WHEN THE LETTER BETRAYS THE LAW:

BETWEEN LEGAL CERTAINTY AND THE SPIRIT OF JUSTICE

by

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ABSTRACT

Legal systems promise two goods that do not always travel together: certainty, the assurance that rules mean what they say and will be applied as written, and justice, the substantive fairness that rules are meant to serve. This paper examines the recurring jurisprudential crisis that arises when strict adherence to statutory text produces outcomes that offend the purposes the law was enacted to achieve. Drawing on the positivist tradition of Kelsen and Hart, the equity tradition traced to Aristotle, Gustav Radbruch's post-war reappraisal of statutory positivism, and the Hart–Fuller debate, the paper maps the theoretical terrain on which formalism and purposivism contend. It then examines landmark and illustrative cases in which literal interpretation collided with substantive justice, including Riggs v. Palmer, the English "golden rule" cases, the jurisprudence of the Radbruch formula in post-1945 German courts, and the Indian Supreme Court's own oscillation between literalism and purposivism across ADM Jabalpur, Maneka Gandhi, Kesavananda Bharati, Vishaka, and Navtej Singh Johar. The paper argues that neither pure formalism nor unconstrained judicial equity is defensible, and proposes a disciplined model of purposive interpretation, bounded by reasoned justification, precedent, and institutional review, as the most stable reconciliation of legal certainty with the spirit of justice.

Keywords: *legal formalism; legal positivism; equity; statutory interpretation; Radbruch formula; rule of law; purposivism; natural law*

I. Introduction

Every legal system faces a moment, sooner or later, when the words of a rule and the purpose behind it come apart. A statute drafted to prevent one harm is invoked to shield another. A contract clause, read literally, defeats the very bargain it was meant to record. A criminal provision, applied to the letter, punishes conduct its drafters never contemplated and would have recoiled from criminalizing. In each instance, a judge, official, or citizen confronts the same unsettling question: should the law be obeyed because it is the law, or should it be read, bent, or even set aside because obeying it would work an injustice?

This tension is not a marginal curiosity of legal theory; it is one of the oldest and most persistent problems in the philosophy of law. It appears in Aristotle's discussion of equity, in the medieval maxim that the letter kills but the spirit gives life, in the positivist insistence that law and morality are conceptually distinct, and in the anguished reassessment of legal theory that followed the collapse of Nazi Germany, when jurists were forced to ask whether statutes enacted by a lawful legislature and applied by properly appointed judges could nonetheless be so unjust as to forfeit the title of law altogether.

This paper argues that the conflict between the letter and the spirit of the law cannot be resolved by abolishing either value. Legal certainty is not a bureaucratic convenience; it is a precondition of the rule of law, of equal treatment, and of the citizen's ability to plan a life within known boundaries. Substantive justice is not a sentimental afterthought; it is the reason legal rules are made in the first place, and a legal order that systematically produces unjust results forfeits much of its claim to obedience. The task of legal theory and legal practice alike is therefore not to choose between certainty and justice but to build interpretive and institutional structures that minimize the frequency and severity of their collision, and that discipline the response when collision proves unavoidable.

The paper proceeds in five further parts. *Part II* sets out the case for the letter of the law, rooted in the positivist and rule-of-law traditions. *Part III* sets out the case for the spirit of the law, rooted in the Aristotelian doctrine of equity and the natural law tradition. *Part IV* examines concrete cases and historical episodes in which the letter and the spirit diverged, and the discipline drew different conclusions each time. *Part V* surveys the principal interpretive methodologies, textualism, purposivism, and the mischief and golden rules that courts use to manage the tension day to day. *Part VI* proposes a synthesis: a model of disciplined, institutionally bounded equity. *Part VII* concludes.

