

The Violence of Legal Conviction: Institutional Power and Ethical Failure in *Billy Budd* and *Les Misérables*

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Abstract

In the present study, it has been basically explored that the criminal mindset can appear when legal conviction becomes isolated from ethical judgment in Herman Melville's *Billy Budd*, *Sailor* and Victor Hugo's *Les Misérables*. Instead of handling law and morality as simply contrasting classes, the article tries to examine how institutional power shapes the production of truth, the classification of individuals, and the validity of punishment. Depending primarily on Michel Foucault's theory of corrective power and knowledge that is supplemented by John Rawls's conception of justice as fairness, the comparative approach of Amartya Sen to justice, Martha C. Nussbaum's justification of literary imagination, and Paul Ricoeur's considerations on justice and judgment, the study argues that both novels expose a structural absurdity: institutions established to secure justice can become violent when procedural legality is preserved as a comprehensive substitute for ethical reasoning. In *Billy Budd*, Claggart's charge confirms that remedial power can transmute suspicion into official knowledge, and Captain Vere's adherence to naval law reveals the disastrous effects of subordinating moral discernment to institutional obligation. Javert's absolutist devotion to legal order in *Les Misérables* categorically converts social suffering, poverty, penitence, and moral transformation into classes of criminality that the legal system cannot sufficiently accommodate. However, Hugo's novel also offers an alternative through Bishop Myriel and Jean Valjean, whose sympathy, mercy, and ethical transformation challenge revengeful conceptions of justice. In a comparative reading, Melville tries to display the heartbreaking disorder between institutional duty and moral judgment. On the contrary, Hugo more overtly imagines the possibility of ethical transformation beyond legal criticism. In the present study, it has been concluded that the selected novels conceptualize literature as a critical space in which legal certainty can be exposed to ethical scrutiny. The stories in the texts suggest that justice requires not merely the application of rules but the continuing consideration of human dignity, context, responsibility, helplessness, and the possibility of a moral makeover.

Keywords: ethical justice, legal conviction, institutional power, punishment, Foucault, moral conscience, *Billy Budd*, *Les Misérables*, law and literature, legal formalism

Introduction

Law and justice have long-lasting relationships that have persistently established one of the most tenacious problems in moral philosophy, political thought, and literature. Thus, in this very area of research, it has been calculated that legal institutions are designed to establish standards of conduct, adjudicate disputes, identify wrongdoing, and impose sanctions. Their authority depends partly upon the supposition that rules can be applied through procedures. Likewise, it must be sufficiently rational, impartial, and probable to separate justice from arbitrariness. Normally it is common idea that legal procedures do not necessarily guarantee the achievement of justice. Thus, a legal judgment may be valid in globally accepted procedures at all times. In a juridical system, an institution may act against an individual as per its rules. This happens in the legal system, while the responsible authorities fail to recognize the social, psychological, or moral complexity of the ground realities that often surround the crime. In this way, the difference between legality and justice therefore remains essential to any critical examination of punishment.

In the field, it has been discussed that literature has been employed as a fertile medium for exploring this distinction. This is because the creation of literature can collate with institutional judgments with the lives of people affected by them. Meanwhile, a legal judgment, which is generally oriented towards resolution, literature can neutralize ambiguity.

It is because literature can imagine diverse perspectives, recognize diverse justifications, and reorganize social configurations. It can make visible forms of suffering that are otherwise eradicated from formal processes. In its fertile attempts to imagine feeling and reason, it has subsequently made a strong case for a kind of ethical inquiry into the confines of institutional judgment. For instance, Nussbaum (1995) argues that literary imagination contributes to public reasoning. It can do so by putting human lives in their triviality instead of submitting them to an idealized conceptual framework. In the context of justice, such a kind of inquiry is particularly important for the stories in which the other meets the real.

