

ANALYSIS OF RULE OF LAW IN HERMAN MELVILLE'S 'BILLY BUDD'.

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ABSTRACT

Law is indispensable for every society. It ensures that it stands as a proper code of conduct for individuals and institutions leading to peaceful and secured living. It has a crucial role in being vigilant on the punishments it sentences to the accused. No accused deserves punishment greater than what the committed act deserves. Billy Budd is a short novel written by Herman Melville who lucidly portrays for the importance of rule of law and the need to act in accordance to the procedure established by law. It is a novel that draws a nexus between law and humanity by clearly explaining the story for better understanding. The current research paper tries to explain about the concept 'rule of law' and the prominent role it plays in the lives of citizens by coherently understanding the novel. 'Rule of law' mainly tries to ensure that supremacy of law is maintained and the positive impact it makes in people's lives. The research paper aims to use descriptive research methodology to explain the theme of the need of ensuring justice of individuals who have been accused of any offence involuntarily. This research paper shall also be focussing about the background, theme, and story of the novel. The paper tries to analyse the concept of 'rule of law' in the novel and shall also explore what the author would like to deliver through the novel by detailly relating the social aspects of the story in contemporary times.

KEYWORDS: Rule of Law, Punishment, offence, Billy Budd, humanity

INTRODUCTION

'Billy Budd' revolves around the background of the British personnel taking place during the revolution in the French war. The story also mainly focuses on the innocent nature of a handsome man named Billy who was accused of a crime against a false accuser. The series of events in the story led to the imposition of the death penalty to Billy. Billy Budd is a story where the author primarily focused on the nature of illegitimate courts failing to deal the issues according to the manner which law demands. The author also coherently portrays the improper use of the powers of the officers which may tend to have unamenable consequences on the lives of innocents (Budd, J., 1991).

Judiciary is one of the three organs of government which has a pivotal role in establishing a democratic and peaceful society. It stands forth in adjudicating various matters for ensuring justice to the citizens. It also exercises a crucial role of interpreting laws and applying them, and also takes stand in law making which is essential for establishing a democratic state. Its primary essence lies in providing justice to all citizens in the same manner irrespective of any caste, religion, gender and other grounds. The crucial decisions judiciary takes with respect to the welfare of the people, is binding equally on all its citizens and other institutions. It is widely believed that the concept of 'rule of law' plays a vital role for any judiciary in a democratic state to ensure that no individual or institution shall be above the law.

'Rule of law' has its origin to Greece where eminent Greek philosophers like Plato and Aristotle have propounded this concept in 350BC. They observe that the government of any state is to be slave of law and cannot be above law to govern it. Black law dictionary defines rule of law as 'legal principles of day to day application, approved by the governing bodies or authorities and expressed in the form of logical proposition'. When institutions recognize and function according to the principles of law, then all people exercise the freedoms and blessings. The term 'rule of law' is a French term and means a principle of legality. According to Aristotle, ideas such as justice, fairness, reasonableness become major part of 'rule of law' (Margaret Jane Radin., 1989).

The absence of arbitrariness, accountability, transparency is also crucial for the independence of judiciary. It is important for the judiciary to follow the norm of equality before law so that no individual is treated in a discriminate manner (Lord Bingham, 2007). It is also necessary to ensure every person gets access to justice in a free and fair manner without any discrepancies. The state must not be run by a person or ruler, but the law.

In the year 1885, Professor A.V Dicey discussed the 'rule of law' in his one of the popular works 'Law and the Constitution'. He says that law needs to fulfill three principles for establishing itself to be supreme. They are: Supremacy of law, Equality before law and Predominance of legal spirit. (Weingast, B., 1997).

According to the supremacy of law, the absence of arbitrariness is very essential for the judiciary. Any institution must not exercise discretionary powers to such an extent which may hamper the smooth functioning of society. Every individual and institution must only be ruled by law but not any other force. It does not have any power to create its own rules but to follow the established rules and law. According to equality before law, people of all classes and even any institutions must be treated in a same manner without taking their rank or status into consideration. Everyone must be subjected to ordinary law.

