them rapidly in review, without studying any particular arrangement.

In the first place, it is mostly considered unjust to deprive any one of his personal liberty, his property, or any other thing which belongs to him by law. Here, therefore, is one instance of the application of the terms just and unjust in a perfectly definite sense, namely, that it is just to respect, unjust to violate, the legal rights of any one. But this judgment admits of several exceptions, arising from the other forms in which the notions of justice and injustice present themselves. For example, the person who suffers the deprivation may have forfeited the rights which he is so deprived of: a case to which we shall return presently.

Some say, that all laws which are inexpedient are unjust; since every law imposes some restriction on the natural liberty of mankind. Any form of restriction is an injustice, unless legitimated by tending to their good. But, then there are no ground to claim that something justified to a party under one situation may be applicable to the other on the some other grounds. In regards, Mill opines:

Among these diversities of opinion, it seems to be universally admitted that there may be unjust laws, and that law, consequently, is not the ultimate criterion of justice, but may give to one person a benefit, or impose on another an evil, which justice condemns. When, however, a law is thought to be unjust, it seems always to be regarded as being so in

the same way in which a breach of law is unjust, namely, by infringing somebody's right. (62)

As such, there cannot be a case, where legal right, receives a different appellation, and is called a moral right.

To take for, a person would be more likely to be blamed than applauded for giving his family or friends no superiority in good offices over strangers, when he could do so without violating any other duty; and no one thinks it unjust to seek one person in preference to another as a friend, connection, or companion. Impartiality where rights are concerned is of course obligatory, but this is involved in the more general obligation of giving to everyone his right. In regards, John Stuart Mill gives an example:

A tribunal, for example, must be impartial, because it is bound to award, without regard to any other consideration, a disputed object to the one of two parties who has the right to it. There are other cases in which impartiality means, being solely influenced by desert; as with those who, in the capacity of judges, preceptors, or parents, administer reward and punishment as such. (23)

There are cases, again, in which it means, being solely influenced by consideration for the public interest; as in making a selection among candidates for a government employment. Impartiality, in short, as an obligation of justice, may be said to mean, being exclusively influenced by the considerations which it is supposed ought to influence the particular case in hand; and resisting the solicitation of any motives which prompt to conduct different from what those considerations would dictate.

The novella's title, *Billy Budd, Sailor*, indicates that Billy is a type. He also first appears as such, instead of a specific individual, who, as the opening sentence says;

In the time before steamships, or then more frequently than now, a stroller along the docks of any considerable seaport would occasionally have his attention arrested by a group of bronzed mariners, man-of-war's men or merchant sailors in holiday attire, ashore on liberty. (1)

Unlike a 19th century omnipresent story-teller, the narrator of this “inside narrative” situates himself in the second paragraph as a passerby who recalls the Handsome Sailor’ type:

A somewhat remarkable instance recurs to me. In Liverpool, now half a century ago, I saw under the shadow of the great dingy street-wall of Prince’s Dock (an obstruction long since removed) a common sailor so intensely black that he must needs have been a native African of the unadulterated blood of Ham—a symmetric figure much above the average height. (321)

His story is gradually told by a more specific indication of the name of the ships and their captains’ names by the end of the first chapter.

The essence of justice can be best understood in terms of it being challenged. Unless and until the notion of justice is challenged and used in sense other than it has been traditionally in practice, the other side of Justice cannot be interpreted and understood. To further clarify this concept, notion of fiction is presented by John Rawls “A Theory of Justice” as:

The idea of what is or what can be justice is attainable in pure fiction cannot so readily be achieved in a narration essentially having less to do with fable than with fact. Truth uncompromisingly told will always have its ragged edges; hence the conclusion of such a narration is apt to be less finished than an architectural finial. (28).

Thus, the sense of attainability of justice is mere a notion, an idea that is more real is fiction than in real life. Readers are skillful. And the narrator's uncertainty to what has happened also contributes to the double nature of the narrative itself. It is not possible to tell an event without a hidden agenda and give it faithfully, as the plural endings suggest. They are listed as three endings reflecting different political stances.

Similarly, those who think that utility requires distinctions of rank do not consider it unjust that riches and social privileges should be unequally dispensed; but those who think this inequality inexpedient, think it unjust also. Mill forwards:

Whoever thinks that government is necessary sees no injustice in as much inequality as is constituted by giving to the magistrate powers not granted to other people. Even among those who hold levelling doctrines, there are as many questions of justice as there are differences of opinion about expediency. Some Communists consider it unjust that the produce of the labour of the community should be shared on any other principle than that of exact equality. (64)

And, for few, it just that those should receive most whose wants are greatest; while others hold that those who work harder, or who produce more, or whose services are more valuable to the community, may justly claim a larger quota in the division of the produce. Sense of natural justice may be plausibly appealed to in behalf of every one of these opinions.

Among so many diverse applications of the term justice, which yet is not regarded as ambiguous, it is a matter of some difficulty to seize the mental link which holds them together, and on which the moral sentiment adhering to the term essentially depends. Perhaps, in this embarrassment, some help may be derived from the history of the word, as indicated by its etymology. In the more precise language of philosophic

jurists, duties of perfect obligation are those duties in virtue of which a correlative right resides in some person or persons; duties of imperfect obligation are those moral obligations which do not give birth to any right.

In consideration to all these ideas discussed above, the present research makes an attempt to analyze the notion of justice from the notion of parody of justice. As such, the first chapter is 'Introduction of Ideas of Justice in *Billy Budd, the Sailor*' to bring the ideas of justice and present several literary reviews on the text. Similarly, the second chapter 'Justice as Fairness in *Billy Budd, the Sailor*' makes a thorough criticism on various events presented in the novel to analyze the tragic notion of justice. This chapter deals on contextual analysis to bring in the idea that justice is not same and equal all the time and place. Finally, the last chapter, 'Conclusion: Parody of Justice in *Billy Budd, the Sailor*' depicts the downfall of idea of legal notion of justice.