The two ancient narratives of Homer and Sophocles, the setting of which is different, depict, through the characters, the continual failure of legal or institutional judgment. At the end of the narrative, there is lament for the dead, the unspeakable reality of something that the law could not prevent. In these narratives, the lament for the God and the tragic loss of human life invariably involves an understanding that the law-ordered contemporary world as a mundane mess caused much suffering. These two timeless stories enable careful exemplifications of the fact that the question of law and order and the existential dilemma of despair and loss. I will briefly narrate the stories of Oedipus the King by Sophocles and the Iliad by Homer to demonstrate the failure of law and order in the canon of ancient Greek tragedies. Homer's Iliad supplies the first powerful proof, and in the tragedy of Sophocles, Oedipus the King (1900), there is an assessment of the failure of law that has made it free from too many concepts and notions in search of a universal type of law.

The present study insistently raises the following four questions:

1. How do *Billy Budd* and *Les Misérables* represent institutions as producers of legal and social truth?
2. How does institutional power transform suspicion, social status, or previous wrongdoing into durable judgments of character?
3. Under what conditions does legally authorized punishment become ethically violent?
4. How do Melville and Hugo imagine moral conscience, compassion, or transformation as alternatives to purely retributive judgment?

This academic research critically argues that both novels uncover a gap between legal inevitability and ethical justice. In the fictional work of Melville, the dramatic gap has been discovered through the tragic conflict among Claggart, Billy Budd, and Captain Vere. Likewise, Claggart employs the corrective structure of the naval institution. But in the meantime, Billy's moral innocence is difficult to translate into institutional language. This is so because the character of Vere, despite recognizing Billy's exceptional character, finally honors military law. Hugo's description develops a different but related critique through Javert's inability to identify transformation. Here we can see the character of Jean Valjean depicted as reduced to his legal identity to an ex-convict. That ultimately approves him as a compassionate and socially responsible person. In this way we can observe Bishop's mercy that initiates a moral change from legal system which is not produced by the punitive action alone.

The comparative argument is that both novels expose the violence of a system that conflates classification with knowledge, punishment with justice, and legal certainty with truth. However, they offer contrasting visions of what is ethically possible. Melville's tragedy shows the tragedy of institutional law's failure to respond to the complex murk of human mortality, while Hugo's broader moral vision sees compassion and redemption as forces that can rise above the punitive logic of the legal code.

Literature Review

Law, Literature, and the Problem of Judgment

The literature and law movement has shown us that literary texts are particularly adept at raising issues that formal legal discourse abstract. For Posner (2009), the law and literature fields are two overlapping but distinct interpretive methods, which differ on their relationship to their objects of interpretation. He emphasizes the importance of looking at how

literary texts construct representations of legal systems, legal reasoning, punishment, and problems of morality and conflict. Literature does not simply illustrate legal concepts; it can critique the norms underpinning legal judgments by forcefully bringing the reader into the experience of the institution's acts.

This issue of legal interpretation comes to the fore in Cover's (1983) influential account of how legal meaning cannot be put out of reach of social narrative altogether. The legal system functions in a universe of normative meaning, and legal interpretation may give the institutional order coercive effect. In this sense, justice cannot be conceived purely as the logical consistency of rules; one has to take into account the narratives and institutions that give rules to practical authority.

This becomes particularly relevant when we consider how punishment, as a literary theme, is a matter of these narratives and institutions rather than individual crimes. It is not simply a matter of whether an individual broke a rule; instead, how an institution constructs the individual as a rule-breaker, interprets the act, and determines a course of action is the issue. And these are precisely the issues raised in the works of both Melville and Hugo.

Scholarship on *Billy Budd*

Critical criticism of Billy Budd has traditionally centered on the tension of innocence and evil, law and authority, arising from the paradox of Billy. The novella's complicated textual history may also have played a role in its lack of critical consensus. In the authoritative Hayford and Sealts edition, the importance of establishing a reliable text is demonstrated by the fact that Melville's typescript was revised extensively and left uncompleted at his death (Melville, 1962).

While one major direction of the criticism has viewed Billy as symbolic of innocence lost to institutional powers, another has viewed Vere's dilemma: upon learning the goodness of Billy's heart, Vere is forced to obey the law and arrest Billy after the captain becomes aware of a real mutiny. Consequently, this criticism has generated debate as to whether Vere is a tragic agent of social control, an innocent victim of established necessity, or a crew member caught up in morally repugnant service.