According to the predominance of legal spirit, judiciary plays a pivotal role in adjudicating matters and determining cases. Its role in deciding cases for upholding the rights of the parties is of prior importance. It is believed that everyone has some basic rights conferred for ensuring peaceful and better living. If any of such rights are infringed, then they have all liberty to move to court of law for the restoration of those infringed rights. A.V Dicey says that any action of government must comply with the norms of legality and shall not digress from established principles of law. In contemporary society, every man must comply with the ordinary law and must not signify any deprivation of the conferred rights due to any administrative action.

Rule of law has been well portrayed in the novel Billy Budd. The author focused on varied series of events where the protagonist of the novel had to undergo through many hardships due to improper functioning of law. Rule of law is also interlinked with human rights which are generally conferred on the people.

RESEARCH METHODOLOGY

The researcher adopts a qualitative research methodology for the current research topic. This type of methodology helps one to access to first hand qualitative and non-numerical information. The researcher primarily collects information from primary source like novel 'Billy Budd'. The researcher also focuses on secondary sources like books and articles related to the social issues which the researcher is aiming to focus. Secondary sources are also used for review various literature sources for better appreciation of the topic. The researcher tries to focus on social issues like authoritarianism, rule of law through an understanding of the novel in a better manner. Also, the connection between the novel and the concept of 'rule of law' is established while concomitantly elucidating the story of the novel for critical analysis of the research topic.

LITERATURE REVIEW

'The Rule of law' (Lord Bingham, 2007) is a journal article where the writer mainly analyzed the concept of 'rule of law' and shed light on dicey's principles of law. The author says that any individual or institution regardless of being public or private in nature has to be bound by the law established and need to get access to the benefits of laws and must be administered publicly in court of law. The author also focused on inferences drawn from the theory by discussing diverse perspectives with regard to equality of all individuals before law.

In 'Perceived Threat and Authoritarianism', (Stanley Feldman, Karen Stenner, 1997) 'authoritarianism' has been well discussed in this work and the writers have well-established a nexus between authoritarianism and the social threats. A research has been conducted to have coherent understanding of the relationship between

authoritarian attitudes and its effects on people in such society. It was inferred from research that authoritarian behavior can lead to direct effects on social threats.

‘Concept, Principle, and Norm—Equality before the Law reconsidered’ (Frej Klem Thomsen, 2018) is a journal article where the writer explored diverse ways to explain the principle of ‘equality before law’. The author also argues of traditional criticisms. The readers get a clear understanding of this principle and the importance of the role judiciary plays in dispensing justice.

In the article ‘Strengthening the rule of law in collaborative governance’, (Huiting Qi, 2019) the concept of collaborative governance has been well explained. A well-established connection is made with respect to rule of law and collaborative governance. Principles like predictability, accessibility, supremacy and equality of law has been elucidated. Judiciary plays vital role with respect to the welfare of the people, is binding equally on all its citizens and other institutions. Collaborative governance is where public and private spheres along with community come together and strive towards achieving collective goals.

‘A Theory of Equality before the Law’ (Daron Acemoglu, Alexander Wolitzky, 2021) is another journal article which adds to elucidating the concept of equality before law. The author sheds light on the influence elite community has in law. The author also says that penalties are different to elites as compared to non-elites. Elites have a considerably high influence on deciding justice. Equality before law can lead to high coercion of elite community and have low differences between them. Equality of law can also lead to limited coercion, better political power among non-elites; increases scope of marginal returns to hard-working and deteriorate economic disputation.

‘Fire on the water’ (Warren, L., 2019) is a graphic novel where the author throws light on abolition and violence of slaves by discussing mutiny and insurrection during travelling on ship. This novel is Lenora Warren’s work which circumvents around the concepts of politics, slavery and the violence faced by them. This novel faintly pairs its story to Billy Budd with regard to sailors’ lives and the troubles experienced by them over time.