II. Justice as Parody in *Billy Budd, the Sailor*

The idea of justice has often been interpreted from the perspective of whether it is good or bad. However, observation of justice based on good or bad is incomplete without it being analyzed in the term of its implication. As such, the very notion that how justice is implied, gives a greater dimension to what justice is.

When it comes to implication of justice to Billy Budd, the humble sailor who has been accused of killing one of his fellow sailors, John Claggart gives rise to an intriguing notion of justice. For, on one hand, the event of the death of Claggart takes place while he is being hit by the fist of Billy Budd; but what sees the eyes may not be true. It is humane that when one is accused falsely, s/he is liable to react. The reaction on being accused by Claggart to Billy Budd gives arises to an unfortunate case resulting in the death of the accuser, Claggart.

In *Billy Budd*, the role of the judge and leader is played by the honorable Edward Fairfax Vere, the commander of the Bellipotent, whose name suggests his tendency to veer between attitudes. He is a member of the English aristocracy. In fact, Vere is the name of a noble family that was especially prominent in the seventeenth century. A bachelor of 40 years old, Captain Vere's dilemma arises from Vere's very nature. He is characterized in the story as a man who heeds his duty. He is a leader and a thinker, a man of deep feeling but also a stickler for details, a man with strong personal opinions but with stronger sense of duty. Duty is intellectual rather than emotional and captain Vere is described as possessing a marked leaning toward everything intellectual.

Vere as a name signifies both truth and man. Evidently, Vere's suffering is greater than Billy's. The ordeal of the sentence and the hanging is worse for Vere than it is to Billy (262). He is twice compared to suffering of common man and his faith. Budd is by implication like a humble lamb, "the troubled patriarch" who has "the blood-dyed coat of

young Joseph" thrust upon him (346). He also resembles Abraham who does not wish to sacrifice his son Ismail but who yet sets out to obey God's command. Vere is not wholly intellect for his suffering proves his heartfelt emotions.

Budd is an example of a common man who must overcome his feelings in order to do what is best for the nation. He is "no lover of authority for mere authority's sake" (355). His critical situation is that he has to make his choice between the individual justices or communal justice for in the fate of Billy possibly rests the fate of an entire nation (192). He cannot allow "worm hearts" to betray "heads that should be cool" (362). Vere is compassionate and wise in which he administers justice in the name of institution which in turn empowered him.

The tragedy of justice unfolds to the fact that Budd is morally right, but he is found to be legally wrong as he thought that he made the only decision possible as a captain of the Bellipotent and he must look out for the welfare of the whole ship, not just the fate of one man. His decision to execute Billy considers priority. His conflict lies in the more he sees of Billy, the more he loves him to feel himself as Billy's father that he has to sacrifice his son. He has to uphold the law that Billy must be hanged though his ultimate knowledge of Billy's innocence.

The tragedy of justice is such that the eye witness to the event is Vere, the Captain of the Ship. Captain Vere had no choice but to convict Billy because it is the essence set by law in the name of justice and order. Justice is fairness that is above morality. As such, captain Vere as the leader of a ship under pressure of war and the constant threat of mutiny had to act swiftly. Also, as captain, Vere had the responsibility of making sure the laws were strictly enforced, including the Mutiny Act. Although Vere knew in his heart Billy was innocent, Billy's actions had to be punished. The fact is

morality seems to be good to listen whereas it is something that cannot be exercised at the risk of justice and law of the land.

Ideas of justice are confined to the principle of betterment of larger public. This is a practical philosophy that takes utility at the center of all the humanly events. As such, society and nation are bound under larger utility for the maximum number of people is guaranteed as justice by the state. We can also say that a moral right to our generosity or beneficence, because we are not morally bound to practise those virtues towards any given individual. And it will be found with respect to this, as to every correct definition, that the instances which seem to conflict with it are those which most confirm it.

A moralist attempts, as some have done, to make out that mankind generally, though not any given individual, have a right to all the good we can do them, he at once, by that thesis, includes generosity and beneficence within the category of justice. He is obliged to say, that our utmost exertions are due to our fellow creatures, thus assimilating them to a debt; or that nothing less can be a sufficient return for what society does for us, thus classing the case as one of the gratitude; both of which are acknowledged cases of justice.

One of the representative characters on how justice is manipulated and how it depicts the ways of life from a legal perspective is Captain Vere. The Captain is fashioned to dictate ideas and vision in the name of justice, so much so that he makes a fast court to pronounce verdict on Budd. As such, Captain Vere is fascinatingly in contrast with Budd. There is this dual role of Captain as the Captain of the ship and the legitimate judge, unless, challenged at the higher authority.

A sense of nostalgia of justice is created owing to its paradox nature when it comes to the character of Billy Budd. There is hardly any parentage and blood linkage known of Budd, as:

Where Budd knows nothing of his parents or origins, Vere comes from nobility. Where Budd is illiterate, Vere is a contemplative intellectual who loves reading about history and philosophy. Where Budd seems less an actual individual than a symbol of primitive humanity, Vere is the embodiment of political order and strict application of enacted law. He brooks no delay in trying and executing Budd. (43)

The idea of justice is raw and hasty arousing suspicion on the entire notion of legal hearing. Nevertheless, there is no denial that there is a strong ground for the verdict of murder sentence pronounced on Billy. These striking differences make an interesting turn of event in the novel. The idea of primitive humanity indicates Billy but Vere is pure politics. He is a man of 'law' and takes action in a swift manner.

Decision to hang Billy, in the terms of Vere is justifiable for justice in the form of death penalty to him is concerned. In defense of this he alludes to a famous English court case, in which three men were accused of murder. However, the circumstances which led them to murder were beyond their control; they had been stranded at sea and forced to kill and eat their fourth companion, who had fallen ill and was about to die anyway. In other words, necessity is not a justification for killing, even when this necessity is beyond human control.

Billy Budd is about communicative incapacity: the failure to speak, to listen, and to hear. Billy's stutter, Claggart's ability to deceive, the crew's inarticulate and repressed protest of Billy's execution, and Captain Vere's inability to find expression for Billy's innocence within the structure of law all point to various shapes and consequences of this

incapacity and failure. Such communicative incapacities and failures are a central concern of any account of modern political justification that relies on the public exchange of reasons, the possibility of communicating needs in a society marred with multiple ideas and philosophies.