Parker's (2002) biographical studies have cast a broader light on understanding Melville's career and the context of this composition. Still, in this article I move away from biographical interpretation. The primary focus here is on the institutional framework in which Billy's death is performed as a social fact.

A Foucauldian reading also brings another meaning to the existing debate. Instead of simply treating Claggart as a person of evil spirit, the article treats him as an individual having a disciplinary position which renders his suspicion of others particularly epistemologically powerful. His slander is powerful because it is uttered from the vantage point of disciplinary power, and this raises the question not only of lying but why the institution as such is structurally able to turn *Claggart's* suspicion into a report requiring judgment.

Scholarship on *Les Misérables*

Criticism of *Les Misérables* has also explored Hugo's concerns with crime, social inequality, punishment, religion, revolution, and moral renovation. In particular, the discussion of how Valjean's transformation from one who was imprisoned to one who is generous provides an avenue through which Hugo explores and challenges standard forms of the concept of the criminal. Much of this lies in the contrast between Valjean and Javert. For Javert, the social order is understood as a neat division: there are lawful as opposed to unlawful acts, respectable as opposed to nonrespectable personages, and authority as opposed to rebellion as such.

This distinction is manipulated by Valjean in that his moral sense and legal records diverge. The person who is identified through the law as a former criminal is now a kind employer and is thus the mayor, benefactor, protector, and father of the community. Hugo constructs a relation between legal memory and moral renunciation such that Javert remembers Valjean largely as a man who has been convicted as a criminal while the reader is invited to witness the moral renovation

that has taken place. Accordingly, the institutional view is demonstrated to be temporally inflexible: it is better equipped to remember an individual's past crimes than it is to remember the moral change which he or she may have experienced. This is particularly important for this present research as it shows that the violence associated with institutions may continue even after the violence visited by physical punishment has ended. One may still be socially and legally marked out by a previous condemnation long after the conditions which prompted the original crime have been abolished.

Theoretical Framework

Foucault: Discipline, Surveillance, and Institutional Truth

This article draws on the theoretical framework of Discipline and Punish, by Michel Foucault (1977), who argues that contemporary punishment must be re-conceptualized as more than just a state's reaction to criminal activity. Penitentiary institutions represent not only the punishers of offenders, but also the devices of surveillance, classification, normalization, and knowledge formation.

This important Foucauldian insight is key in this research: the link between power and knowledge. It is not that institutions have knowledge and then use this knowledge to exercise power. Institutional processes serve to generate legitimate knowledge about the individual, and observation, examination, documentation, classification, and judgment turn persons into knowable institutional subjects.

This framework will be particularly effective in the case of Billy Budd. As an officer, Claggart is in a far better position to witness and evaluate the sailors' behavior. His charge is thus not just the private talk of a peer.

Similar is the process in Les Misérables. In this sense, Javert's experience of watching Valjean is not an idiosyncratic fixation. It is an example of a way of thinking about the identity of a criminal in which the individual is "regardless continuously legible through the institutional apparatus. Valjean can turn over a new leaf... But Javert can still read him as a criminal."

Foucault thus clarifies a distinction between two types of punishment: the event of punishment and an institutional process of subject formation.

The second one is more relevant to the current argument.

Rawls: Justice as Fairness

Normative Counterpart: Rawls's Theory of Justice. Rawls (1999) offers a normative alternative to Foucault's diagnostic analysis of institutional power. Rawls's notion of justice as fairness stresses the equal moral status of persons and the central importance of just institutions. Unlike the two novels, Rawls is not just asking "Are there rules?"

but rather

"Is the institutional order susceptible to moral justification to free and equal persons?"

As applied to the two novels, Rawls can help us ask the normative question:

Can we count on an institution just because it always rules consistently?

As the two novels suggest, the answer is no. Formal consistency is itself unjust when social structures are formally applied without reference to social inequalities, human fragility, and the moral complexity of the individual case. Rawls is particularly fruitful in analyzing the difference between formal equality and substantive justice.

Formal equality of application of the rules does not necessarily lead to morally equal outcomes.