II. The Architecture of Certainty: The Letter of the Law

2.1 The Rule of Law and the Value of Predictability

The case for reading law literally begins with the rule of law itself. A legal system that applies rules as written, rather than as a judge subjectively believes they ought to have been written, gives citizens the ability to know in advance what is required, permitted, and forbidden. This predictability is not a minor procedural virtue. It underwrites contractual exchange, protects citizens from the arbitrary exercise of official power, and treats cases alike by removing outcomes from the discretion, sympathies, or prejudices of individual decision-makers. Max Weber's account of formal legal rationality captured this logic: modern law, unlike the personalized justice of pre-modern courts, derives its authority precisely from its systematic, rule-bound, and impersonal character.

Legal certainty also has a distributive dimension. Discretion exercised in the name of justice is not exercised equally; it tends to favor litigants who share the interpreter's values, articulate their claims persuasively, or appear before a sympathetic judge. A rule applied strictly, by contrast, in principle protects the powerless as much as the powerful, since it cannot be bent by either. This is the seed of the classical liberal suspicion of judicial equity: that a judge licensed to depart from the text in the name of justice has effectively been licensed to substitute personal judgment for law.

2.2 The Positivist Case: Kelsen and Hart

Legal positivism gives this intuition its most rigorous theoretical form. Hans Kelsen's pure theory of law insisted on a strict separation between the validity of a legal norm and its moral merit; a rule's status as law depends on whether it was created in accordance with the procedures set out in a hierarchically superior norm, not on whether it is good or wise. H. L. A. Hart, writing a generation later, softened Kelsen's formalism but preserved its central commitment: a legal system, for Hart, is constituted by a union of primary rules of obligation and secondary rules, chiefly a rule of recognition, that specify how valid law is identified. Whether a particular statute is unjust may be a reason to criticize or reform it, but on the positivist view it is not, by itself, a reason to deny that it is law or to license officials to disregard it.

Hart defended this separation partly on the ground of intellectual clarity, but partly on a moral ground as well: conflating law with morality, he argued, actually weakens the capacity for moral criticism of law, because it tempts citizens and officials to assume that whatever is legally valid must also be just. Keeping the two categories distinct, in this view, keeps the critical question, is this law good?, visibly open, rather than allowing legal validity to launder a rule's moral legitimacy. This is the deepest version of the case for the letter: fidelity to text is not merely administratively convenient, it is what preserves the possibility of principled dissent from unjust law, because it prevents the law's factual existence from being confused with its moral worth.

III. The Claims of Justice: The Spirit Behind the Text

3.1 Aristotle and the Doctrine of Equity

The opposing tradition begins earlier still. In the Nicomachean Ethics, Aristotle observed that all law is necessarily general, because a legislator cannot foresee every particular situation a rule will eventually govern. When a case arises that the legislator would have expected had it been foreseen, strict application of the general rule produces an error, not because the law was badly made, but because all general rules are inherently unable to anticipate every case. Aristotle's remedy was epieikeia, usually translated as equity: the corrective practice of applying a rule not as its bare words demand but as the lawgiver would have written it had the particular case been in view. Equity, on this account, is not a departure from law but a completion of it, a way of being more faithful to the legislator's purpose than literal application would allow.

This idea recurs across legal traditions in different dress: in the English Court of Chancery's historical role of softening the rigor of the common law; in the Roman distinction between the strict ius civile and the more flexible standards of ius gentium and bona fides; and in the medieval Christian formula, drawn from Saint Paul, that the letter kills but the spirit gives life, later secularized into a general maxim of statutory construction.

3.2 Natural Law, Purpose, and the Limits of Text

The natural law tradition presses the point further, arguing that a norm's claim to be law depends, at least in extreme cases, on some minimal conformity to justice. Lon Fuller, writing in direct dialogue with Hart, argued that law possesses an internal morality, a set of procedural virtues, including generality, publicity, prospectivity, clarity, consistency, and congruence between rules as announced and rules as applied, without which a system of rules does not function as law at all, whatever it is called. On Fuller's account, a regime that routinely defeats its own announced rules through secret directives, retroactive punishment, or systematic incongruence between text and practice has failed as a legal system on its own terms, independent of any external moral standard.