With the ongoing demand for openness to new voices and to different modes of expression that might be excluded from political discourse focuses our attention on the conditions and requirements of modern political authority and participation. There are differentiating voices that ought to be heard, voices that ought to be ignored, and voices that ought to be silenced is a delicate and difficult task for political philosophers and political authorities (1). It is also at the heart of *Billy Budd*—both Herman Melville's novella and Benjamin Britten's opera —by presenting a voice that can be heard and felt but whose form does not fit within the existing structure of authority and political justification. In this context, Billy is a link between the prevailing notion of justice and the parody that the sense of justice defines to most people. When the public wants justice in the form of what their interpretation is, the legal system is not what they have opt and desired for.

Similarly, the notion of beauty has often been connected to his innocence and his moral goodness. When often the law says simplicity is the basis of all justness, the same cannot be said when it comes to implementation of justice by the State. The haste decision and implementation on delivery of justice to Budd is an annoyingly ridiculous aspect of law. It is this expressive but communicatively problematic role that Billy embodies and that might create a challenge to the law, or to the Captain Mr. Vere, yet there is no denying that the justice could have been prolonged (172). And here lies the exact problem for legal system and the lawmakers. For, either way when the justice is

prompt is also likely to create problem or, when it is delayed also it has its loopholes and issues.

This modern conception of justice is related to simplicity and all inclusive notion set against two other competing conceptions found in both novellas. When it is said that justice is all inclusive and should be applicable to all, in practical sense, it may not be the case. For it were so, Captain Vere would have taken his decision to hang Budd based from Budd's perspective. Or, it would have been taken to the court of the crew members in the ship. But, Vere took his decision on his own, based on vested rights provided to him by the State and the prevailing laws of the nation. The idea that law is simplicity, further more cannot be adjudged when it comes to hanging. Though, it was the time when, death penalties were common, it should not be taken for granted and decision to hang an individual on overnight case, itself raises eye brows. Thus, it creates a sense of fear and uncertainty towards the entire justice system.

The background for conflict in the novella is merely on age old human psychology. It is likely that a man defends at oddities. Since, Billy is unable to defend himself verbally, he "responds according to pure nature, and the dictates of necessity" by lashing out at Claggart (17). Vere might be correct in hanging Billy, and that it is the legal system not Vere, who should be criticized for this judgment. It is not to be forgotten that Vere is forced to reject the urgings of his own heart and his values to comply with the binding laws of man. Thus, there is an acute ground for justice to be ridiculed and parodied. For, Vere is complying with the essence of general rules set by society in the name of maintaining order and justice.

The justice, if it is there in the novella, it is found in the ode song the sailors have composed in fond memory of late Budd. The sailor heard and struggled to give theirs' voices to Billy's song, only to be silenced by the order that Claggart imposes on the ship.

The demand of Billy's music is one that Vere can feel but is unable to reconcile with his conception of authority, let alone to act upon. Britten's *Billy Budd* thus presents a vivid account of the political stakes of listening by making communicative conflicts between what is said, what is expressed, and what is audible.

To believe that the sentiment itself does not arise from anything which would commonly, or correctly, be termed an idea of expediency; but that though the sentiment does not, whatever is moral in it does. We have seen that the two essential ingredients in the sentiment of justice is the desire to punish a person who has done harm, and the knowledge or belief that there is some definite individual or individuals to whom harm has been done.

Captain Vere has a desire to punish a person, often coming from his mentality of superior complexity. An individual is often guided with a spontaneous outgrowth of sentiments to punish the guilty party or person. This desire is the highest degree natural, and which either are or resemble instincts; the impulse of self-defence, and the feeling of sympathy. It is natural to resent, and to repel or retaliate, any harm done or attempted against ourselves, or against those with whom we sympathise. The act of Billy punching Claggart is very natural, as he is guided by natural instinct a human has to be confining within the limits of social and moral standards.

The origin of this sentiment it is not necessary here to discuss. Whether it be an instinct or a result of intelligence, it is, we know, common to all animal nature; for every animal tries to hurt those who have hurt, or who it thinks are about to hurt, itself or its young. Human beings, on this point, only differ from other animals in two particulars. In being capable of sympathizing, not solely with their offspring, or, like some of the more noble animals, with some superior animal who is kind to them, but with all human, and even with all sentient, beings.

It is normal to have a more developed intelligence, which gives a wider range to the whole of their sentiments, whether self-regarding or sympathetic. By virtue of his superior intelligence, even apart from his superior range of sympathy, a human being is capable of apprehending a community of interest between himself and the human society.

In fact, justice is a mechanism of the state which it uses as weapon at times to restrict any chance of succeeding against them and their system. Justice is defended, by those who hold it, on grounds of expediency; principally on that of the importance, to the common interest of mankind, of maintaining inviolate the sentiment of submission to law. Contrarily the idea of justice that any law, judged to be bad, may blamelessly be disobeyed, even though it be not judged to be unjust, but only inexpedient. However, there are individuals who would confine the licence of disobedience to the case of unjust laws for personal use and benefit.

An individual forms a part, such that any conduct which threatens the security of the society generally, is threatening to his own, and calls forth his instinct, if instinct it be of self-defence. The same superiority of intelligence joined to the power of sympathizing with human beings generally, enables him to attach himself to the collective idea of his tribe, his country, or mankind, in such a manner that any act hurtful to them, raises his instinct of sympathy, and urges him to resistance.

The verdict of death penalty imposed on Billy is based on 'justice' at the larger notion. It cannot be unfair to punish one for his reckless attitude resulting in the death of one of his seniors. However, when one has to look to its microscopic aspect; Billy rightfully owns sympathy. He is accused of being unfairly involved in the act of "mutiny" by his immediate senior John Claggart (37).