Sen: Justice as Realization, the contribution of Sen (2009) builds on but also diverges from Rawls's focus by moving the attention away from ideal institutional structures to the realization of justice in real-life situations. His comparative approach emphasizes the alleviation of evident injustice. A different focus than the two novels, one that is highly relevant to Hugo: the law may have rules to punish theft, vagrancy, and recidivism, but the actual result of those rules on the poor and marginalized populations may reveal deep injustice.

A thief does not have to be accused of theft for his act to be blamed morally wrong; his conduct is never divorced from the circumstances of hunger, poverty, social exclusion, and family responsibilities that surround him. Sen is therefore the element of the article that moves the discussion from:

Is the institution following its rules?

What do human beings experience when those rules are applied in unequal social settings?

Nussbaum: Literary Imagination and Ethical Judgment. Nussbaum's (1995) Poetic Justice is important to the extent that she explains why the story which literature tells is particularly relevant to ethical thinking.

Narrative fiction is particularly able to cling to the concrete and specific as opposed to the abstract by depicting the human in all his or her embodied complexity and situatedness. Both of the novels under discussion do this as well. The law categorizes individuals as criminals, sailors, offenders, suspects, prisoners, deserters, mutineers, and so on. Narrative literature rehabilitates or at least reaffirms the human figure in those categories.

Billy is not an offender and Valjean is not a convict: they are (respectively) a boy who was born beautiful, speech-impaired, innocent, and vulnerable and a man who was born poor and hungry, an offender, and a former prisoner--a human being who has been changed.

Literature, then, not only offers a corrective institutional thought, but also, it is applied as a gentle intrusion into the ethical situation. In this philosophical lens, Ricoeur: Justice, Judgment, and the Human Other. Ricoeur (2000) as well as Nussbaum (above) can be said to situate the text into the space between judgments of morality, the workings of institutions, and the reasoning behind judicial decisions. Ricoeur sees justice as set in the intersection of moral philosophy, political life, and legal argument.

The just decision is thus to be arrived through liberal institutional means, but the institutions can never be isolated from the moral responsibility of human beings. This will be of assistance in the interpretation of Captain Vere. Vere is not simply a malicious official; he is faced with a judicial dilemma in which he believes that the security of the many can only be achieved through harsh discipline for the few.

Derrida and the Possibility of Forgiveness, although forgiveness is not a primary concern of this article, Derrida's (2001) comments on forgiveness can be used to further elucidate that such alternative religious and Christian responses are available. Forgiveness is only possible when responsibility is not only dismissed and undone but also reformulated and remade. The Bishop's response to Valjean thus offers a literary precedent for forgiving and restoring the moral status of the guilty, albeit without dismissing the crime or condemning the wrongdoer. It is the capacity of this action to break the cycle of condemnation that renders it so ethically valuable.

Legal Conviction and the Construction of Institutional Truth: The use of the phrase "legal conviction" as an example here refers to a legal term of art rather than a literal cause of action.

Legal conviction describes what an institution has decided to count as the factual answer to the question. Was the accused guilty or innocent?

Before carrying out punishment, the institution must also be able to tell a story about what has occurred that makes punishment rational.

What characteristics do we associate with the individual who has committed the offense? Observation, accusation, interpretation, classification, judgment, and punishment. The institution does not, therefore, respond passively to an existing event, but constructs a narrative for the event.

An example of this is Claggart's role in *Billy Budd*.

His suspicion transforms personal antagonism into an institutional suspicion, and his accusation transforms the suspicion into institutional visibility.

Claggart's expert translation of suspicion into disciplinary language makes him guilty of being dangerous. A similar process also appears in Javert's treatment of Valjean. Valjean's early moral failure, criminality, and recidivism become the interpretive framework of what subsequently happens to him. The novels therefore reveal an epistemological dimension of justice: Before institutions punish people, they must first decide who those people are. This decision may appear neutral, but it is shaped by institutional categories and assumptions.

Claggart and the Institutionalization of Suspicion in *Billy Budd*

Claggart's significance is in the connection between personal malice and institutionalized power. Claggart is not the authority figure on the ship; he is also not Captain Vere. He is a disciplinary officer; his authority derives from his occupational position, and his allegations have institutional ramifications. It is important to argue that Claggart is "the institution" that would be an oversimplification of the novel. What Claggart does is demonstrate the ability of an individual to manipulate the institutional processes without controlling the institution. His slander on Billy demonstrates how personal foul play can be institutionalized and termed as knowledge. Billy's predicament is not that Claggart has lied, but that Billy does not have an institutionally supplied mirror through which he can define his own conduct as true.