‘The Rime of the ancient mariner’ (Coleridge, S. T., 1857). Is a poem written by Samuel Taylor Coleridge where the writer discussed various themes connecting the idea of this poem is connected to nature. In this story, the writer also connects the topic to sins and penances. Mariner is penalized for shooting albatross and driven by his guilt; he wanders around many places and teaches the people about his experiences and morals.

‘God, Evil, and Innocent Suffering’ (Thiel, J. E., 2002). is book where the writer primarily focused on the ingenuity of people. An innocent’s suffering is compared to god’s companionship. It faintly leads to understanding that gods actions do not directly lead to suffering of innocent and their death. But he plays vital role in showing path to victimized innocents.

In the book ‘The nature of Judicial Process’ (Cardozo, B. N., 2012). , the writer provides intuition of the vital role judiciary plays while adjudicating disputes. The writer says that it is essential for the laws to recognize, adjust and adapt to the changing contemporary society. Also, various factors such as precedents, customs, facts and circumstances, justice and morale is taken into consideration while settling down disputes and dispensing justice.

ANALYSIS

Billy Budd is a short novel written in narrative prose form written by Herman Melville. Billy Budd is a twenty-one year old lad who can be said to be a distinct individual because of his limited potentiality of intellectualness and emotional understandability. He is handsome, well-admired by his fellow mates. He has good leadership qualities as he leads his colleagues in *Rights of man* ship. But he does not possess usual level of intelligence and self-consciousness as he was not well-educated. Even though, he has capability to influence others, he lacks good sense of morality. He lacks experience and knowledge but is good at heart. The narrator compares the protagonist with animals or primaeval humans and compares him to noble species of humanity. This short novel traverses through various social concepts such as authority, social subjugation, the shrewdness of antagonists.

Billy Budd has just joined for serving British naval forces. In 1797, while serving for *Rights-of-man*, he was shifted to serve to H.M.S *Bellipotent* which was the warship looking for extra sailors. After his farewell in *Rights-of-man*, he joins the *Bellipotent* ship. As soon as he joins, he doesn’t feel intimidated and gets adapted to his new routine even though his colleagues are much more experienced in *Bellipotent*. After his birth, his parents left him at the stranger’s door. But, he looks like he has some noble parents due to his charismatic appearance. A good connection is established between the protagonist and Jesus Christ as when Billy was asked about his whereabouts, he innocently replies “God knows sir” which vaguely suggests about his divine origin. He is also explained as “welkin eyed” which reveals about his heavenly vision.

The narrator also discusses mutinies which took place in 1797, due to the “reasonable discontent” of sailors due to their poor rations, impressment and non-satisfactory payment. It is observed that even though those

sailors' demands were fulfilled to an extent, navy's impressment was not given up. Captain Vere aged forty years is a distinguished officer and is known for his resoluteness. He is also known as 'Starry Vere' when his cousin greeted him during his homecoming. Even though he dedicates his time in reading a lot, he is known for alienating his colleagues. When Billy reaches out to Dansker and tells him all his troubles, Dansker concludes that Claggart who usually supervises the ship hates Billy. Ingenuous Billy fails to understand the shrewdness of Claggart and thinks that Claggart feels positive of him. Even when Billy accidentally spills soup on new deck, when whole crew is laughing, he fails to realize the sour grimace of Claggart. There is no good reason for such aversion, but he dislikes Billy is good looking and Claggart envies him simply.