As such, justice becomes a means to impose certain decisions which might be morally and socially unfair on the recipient. The entire idea of 'justness' is associated with the idea of acceptability. Justice, as such, does not become a mean for the largest happiness but 'acceptance' by the largest number largely due to the fear of coercion and power imposed on him/her. Mill opines:

Justice, thus, becomes crucial condition for the acceptance of the utilities. Justice is not merely about the happiness of largest number of people but also acceptance of the largest number of people. So, an individual's personal happiness is at stake for the sake of betterment of larger number of people. (57)

As such, justice is about imposition of a certain decision on an individual that might be undesirable to him/her. But it is not merely a decision imposed on an individual based on a single case but on popular belief and practices. On contrary, morality is often individual and confined in nature.

It is clear that Rawls has in mind a broader conception of morality, and a narrower conception of political justice, which naturally follows given Rawls' distinction between comprehensive doctrines and the limited political conception of justice. But this does not help us understand what specific conception of morality Rawls has in mind, as:

If the political conception of justice is the focus of an overlapping consensus, which is reasonably justified and publicly endorsed among all citizens, and if the political conception of justice is also a moral conception, in that the latter supplies the former ideals, principles, and standards for political purposes, and if the distinction between political conceptions of justice and other moral conceptions. (127)

Rawls puts justice as a matter of scope, than it is reasonable to assume that the conception of morality Rawls has in mind bears two similar features: reasonable justification and public endorsement. By 'reasonable justification' I mean that morality, like the political conception of justice, is not grounded on any particular foundation that supports comprehensive doctrines; instead, it is justified independent of them.

Meanwhile, Claggart has been unfair and mean in claiming that Billy is involved invoking sense of rebellion amongst his crewmen. So, in the course of interrogation, Billy is raged and in 'spontaneous flow of unbearable emotion' hits Claggart, resulting in his sudden demise. A universal proverb amply applies 'a man without ego and snake sans poison' are of no importance. So, when Billy is hanged to death, it is natural to think, if the level of punishment is justified.

However, same cannot be said in the case of Billy's blow resulting in killing of his opponent. He faces the fact and then is condemned by the law in the name of justice that is supposedly acted for the welfare of larger number of people. It is believed that justice should prevail against individual wrong and momentary madness. As the logics of Rodin cannot be taken rational, so as the trial in hurry by Captain Vere is questionable because Billy was not going to be a threat to anyone in near future.

However, again the issue in concern is, 'whether happiness can be attained?' Can the level of happiness be determined and be applied to people of all class, religion, sex, caste and socio-economic status? If not, can happiness of the larger number of people be taken as the means of moral parameters? If not, then what is the alternative to the idea of happiness? Here, comes the idea of legislation which in modern times is taken as the source of both justice and morality. As such, it is often witnessed that statutes and Acts are imperative and imposing, in contrary to moral values which are arbitrary and individual. In regards, Rawls opine:

Ideas of justice are confined to the principle of betterment of larger public. This is a practical philosophy that takes utility at the center of all the humanly events. As such, society and nation are bound under larger utility for the maximum number of people is guaranteed as justice by the state. We can also say that a moral right to our generosity or beneficence, because we are not morally bound to practise those virtues towards any given individual. (73)

As such, there is no guarantee that every moral act or, legally sound act shall be justified as legal and moral and awarded by the State. In return, there are examples when such cases are, in turn, been violently dealt with by the State justice system.

The idea of ‘sovereign making laws’ is the founding stone for leading a society both morally and legally in modern days. As the features of societies are so dynamic and intriguing that mere moral concept of natural law is insufficient to govern a society. For if no happiness is to be had at all by human beings, the attainment of it cannot be the end of morality, or of any rational conduct. Though, even in that case, something might still be said for the utilitarian theory; since utility includes not solely the pursuit of happiness, but the prevention or mitigation of unhappiness; and if the former aim be chimerical.

Nevertheless, justice is not merely utility and neither, it is adheres to utility, once it is pronounced. So, justice necessarily does not guarantee fair and equal treatment, like the verdict on Billy, the young sailor. The punishment imposed on Billy cannot be termed fair treatment based on ‘utilitarian’ philosophy and it is, anything, but moral. The act of Billy striking to John Claggart on instant fury is merely a momentary outcome of instant fury which was sparked by Claggart accusing him of as a “cause of mutiny” (27). It is natural for humans to react when accused in most unfair manner, and Budd is also a normal human being.

Mill has a very critical approach on the idea of justice. He is of the opinion that justice is coercive because it is natural for human to retaliate against harm done on them. For, Budd is the victim of circumstantial situation leading him to be the scapegoat in the eye of law. However, in both cases, they turn out to be the victim. So, the idea of morality and justice are neither moral nor fair. For some critics, the idea of morality and justice has nothing to do with 'welfare' and 'acceptability' but is a means of satiate a common goal set by the society. Mill provides a personal approach to this:

Now it appears to me, that the desire to punish a person who has done harm to some individual is a spontaneous outgrowth from two sentiments, both in the highest degree natural, and which either are or resemble instincts; the impulse of self-defense, and the feeling of sympathy. It is natural to resent, and to repel or retaliate, any harm done or attempted against ourselves, or against those with whom we sympathizes. The origin of this sentiment is not necessary here to discuss. (58)

The idea of punishment has nothing to do with morality or justice but is a desire to do so. It depends on the prevalent sentiment of an individual and differs from person to person. The idea of retaliation is common to be a human being. Some are sentimental to social injustice and others are imposed atrocities by some individuals who restore to unfair means to address their demands come true.

The idea of utility perhaps may be doubtful, under the aforementioned condition. Whether human beings are taught to consider happiness as the end of life, would be satisfied with such a moderate share of it. But great numbers of mankind have been satisfied with much less. The main constituents of a satisfied life appear to be two, either of which by itself is often found sufficient for the purpose: tranquility, and excitement. With much tranquility, many find that they can be content with very little pleasure: with

much excitement, many can reconcile themselves to a considerable quantity of pain. There is assuredly no inherent impossibility in enabling even the mass of mankind to unite both; since the two are so far from being incompatible that they are in natural alliance, the prolongation of either being a preparation for, and exciting a wish for, the other. As explains, Rawls in *A Theory of Justice*, as:

“Every correct definition, that the instances which seem to conflict with it are those which most confirm it. For if a moralist attempts, as some have done, to make out that mankind generally, though not any given individual, have a right to all the good we can do them, he at once, by that thesis, includes generosity and beneficence within the category of justice. He is obliged to say, that our utmost exertions are due to our fellow creatures, thus assimilating them to a debt; or that nothing less can be a sufficient return for what society does for us, thus classing the case as one of the gratitude; both of which are acknowledged cases of justice. (83).