It leaves the institution in a paradoxical situation where rhetorical powers of assertion can fight against the power of moral truth. Foucault's (1977) argument is helpful here because for disciplinary institution's observation and judgment are involved in this context. The observer in such an institution is in a powerful position in the institutional production of knowledge.

Claggart is therefore dependent on his rank but also his ability to be the institutional judge and enforcer of standards, a position of superior knowledge over a person like Black. This leads to a situation that could be called epistemic inequality.

Power/Knowledge and the Making of Billy Budd

Foucault's notion of power/knowledge offers an extended way of reading about Billy's problem. Institutional power is not the power to punish, once Billy has been found guilty. It is the power to create different categories that render his behavior meaningful.

Billy can be classified as:

- loyal sailor,
- innocent young man,
- potential mutineer,
- disciplinary problem,
- murderer,
- threat to military order.

These categories have different consequences.

The tragedy, for the institution, is that Billy must be categorized after he hit Claggart. Claggart gets what is obviously a physical blow. The moral sense of it is much less obvious.

Was Billy a murderer?

Was the act intentional?

Was he defending himself against an impossible verbal attack?

Was he morally accountable for an act that was instantaneously, physically, and emotionally induced? The institution has to answer these questions within the framework of the military situation. Melville's text makes the reader feel the gap between the complexity of the event and the excessive simplicity demanded by institutional judgment. The institution needs a category. Literature leaves ambiguity intact. This is perhaps the single most important difference between legal and literary language. The law must find the answer whereas literature can leave the moral question unanswered.

Captain Vere and the Tragedy of Institutional Duty

Captain Vere does not mistake any naive assault upon the legal institution. He understands Billy's moral goodness and value as an individual. He merely feels that military discipline cannot be sacrificed. Thus, he makes the tragic choice between moral personal judgment and institutional duty.

The dilemma for Vere can be cast thus: if he does not accept the letter of military law on the strength of Billy's moral goodness, he can fail to sustain the disciplinary web upon which the authority of the navy depends. Similarly, the alternative is to uphold the letter of law on the strength of Billy's goodness and to be an agent in a form of punishment, which is morally too extreme. Melville constructs the situation whereby an attachment to legality itself becomes harmful. It is not the violence of the body alone that does this. It is the violence that emanates from institutional certainty to its own conclusion, when the other possible ethical accounts have been eliminated through practical impossibility.

The Violence of Legal Certainty

The term "legal certainty" also warrants special reflection. Certainty, generally speaking, is a value attributed to law. Courts, for example, require a certain amount of certainty before they have finalized their punishment.

Law needs to become precise enough to segregate facts from fantasy.

However, novels prove that certainty becomes destructive if it attempts to eliminate morally significant ambiguity. In *Billy Budd*, the law was compelled by the event to stretch its given categories to a breaking point. In *Les Misérables*, Javert was confronted with someone who had redrawn the boundaries of morality to something more expansive than the law's range. So the paradox can be expressed as: law's demand for certainty versus morality of ambiguity. When certainty is in control, ambiguity becomes treacherous. When ambiguity is put in the end, then compassion becomes a vice.

When compassion is treated as a vice, punishment becomes inevitable. And that is the force of the institutional logic: certainty- classification- condemnation- punishment. Both books undermine that pattern by reminding us that human activity cannot always be sorted out without reference to circumstance, intent, history, and ultimately, lovingness.

Javert and the Permanence of Criminal Identity

Javert exemplifies another institutional form of power, apart from that exemplified by Claggart. Claggart actively produces suspicion; Javert petrifies a classificatory form. Valjean remains a convicted criminal in Javert's eyes and remains institutional and shaped by Javert's institutional recognition. This evokes an important contrast between legal and moral identity.

Legal- based on aftermaths and has a classifying quality. Once one has been labeled as a criminal, the label underpins institutional considerations of the individual. Moral based on process and is developmental; it varies with action, responsibility, fellow-feeling, and one's own metamorphosis.