The narrator describes Claggart to be evil at heart and conceals the same. Even though Dansker sensed the Claggart's inimical hatred towards Billy, Billy discloses his innocence when he had no answer for Claggart's disapprobation. Dansker names Billy as 'Baby Budd' due to his inexperience and naivety. The narrator specified about the smoldering conflict between Claggart and Billy as Claggart realizes that Claggart can hardly over the animosity he has towards Billy. The narrator says that trivial situations can lead to disastrous consequences. Now, Claggart believes that Billy has ill intention towards him and spilled the soup purposefully on that day. Squeak, an assistant to Claggart, along with victimizing Billy, also adds to Claggart that Billy lampoons him behind.

Billy understands the darker side of a man when he was bribed to help in any mutiny if ever occurs. The narrator indicates Dansker's ability to understand the real world due to his experience when he warns about the evil nature of Claggart, Billy fails to realize the underlying impulse of Claggart due to his inexperience. The narrator also indicates Dansker's sensible moves to avoid any further conflict with authority.

The moment when Billy stood stunned due to Claggart's accusation of him was heart-wrenching. Billy's inability to respond to such a situation is disheartening. Out of impulse, he blew over Claggart which made him motionless. The characteristic of Vere to describe the affair to surgeon and other fellow mates and asking them to keep the event secret depicts his authority. So, the subordinate officials had to keep the same secret as per the captain's orders.

The conflict between Billy and Claggart doesn't end with reconciliation but is bitter. Billy's reaction to Red Whiskers by blowing Claggart's head is fatal. Billy going against false accuser is notable and is inferred that Billy had to face the evil influence and the repercussions arising out of it. Captain Vere playing a major role in the story which led to imposition of punishment to Billy. Vere substantiates his intentions by saying that Billy

is god's child to strike Claggart and yet he must be hung. The guileless Billy was stunned the unexpected reaction of his fellow mates and the captain. He had no option but to adhere to the decision of the captain.

During the court proceeding when Billy was questioned, he tried to assert that no malice existed between them. He got shocked due to Claggart remark and was unable to react to such situation. In such situation, he reacted by giving a blow to Claggart but had no intention to kill him. Vere looked authoritatively on a lieutenant when he tried to defend Billy. Vere said court to only consider situation and its immediate consequences. The adjudicators decide Billy to be executed. Vere realized Billy must be executed instantly without anyone knowing the actual circumstances. The narrator through this story depicts that executing military laws are different from civil laws.

In the story of Billy Budd, Billy has become a victim for authoritarian individuals. His naivety and innocence made others to take advantage of the same. Whatever the intentions of such people might be, judiciary while discharging its duties must ensure that the proceedings are transparent and responsible. Billy Budd had to get access to justice and should have right to represent himself in court during proceedings. Justice must serve to all victims with considering the events which had led to that situation. Vere's role made one to realize that authoritarianism is evident in any society and people who are subordinate to them are bound to act accordingly keeping their power in mind.

Judiciary should not get influenced by any external influence while discharging its obligations. Otherwise, as seen in the story, where adjudicators were influenced by captain Vere could provide justice to Billy Budd as it decides the case without considering the reasons for Billy Budd committing such action. In such situations, the hope of redressal will be shattered. Every man must comply with the ordinary law and must not signify any deprivation of the conferred rights due to any administrative action. Failure of judiciary to recognize the need of considering the reasons and getting affected by external motives had profound effects on Billy.

CONCLUSION

In 'Billy Budd' the writer focuses on various aspects which connect the individual to society. It tries to establish a connection between the individual, law and society. The writer has well explained the concept of rule of law and its effect on the citizens. The writer also explains the crucial role of judiciary in deriving the actual circumstances of the case and tries its best to do justice to the innocents. In this story, Billy Budd receives punishment which is greater than what he deserves. The novel also focuses on the need to act in accordance to the procedure established by law. Even the judiciary should not get influenced by any external

influence while discharging its obligations. Authoritarianism is also well-focused as the people who work under any powerful man or authority had to be bound by any decisions of such authority. Every man must be bound by the established law and must strive to ensure every individual gets justice according to their extent of actions and not deprive anyone of their rights as a citizen.

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