It is only those in whom indolence amounts to a vice, that do not desire excitement after an interval of repose: it is only those in whom the need of excitement is a disease, that feel the tranquility which follows excitement dull and insipid, instead of pleasurable in direct proportion to the excitement which preceded it. When people who are tolerably fortunate in their outward lot do not find in life sufficient enjoyment to make it valuable to them, the cause generally is, caring for nobody but themselves.

To those who have neither public nor private affections, the excitements of life are much curtailed, and in any case dwindle in value as the time approaches when all selfish interests must be terminated by death: while those who leave after them objects of personal affection, and especially those who have also cultivated a fellow-feeling with

the collective interests of mankind, retain as lively an interest in life on the eve of death as in the vigor of youth and health.

Next to selfishness, the principal cause which makes life unsatisfactory is want of mental cultivation. A cultivated mind – I do not mean that of a philosopher, but any mind to which the fountains of knowledge have been opened, and which has been taught, in any tolerable degree, to exercise its faculties- finds sources of inexhaustible interest in all that surrounds it; in the objects of nature, the achievements of art, the imaginations of poetry, the incidents of history, the ways of mankind, past and present, and their prospects in the future. It is possible, indeed, to become indifferent to all this and that too without having exhausted a thousandth part of it; but only when one has had from the beginning no moral or human interest in these things, and has sought in them only the gratification of curiosity.

Now there is absolutely no reason in the nature of things why an amount of mental culture sufficient to give an intelligent interest in these objects of contemplation, should not be the inheritance of every one born in a civilized country. As little is there an inherent necessity that any human being should be a selfish egotist, devoid of every feeling or care but those which centre in his own miserable individuality. Something far superior to this is sufficiently common even now, to give ample earnest of what the human species may be made.

The idea of genuine private affections and a sincere interest in the public good are possible, though in unequal degrees, to every rightly brought up human being. In a world in which there is so much to interest, so much to enjoy, and so much also to correct and improve, everyone who has this moderate amount of moral and intellectual requisites is capable of an existence which may be called enviable; and unless such a person, through bad laws, or subjection to the will of others, is denied the liberty to use

the sources of happiness within his reach, he will not fail to find this enviable existence, if he escape the positive evils of life, the great sources of physical and mental suffering—such as indigence, disease, and the unkindness, worthlessness, or premature loss of objects of affection.

If ridding the world of evil Claggart may be considered an act of justice, and then what does that make Billy's execution? If killing Claggart was nothing more than an accident, then what causes such agony and remorse in the heart of Captain Vere? Is it possible that both are acts of justice, and if so, is one a higher and somehow more virtuous act? As stated, "There is right, the case is one of justice, and not of the virtue of beneficence: and whoever does not place the distinction between justice and morality in general, where we have now placed it, will be found to make no distinction between them at all, but to merge all morality in justice" (*A Theory of Justice*, 92).

Similarly, in *Billy Budd*, Sten says that it was a "mechanically inhuman, unredeemed society" that Vere saw, but still it was the "reality he could not ignore despite his desire to do Billy justice" (314). This mention of the reality that Vere could not ignore suggests that he immediately recognized his quandary. At the moment of the climax when Billy reacts to Claggart the only way he knew how, Vere cites the famous words, 'fated boy'. Torn between his desires to do Billy justice, Vere rendered himself loyal to lawful justice created by man instead of his own personal human justice. Here, lawful justice is the reality he could not ignore.

In *Billy Budd*, Melville tells a story in which the pursuit of so-called justice ends in vast destruction and suffering of the innocent. Even though justice is supposedly for righting the wrongs committed in life, Melville seems to see it differently and portrays the quest of justice in the world of seamen and whaling ships as a treacherous journey that only adds more wrongs to the already blighted world.

Perhaps this hypocrisy was what Melville conveyed in *Billy Budd* by representing the community oppressed by the church and government through sailor's lives. Gunn, referring to the community of the Pequod says that all sailors are wage slaves, and in slavery "there is no freedom or justice for any of the parties" (191). Sten mentions the irony of Captain Vere's decision. He says, "Unlike Ahab, Vere knows the cruel injustice of the fact that "whatever devotes itself to justice at the expense of reality" in the memorable words of Frank Kermode, "is finally self-destructive" (56).

To those who can free themselves from the personal enjoyment of life, when by such renunciation they contribute worthily to increase the amount of happiness in the world; but he who does it, or professes to do it, for any other purpose, is no more deserving of admiration than the ascetic mounted on his pillar. As such, Budd is an inspiration and proof of what men can do, but assuredly not an example of what they should. "Struck dead by an angel of God! Yet the angel must hang," was spoken by Vere after Billy strikes and ends the life of Claggart (98). It suggests that Billy, although thought of as an angel of God, which could possibly be the most pure and good form one, could be, will still have to abide by a man-created law. In fact there is hardly anyone who can escape the laws of man, more than that of God.

But Vere knows, too, as his own subsequent death shows, that there is no cause more worthy of devotion. In the fight against the *Atheist*, he dies for the same cause for which he sacrifices Billy the defense of his nation and his view of what constitutes justice to mankind (308). It may not be superfluous to notice a few more of the common misapprehensions of utilitarian ethics, even those which are so obvious and gross that it might appear impossible for any person of candor and intelligence to fall into them; since persons, even of considerable mental endowments, often give themselves so little trouble to understand the bearings of any opinion against which they entertain a

prejudice, and men are in general so little conscious of this voluntary ignorance as a defect, that the vulgarize misunderstandings of ethical doctrines are continually met with in the deliberate writings of persons of the greatest pretensions both to high principle and to philosophy.