Javert's Legalism and the Failure of Moral Recognition

Javert's obsession with the law is nothing less than wrong. For all his meticulous orderliness, Javert believes in authority with no nuance. In some respects, he resembles Captain Vere in that neither is a villainous character. Both are committed to the general good; both are obsessed by the dangers of a corrupt system, and both face moral dilemmas when considering exceptional cases.

However, Javert's problem is that he believes in such orders categorically, and the tragedy of his life is not as it is with Vere, where the moral foundations of the choice came into the equation, but it is Javert's failure to reconcile two simple propositions:

1. Valjean is legally a former criminal.
2. Valjean is morally capable of extraordinary goodness.

But the fact that these two propositions coexist destabilizes Javert. If a reformed criminal can indeed be a truly good man, then there is no essential criminality. If there is no essential criminality, then the sorts of unchanging classifications on which the stability of Javert's institutional identity is founded are threatened. Hugo intends then to make Javert's fall into despair into an epistemological problem. It is not that the unforgiving Javert cannot forgive Valjean, but that he cannot revise the classification through which he understands Valjean.

Jean Valjean and the Failure of Retributive Justice

Valjean's story is thus that of Hugo's most severe challenge to our instinct for revengeful justice. The theft was, no doubt, that of the law and therefore culpable. Hugo, however, demands that this act be placed in a larger social context. There is poverty, hunger, family, joblessness, imprisonment and public humiliation which contribute to making the criminal in the first place.

This is not to say Hugo defies responsibility, but he turns the causal sequence of justice into a question about the effects of justice. Valjean is transformed by his encounter with Bishop Myriel. The Bishop does not respond to Valjean with revenge but with mercy. His touch has created conditions for a different kind of moral future.

This is in stark contrast to crime stigmatization, punishment, and condemnation. The moral argument that Hugo is making therefore reaches beyond whether punishment is a deserved consequence of crime. Hugo is asking whether punishment results in a moral change, that is what justice requires.

Bishop Myriel and the Ethical Interruption of Punishment

The Bishop is an alternative source of authority. He does not have the power of an imposed institutional authority but moral authority. His change of attitude towards Valjean shows that justice can involve intervention that alters the individual rather than merely manipulating her.

This is where Nussbaum's (1995) 'literary ethics' is significant. It asks us to see Valjean as an individual rather than an abstraction of the offender. It asks us to see him as a person who is the product of a given situation. The Bishop's action implies a forward-looking, restorative notion of justice. Justice is not defined as: How much punishment does he deserve?

But rather as: What can be done to make him responsible? This distinction is vital for the argument of the article. Retributive justice is to punish deservedly. Ethical justice needs to effect responsibility.

Law, Social Class, and Unequal Justice

Sen's (2009) theory of criminality and justice systems is especially revealing when the novel is viewed through the lens of *Les Misérables*, because Hugo repeatedly associates criminal acts with social inequality. *Les Misérables* asserts that the social conditions in which a crime is committed matter; indeed, if poverty and family obligation make Valjean's act already a moral lapse, then a formal legal system that judges based on a legal rule is both relevant and meaningless. A comparative theory of justice considers what the social problem that created the situation is; and while Hugo and other writers of the novel do not suggest ignoring the legal rule, they do hold that there are two spheres: legal validity and ethical adequacy. A rule can be valid and still be implemented in an unjust society. Hugo's novel thus works its way from individual crime to structural injustice, and asks not just:

Why did Valjean steal?

But: What kind of society makes a plea for bread a cry of hunger?

This has been the most effective novel contribution of *Les Misérables* to theories of justice.

The Violence of Classification

A comparative conclusion with the greatest application is that of classification. Institutions demand categories. Yet human beings go beyond the categories. Billy is a sailor, a suspect, a sinner, a condemned man. Valjean is a prisoner, a convict, a fugitive, a mayor, a benefactor, a father figure, and a protector.

The institutions adopt strong categories, while the narrative focuses on dynamic identities. The conflict emerged at this point as: i: institutional identity is categorized; ii: ethical identity is relational and in process. The law must know the person.

