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Justice without power is inefficient; power without justice is tyranny

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**Does anybody prefer ‘still - water’ instead of ‘flowing-water’?**
No. Almost everybody likes flowing water because it has speed, it has power and it influences everyone! So, let’s think of a Court in which there vests no power, no prerogatives! - The consequences are bitter and hard to believe. No power means- Justice will be just like ‘Plato’s Ideal State’ which can be just enclosed in a box of morality. Without it, we wouldn’t be able to satisfy the human-reason and it will lead to instability and deteriorating ‘law and order’ situations in the State. All these would be the consequences leading to a ‘haphazard State’ where everyone is doing at his own wishes. Such dangerous would be the consequences- if there would be no power in the decree, orders and in the decisions of the Court. Power is a very essential part of human life and cannot be separated from human’s personality. Men from the very beginning of his life presupposes himself as a superior being and want to be superior than others, but still misses in becoming so, because some powers are still missing within it, which are present in others. Nature has created every organism with the utmost care hence, nobody can entirely dominate the world nor can be an absolute being among others. According to Aristotle, ‘quality of a person dominates another person’, who is inferior to the qualities of former, so master and servant relations are justified’. Here, we can observe that without power (quality) the relation of master and servant is impossible. Another good example of power’s significance is this quotation: “Man is born free and everywhere he is in chains. Many a one believes himself the master of others and yet he is a greater slave than they”, why Jean Jacques Rousseau said this? Both Aristotle and Rousseau’s points have same footings and one argument in their favour is that-the virtue of power and its intensity differs in every human being or we can say that every finger of a hand is never equal. Though, power is an essential concept but still with the polluted human-wants i.e. going ultra-vires, it gets perverted & results in tyranny. When any person acts ultra-vires to its interest then trespasses the ‘rule of law’ and according to liberal concept of Justice, “the rule of law, as distinguished from rule of men, is the first condition of justice”. So power must be qualified by rule of law or it would be straight-wise a tyranny in one or another form.

Power always pretends to be a dangerous thing only when it is exercised; juridically it is a matter of one’s liberty. Liberty begins where duty ends and it is the residue left untouched by Judges & Legislators on a matter. So there are mainly two types of liberties: 1.Which is recognized by law, for e.g. ‘Parliamentary privileges’ in debates & ‘judicial privileges’, both connote the absence of a duty not to utter defamatory statements. Secondly: 2.which is not recognized by the law. So the limit over the power is needed i.e. Rule of law restraining such powers. Everyone should exercise his powers by limiting himself in the purview of “rule of law”.
Justice has been derived from the word ‘justitia’ a Latin term that means idea of joining or fitting, the idea of bond or tie. Primarily, Justice—the idea of joining or fitting is between man and man in an organized system of human relations. Justice as a concept has varied interpretations but not even a single definition is able to satisfy its soul. Justice as a concept has many dimensions: social, political, economic etc, but here we will discuss about the legal dimension only. In legal dimension of Justice: Positive-law (as the declared will of the State) is the most obvious dimension of justice. According to it, legal codes enacted by the State and supplemented by the customary rules observed by the community define the content of justice in any given society. The Constitution and Acts of the Legislature delimit the legal dimension of justice prevalent in any country.

The Sophists firstly, in ancient Greece had defined justice as the interest of the stronger. They argued that in every society the social group, which was militarily strong or economically rich, was able to impose laws on the poorer & weaker but Plato emphasized on the moral element in justice. In his idealistic theory of justice, he defined justice as a virtue to be cultivated by society through subordination of the irrational masses of producers to the brave class of warriors and the rational class of philosopher-rulers. Aristotle has held that justice consists in an equality of proportion between person and things assigned to them. After rationalizing all eminent personalities and their comments we can say that Justice is a very broader and dynamic concept which is changing its form without destroying its basic structure i.e. moral nature. Justice is the ultimate rational answer to every dispute which is in between man and man, man and persons or man and State etc. and in the court it is the sacred goal of every judge representing nobody but goodness, a virtue i.e. Justice. Though Justice-concept always revolves around the concepts like freedom, liberty, equality, power etc. but it does not mean that it is same as liberty or freedom. Justice gets affected by all these concepts somewhere. These all are the absolute concepts & consists of rights and duties with the combination of which, what is just and unjust- is determined. While exercising freedom, generally we have a habit of looking at our rights only, no body even thinks of the duties which are engraved in our ‘Constitution of India’. In the same manner, when the power is exercised by anyone in the higher- position, that person forgets the purpose and sanctity of that office, slices the duties which were integral part of the rights lying within the power and ultimately which results in tyranny. From this, we can also deduce that- the concept of Welfare State although came with vibrant colors of hope, giving lot of stress to the concepts like-liberty, freedom, equality etc, but now these concepts have started giving its side-effects and it is one of them. The need is to have restraint upon the powers with indefinite extent so as to put positive impact of power. Unfortunately, after clarity of thought as drawn by John Acton (i.e. “Power corrupts and absolute power corrupts absolutely”;) still every organ of Government needs power and cannot work without power. The Executive is the
implementing authority, which has to implement the laws encoded by the Legislature. But in Executive’s case if it wouldn’t be given enough power then, who will follow laws of the land? Thereafter when it comes to the administration of justice (enforcement of rights of people) there comes a need of a verb i.e. ‘power’ and when it get qualified with verb ‘power’, then Justice becomes efficient as well as purposeful, because no men want laws which are restricting his/her rights. What is really needed today is to work under the restrictions of ‘principles of natural-justice’ and keeping under the check all law implementing-authority. **Power is needed, but duties imposed thereto its usage also have to be strictly dealt with & then only the purpose of justice could be achieved.** Therefore, the impact of the title (i.e. “Justice without power is inefficient; power without justice is tyranny”) can be illustrated in the following words: “the river which flows within its natural area always takes away heart of the millions of people while the same river when crosses its normal boundary it becomes the ‘bloody-flood’ taking away the life of billions of people”. In every democratic State, where the concept of ‘Welfare State’ has started growing and consequently led to empowerment of executive authorities of the State, there it has become need of the hour to prevent power from getting perverted.