It is commonly heard that the doctrine of utility inveighed against as a godless doctrine. If it be necessary to say anything at all against so mere an assumption, we may say that the question depends upon what idea we have formed of the moral character of the deity. If it be a true belief that God desires, above all things, the happiness of his creatures, and that this was his purpose in their creation, utility is not only not a godless doctrine, but more profoundly religious than any other. If it be meant that utilitarianism does not recognize the revealed will of God as the supreme law of morals. A utilitarian, who believes in the perfect goodness and wisdom of God, necessarily believes that whatever God has thought fit to reveal on the subject of morals, must fulfill the requirements of utility in a supreme degree.

But others besides utilitarian's have been of opinion that the Christian revelation was intended, and is fitted, to inform the hearts and minds of mankind with a spirit which should enable them to find for themselves what is right, and incline them to do it when found, rather than to tell them, except in a very general way, what it is; and that we need a doctrine of ethics, carefully followed out, to interpret to us the will God.

The testimony of God to the usefulness or hurtfulness of any given course of action, by as good a right as others can use it for the indication of a transcendental law, having no connection with usefulness or with happiness. Again, utility is often summarily stigmatized as an immoral doctrine by giving it the name of Expediency, and taking advantage of the popular use of that term to contrast it with principle. But the expedient, in the sense in which it is opposed to the Right, generally means that which is

expedient for the particular interest of the agent himself; as when a minister sacrifices the interests of his country to keep himself in place. When it means anything better than this, it means that which is expedient for some immediate object, some temporary purpose, but which violates a rule whose observance is expedient in a much higher degree.

The main stress of the problem lies, therefore, in the contest with these calamities, from which it is a rare good fortune entirely to escape; which, as things now are, cannot be obviated, and often cannot be in any material degree mitigated. Yet no one whose opinion deserves a moment's consideration can doubt that most of the great positive evils of the world are in themselves removable, and will, if human affairs continue to improve, be in the end reduced within narrow limits.

Budd posse's high moral affiliation and composure displayed in his behavior. Melville introduces Budd, as:

The moral nature was seldom out of keeping with the physical make.

Indeed, except as tones by the former, the comeliness and power, always attractive in masculine conjunction, hardly could have drawn the sort of homage the Handsome Sailor in some examples received from his less gifted associates. Such a cynosure, at least in aspect and something such too in nature, though with important variations made apparent as the story proceeds. (286)

Budd is always the happier for his nobleness, there can be no doubt that it makes other people happier, and that the world in general is immensely a gainer by it. The idea of representation of such a noble character is to depict the existent inequality in the society. People are often made to suffer for being inferior; however, Budd is someone who does not discriminate people on the basis they are inferior or superior.

As such, Budd is someone who is enlightened of the worldly affairs and treats his fellow men, all equal. Therefore, utilitarianism could only attain its end by “the general cultivation of nobleness of character, even if each individual were only benefited by the nobleness of others, and his own, so far as happiness is concerned, were a sheer deduction from the benefit” (Mill’s *Utilitarianism* 32).

Thus, the notion of morality and justice are ideas based on utility principle, however; which intermingle with each other. When, the first is found to have its grounding on social norms and values, the latter is based on universal idea of imposing punishment and sanction for the offenders. Justice, often harsh, has its base on the utility perspective to control and manage a society.

Similarly, when justice is about equal treatment and fair attitude or behavioral approach taken by the state towards a human conduct, morality on the other hand is left on individual to decide and take care of. This is not morality because anything that is done for instant pleasure and betterment of mankind or living beings does not fall under its periphery. Let’s say, an old and sick woman crosses an empty road other than Zebra crossing will still amount to breach of law. So, there is no morality when it comes to justice but only rules and imposition.

Similarly, the concept of justice has been presented in a different manner in the novel. There are interesting situations which have been overlooked during the course of pronouncement of death penalty on Billy. For example, with the testimonies of Dansker, the after guardsman, and Squeak, Billy could have been cleared of the mutiny charge. But it seems Melville wanted to use Billy as an example of the flaws in the laws of society; that they do not take into account the laws of nature. However, until we reform our laws in such a way that we cannot be punished for something out of our control, we cannot expect the laws to be interpreted that way.

Besides, the writing of *Billy Budd* also affords the opportunity to explore fundamental questions in political philosophy; especially, if law is guided by politics. This additional layer of queries is opened up by the manner in which the chief characters are described. Budd, who is compared to Adam before the fall, brings to mind that familiar figure of modern philosophy – the human being in a pre-political state of nature.

There are different philosophers who have written about this character differently. Budd resembles Rousseau's idea on the discourse on the origin of inequality among men than the one to which Hobbes introduces us in *Leviathan*. Budd is, for example, neither fearful nor fearsome; rather than inclining to strife, Budd's mere presence brings peace and tranquility.

The notion of Justice for Mill in *Exploring Justice, Equality, Democracy, and Citizenship* is that Budd stands outside civilization is suggested in a number of ways, including repeated animalistic descriptions: "Of self-consciousness he seemed to have little or none, or about as much as we may reasonably impute to a dog of Saint Bernard's breed" (59). Budd is glorified as, someone who was as much talented as Captain Vere. Though unable to read, Budd "could sing, and like the illiterate nightingale was sometimes the composer of his own song" (21). Budd, too, is untouched by the corrupting influences of civilization, as "Billy in many respects was little more than a sort of upright barbarian, much such perhaps as Adam presumably might have been ere the urbane Serpent wriggled himself into his company" (34).

This leads to the true estimation of what is said by the objectors concerning the possibility, and the obligation, of learning to do without happiness. Unquestionably it is possible to do without happiness; it is done involuntarily by nineteen-twentieths of mankind, even in those parts of our present world which are least deep in barbarism; and

it often has to be done voluntarily by the hero or the martyr, for the sake of something which he prizes more than his individual happiness. But this something, what is it, unless the happiness of others or some of the requisites of happiness?