Discussion

The comparison shows that these two works share a fundamental skepticism toward the claim that legal judgment can ever fully encompass moral truth. However, their narrative modes are quite different. Melville's novella features much more ambiguity. The reader is continually put to the test as to which voice to give priority.

Billy is responsible and at once innocent. Similarly, Vere seems to be sympathetic sometimes and coercive at the other moment as well. Claggart is at once malicious and at once empowered by legal authority. The tragedy may always be identified because of the interaction of institution and subject, but it cannot ever be reduced to the failure of either. Hugo's novel is more explicit about reform.

Javert's opposition to Valjean sets up two different visions of justice. Javert simply tries to enforce legality, whereas Valjean gradually begins to act according to moral responsibility. The Bishop is a third actor who embodies a different moral necessity- mercy is simply the beginning of morality.

Because of this, these two stories are written as complementary texts. Melville illustrates what is tragic about the reality of institutional necessity, whereas Hugo reveals how morally blind the reality of institutional necessity can be:

Is an institution legitimate if it must sacrifice an innocent to maintain order?

Is it just if it will not make room for possible change?

The two answers are the same. Legality requires ethical consideration.

Conclusion

This article has argued that *Billy Budd* and *Les Misérables* exemplify the potential violence of legal conviction when institutional certainty loses sight of ethical judgment. Their importance lies not in raising questions about specific unjust laws or severe sentences, but in challenging the way institutions generate authoritativeness about human action.

In *Billy Budd*, the authoritative description of Claggart's discipline is itself merely another example of how suspicion can be institutionally credible. Billy's moral nature does not provide him with equivalent authoritative knowledge, and the institution finally interprets his deed as action within the discipline of a rigid military order. For Captain Vere, the tragedy is in that last interpretation—namely, that he realizes the law may produce an ethically objectionable outcome. In addition to this, he believes it is an institutional duty to do so. Melville thus exposes the possibility that institutional violence might arise not from obvious corruption but from sincerity in duty.

In *Les Misérables*, Javert makes a different example of institutional certainty: the inability of the law to respond to an altered identity. His failure to perceive the changed man in Jean Valjean is an example of the legal identity becoming subject to temporally urgent memory. Hugo offers an alternative embodied by Bishop Myriel and exercised by Valjean: justice can be embodied in compassion, responsibility, moral transformation, and social reintegration.

The comparative argument has led to three principal conclusions: First, institutions not only punish but generate authoritative descriptions of individuals and events. Foucault can help in understanding this action by considering the role of observation, classification, and judgment. Second, legal correctness does not guarantee ethically correct outcomes. This is why Rawls and Sen are important. Finally, works of literature can serve as counter-discursive space in which institutional reasoning can be re-evaluated. Through the specificities of individual and character, multiple perspectives, and moral depth, literature restores ambiguity to actors. Moreover, it also reinvestigates the public sphere who have been reduced to legal or political categories. Nussbaum's position illuminates the importance of this work.

The main principle to be extracted from these texts is that the law must answer moral judgment. While institutions are necessary, human institutions require human moral vigilance. Any legal system is dangerous when its categories distort reality and deny the capacity to interpret differently.

The violence of conviction begins not with punishment but with the degree of certitude with which the accused is labeled, when complete certainty blocks off alternative judgment; when the accused is viewed as an institutional rather than human actor; when changes of social or circumstantial context are disregarded; when the connotation of past actions becomes invariant; and when procedural correctness becomes tantamount to moral correctness. Both works reject these kinds of certitude. Melville presents the reader with the unresolved tragedy of authority, innocence, judgment, and necessity. Hugo offers the reader an alternative model in which compassion and moral change stave off cycles of punishment. Taken together, they demonstrate that the key to identifying the problematic of the legal conviction rests with the human behind the courtroom.

This conclusion will have a specific relevance to the study of literature and law, for they show not only how legal institutions seek resolution, but that the reason for them is the intractability of the human subject. Human beings are never fully known in the manner of legal categories; hence ethical institutions require not only judgment, but also the

capacity to re-judge. To this end, the law cannot remain dominant, and the tragedy of the novel lies with the way the legal category increasingly emerges as the human actor in the tragedy.

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