It is noble to be capable of resigning entirely one's own portion of happiness, or chances of it: but, after all, this self-sacrifice must be for some end; it is not its own end. We are often told that the end of justice is not happiness but virtue. As such, it is better than happiness that would the sacrifice a hero or martyr in the name of fairness or justice. Or, are such heroes and lords immune from sacrifices? Would it be made if he thought that his renunciation of happiness for himself would produce no fruit for any of his fellow creatures? Instead, it would make their lot like his, and place individuals in the condition of persons who have renounced happiness?

Even that most intractable of enemies, disease spread in the street of Petersburg, may be indefinitely reduced in dimensions by good physical and moral education, and proper control of noxious influences. The progress of science holds out a promise for the future of still more direct conquests over this detestable foe. And every advance in that direction relieves us from some, not only of the chances which cut short our own lives, but, what concerns us still more, which deprive us of those in whom our happiness is wrapped up.

All the grand sources, in short, of human suffering are in a great degree, many of them almost entirely, conquerable by human care and effort; and though their removal is grievously slow- though a long succession of generations will perish in the breach before the conquest is completed, and this world becomes all that, if will and knowledge were not wanting, it might easily be made- yet every mind sufficiently intelligent and generous to bear a part, however small and inconspicuous, in the endeavor, will draw a

noble enjoyment from the contest itself, which he would not for any bribe in the form of selfish indulgence consent to be without.

The idea of religion and law are as old as the human civilization. However, the notion of justice has its root in morality and religion. Simply, law is based on ideas formed and prescribed in religious philosophy. It is the religious philosophy that guides legal conceptualization, as is practiced in most of the nations, even today. To say for, many states even today prefer religious scriptures over the legal notion, especially the Islamic nations, including Iran and Pakistan. The idea of God guiding law is of course, not accepted in many of the Christian and Hindu state nations. However, the supremacy of God over legal affairs does not exist in most of the nations, but the debate prevails. Even the notion of justice in these Islamic nations is based on religious notions. Laws and morals are as per the verdict pronounced by the supreme religious leaders, and often the court stands voiceless to such decrees.

Melville depicts the war between the good and bad in *Billy Budd* because Claggart is represented as a representative of evil, it may be considered that Budd himself committed an act of justice with this murder even if it wasn't deliberate. Captain Vere, on the other hand, being a loyal and dutiful captain, was serving justice by turning Billy in, at least according to the law. One may wonder what it is. The role of the law isn't necessarily the most just in accordance to moral (human) justice. (203) so the relationship between law and human justice comes into question. It is ironic that unjust sentences must be imposed because they are demanded by the law, and Melville raises this point in his novel.

The notion of law has to do with being sentimental, as well. In *Billy Budd*, Melville makes certain that readers are aware of Billy's innocent nature so as to create emotional feeling towards him. Melville mentions it numerous times throughout the

novel. Billy is sometimes referred to as baby Budd which further implies his lack of knowledge and experience of good and evil. For such an innocent being to die at the gallows implies that Melville is making a timeless statement on the lack of humanity in serving lawful justice, or at least raising the question.

The method of larger happiness, in this sense, becomes a misconception. Thus, it would often be expedient, for the purpose of getting over some momentary embarrassment, or attaining some object immediately useful to ourselves or others, to tell a lie. But in as much as the cultivation in ourselves of a sensitive feeling on the subject of veracity, is one of the most useful, and the enfeeblement of that feeling one of the most hurtful, things to which our conduct can be instrumental; and inasmuch as any, even unintentional, deviation from truth, does that much towards weakening the trustworthiness of human assertion, which is not only the principal support of all present social well-being, but the insufficiency of which does more than any one thing that can be named to keep back civilization, virtue, everything on which human happiness on the largest scale depends; we feel that the violation, for a present advantage, of a rule of such transcendent expediency.

It is not a system that he who, for the sake of a convenience to himself or to some other individual, does what depends on him to deprive mankind of the good, and inflict upon them the evil, involved in the greater or less reliance which they can place in each other's word, acts the part of one of their worst enemies. Yet that even this rule, sacred as it is, admits of possible exceptions, is acknowledged by all moralists; the chief of which is when the withholding of some fact as of information from a malefactor, or of bad news from a person dangerously ill would save an individual especially an individual other than oneself from great and unmerited evil, and when the withholding can only be effected by denial.

But in order that the exception may not extend itself beyond the need, and may have the least possible effect in weakening reliance on veracity, it ought to be recognized, and, if possible, its limits defined; and if the principle of utility is good for anything, it must be good for weighing these conflicting utilities against one another, and marking out the region within which one or the other preponderates. Again, defenders of utility often find themselves called upon to reply to such objections as this- that there is not time, previous to action, for calculating and weighing the effects of any line of conduct on the general happiness.

This is exactly as if any one were to say that it is impossible to guide our conduct by Christianity, because there is not time, on every occasion on which anything has to be done, to read through the Old and New Testaments. The answer to the objection is that there has been ample time, namely, the whole past duration of the human species. During all that time, mankind have been learning by experience the tendencies of actions; on which experience all the prudence, as well as all the morality of life, are dependent.

According to Donald Yannella in *New Essays on Billy Budd* the case in *Billy Budd* is of miscarriage of justice or even a plain injustice. It is so because an individual should not be punished for other than his/her crime. The rate of punishment must be limited and confined to the magnitude of crime. Billy's level of crime is not beyond few years of imprisonment or economic punishment, and in no means equals to death penalty. The agony of Captain Vere's decision bears a more important meaning; for it seems there is certain level of insecurity or psychological dominance he is bearing from Billy. Captain's decision resulting in Billy's execution resulted in suffering of guilt and remorse for the rest of his brief life. There is some aspect that Melville fails to explain because the novella was never completed.

Thus, the very notion of justice is contaminated by Captain Vere for he acts excessively based on his self-realization and understanding. Thus, the social and moral role that is to be considered during the pronouncement of justice is overlooked by Captain Vere. Generally, people who occupy significant or well-assimilated roles in society find themselves insulated from deviant tendencies. A corporate executive, for example, is less apt to hold up a liquor store than a drifter. The difference is not based on income, but rather the pressure to conform that the successful role exerts upon its occupant.

This may be understood as the conditions operating in the trial, which is what the law does to Billy. During the trial for the case of the death of Claggart, Captain Vere declares that the law which Billy is subject to is the Articles of War, which only concerns Billy's deed instead of his intention. Though he makes clear that it is a martial law, he does not state clearly what the implications are: The martial law is an exemption or a suspension of the customary law. Vere says; to steady us a bit, let us recur to the facts. In war-time at sea, a man-of-war's man strikes his superior in grade, and the blow kills. Apart from its effect, the blow itself is, according to Articles of War, a capital crime. Furthermore... "Aye, sir", emotionally broke in the officer of marines, "in one sense it was. But surely Budd purposed neither mutiny nor homicide". (21) Vere's "judgment" is contradicted "emotionally" by the officer of marines, whose argument presupposes that law needs to consider the intention of the accused. Vere responds by demarcating the scope of the martial law that he is obliged to enforce, "before a court less arbitrary and more merciful than a martial one that plea would largely extenuate" (21), which is a reiteration of his earlier "utterance" (21). He adds that, "Quite aside from any conceivable motive actuating the master-at-arms, and irrespective of the provocation to the blow, a

martial court need in the present case confine its attention to the blow's consequence which consequence justly is to be deemed not otherwise than as the striker's deed" (21).

Martial law considers no motive but "consequence." And it is in a state of emergency that the army takes over. The customary law is suspended, which puns on the means of the "execution" (27) of Billy: hanging. At the same time, Billy's stuttering when asked to defend himself creates an effect in the narrative as a force of suspense. While acknowledging the fact that the martial law that Vere follows and enforces is not necessarily universal, he says that, "the law of the Mutiny Act" (21) and war share the same spirit, as a child resembles its father, which he repeats in the end of his speech. He admits that there is an initial injustice in the very method of enlisting sailors, including Billy: In His Majesty's service—in this ship indeed—there are Englishmen forced to fight for the King against their will. Against their conscience, for aught we know. Though as their fellow creatures some of us may appreciate their position. Our impressed men he would fain cut down in the same swath with our volunteers. As regards the enemy's naval conscripts, some of whom may even share our own abhorrence of the regicidal French Directory; it is the same on our side (21).

The French and the British fight for those whom they do not necessarily agree with. Vere ends his speech: "War looks but to the frontage, the appearance" (97). The narrative of *Billy Budd* does not allow for a single interpretation of these terms. And this ambiguity is again empowered by the inner diabolism of the text. Siding with justice, Billy's hitting of Claggart may be understood as an actualization of divine violence. On the other hand, Melville's text possesses a diabolical power which sides with what Benjamin calls the divine violence, which breaks down symbolic meanings, established ways of thinking and such reactionary thoughts as revenge.

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Let us recognize nonetheless that forgiveness is more often the doing of individuals and private justice. Often, moreover, it issues from the failures of public justice when the facts are legally prescribed by the terms of the law, for example, or when, in the gravest cases of mass-crimes, real reparation is simply impossible, or after its disqualification. In the writings of an author as radically utopian as John Rawls, forgiveness is an evangelical requirement that is the only acceptable reaction in the face

of evil, since it is for God alone to judge, and every human system that were to try it would be, by nature, corrupting and itself criminogenic.

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Thus, the very idea that justice is fairness is challenged, largely owing to the fact that it is pronounced in haste by Captain Vere. This is so because justice is often a parody, for either it is pronounced in hurry or often the result is not likeable or is wholly compensating to the victim/s. The very notion that justice is fairness is hardly in reality for the done cannot be undone, and the notion cannot be adverse nor challenged, in real sense.

III. Conclusion: Parody of Justice

The idea that justice as fairness is not complete in itself. There are notions and paradigms to define it, as such, though the idea seems soothing to the ears, it is not as such in real life. Justice is founded on the logic of rationality that is applicable and acceptable to larger number of people within a community and hence, it is largely universal in nature. The idea that an act under an acceptable paradigm to maximum number of people is moral and justice is not applicable in all cases. Hence, justice might be based on morality, but to say, these ideas are synonymous to each other, is a fallacy. Due to this notion that imposition of justice is based on the outcome of an event, Billy Budd is hanged to death.

The pronouncement of justice on Billy is merely an event that shows the facets of modern day reality where the idea of so-called fairness to be pronounced by the state is still dictatorial in nature and largely based on the discretion of the judges. These discretionary powers or special powers imposed on the judges often pave way for them to be autocratic, at many times. As such, justice means a specific level of cruelty imposed on the victim for his/her alleged role in specific notions that is supposedly against the state's rule and regulations. There are several people being victimized in the name of law, order and justice.

The ultimate reality of life is justice is easily understood and known to common people. Despite, the ferocity of punishment – quick and immediate, imposed on Budd; it is not moral for it is a common understanding that Budd is a man of his word and deed. The idea that punishment should meet the crime does not apply here. The accidental homicide of Claggart has to do with the way an individual has to live his/her life. The fact is human beings are subject to anger, passion, fear, love, pain, aggression, and such. In absence of this, life of an individual becomes monotonous and meaningless. As such,

when Budd restores to violence on the aftermath of the accusation, it is merely a coincidence. However, law does not consider this, for Captain Vere, the man in authority seeks to eliminate Budd in the name of law and justice. This is however, the cruelty performed by law in the name of justice.

Billy is just one name in the list of innumerable people victimized in the name of justice, law and order. When it is decided that Billy should be hanged by Captain Vere, it is discretionary for it is no fair justice. It is a decision taken in haste and with basic groundings, as discussed, likely to avoid some of the personal deliriums on its executioner part.

As such, this can be fairly said that justice is a parody based on monopolistic approach and is autocratic in nature. The idea that no one is above the law is often an illusion. For the higher position a person holds, he is immune to better facilities, and the same also applies to his/her decision and authority.

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