Ronald Dworkin, writing a generation after Hart and Fuller, offered a further refinement. Legal reasoning, Dworkin argued, is not exhausted by identifying valid rules; it also draws on background principles of political morality that best justify the existing body of law, and a judge deciding a hard case is obligated to interpret statutes and precedents in light of those principles rather than the bare semantic meaning of a text. On this view, purpose is not an external constraint imported to correct the law from outside; it is part of what the law, properly understood, already is.

IV. Fault Lines: When Literalism Fails

4.1 *Riggs v. Palmer* and the Limits of the Bare Text

Few cases illustrate the collision more starkly than *Riggs v. Palmer*, decided by the New York Court of Appeals in 1889. A grandson, named as a beneficiary in his grandfather's will, murdered the testator to prevent him from changing it. Nothing in the statute governing wills disqualified a murdering heir from inheriting, and a strictly literal reading would have entitled him to the estate. The majority nonetheless denied him the inheritance, reasoning that no statute should be construed to permit a person to profit from his own wrongdoing, a principle the court treated as implicit in the legislative scheme even though absent from its text. The case became a touchstone for Dworkin's argument that legal reasoning routinely, and legitimately, reaches beyond enacted rules to the principles that justify them.

4.2 The Golden and Mischief Rules in English Law

English courts developed their own vocabulary for the same problem long before Riggs. Under the literal rule, judges give statutory words their plain, ordinary meaning even where the result seems harsh or absurd. The golden rule authorizes departure from that plain meaning where literal application would produce an absurdity, allowing the court to select a secondary, less absurd meaning the words can also bear. The older mischief rule, associated with Heydon's Case of 1584, directs judges to look behind the words to the specific defect, or "mischief", in the prior law that the statute was enacted to cure, and to construe the text so as to suppress that mischief and advance the intended remedy. The coexistence of three named rules within a single legal tradition is itself telling: it shows a system perpetually negotiating, case by case, how far fidelity to text should yield to the purpose text was meant to serve.

4.3 The Radbruch Formula and Statutory Positivism under National Socialism

The most consequential twentieth-century confrontation between letter and spirit arose from the collapse of the Weimar legal order and the crimes of the National Socialist regime. German courts and officials during the Third Reich frequently applied duly enacted statutes, including racial laws and decrees authorizing denunciation and extrajudicial killing, with formal correctness; the laws had been passed through recognized legislative channels and were, in a narrowly positivist sense, valid. After 1945, the legal philosopher Gustav Radbruch, who had himself been sympathetic to positivism before the war, concluded that this formal validity could not settle the question of what postwar courts owed to those laws. He proposed what became known as the Radbruch formula: enacted law generally retains its claim to validity and to judicial obedience even when unjust or poorly drafted, but where a statute's conflict with justice reaches an intolerable degree, or where it deliberately disavows the principle of equality that is constitutive of justice itself, the statute must yield, and courts are entitled, even obligated, to treat it as void.

German courts invoked the Radbruch formula in the postwar decades to deny legal effect to Nazi-era statutes in cases including the prosecution of informers who had denounced others under laws that were themselves instruments of persecution, and later, after German reunification, in cases concerning the East German border guards who shot citizens attempting to cross the Berlin Wall in purported compliance with valid state law. The formula's legacy is contested. Hart himself, in his famous 1958 Harvard Law Review essay, argued that treating unjust statutes as never having been law obscures rather than clarifies the moral stakes, and that it would be more honest to say plainly that a valid law was, in this instance, too evil to obey, preserving the distinct questions of validity and obligation rather than collapsing them. The disagreement between Hart and Fuller that followed, conducted largely in the pages of the Harvard Law Review, remains one of the central set-pieces of twentieth-century jurisprudence, precisely because both sides agreed that formally valid Nazi statutes had betrayed justice, and disagreed only about what legal theory should say about that betrayal.

4.4 Formalism as Instrument: Apartheid and Beyond

The South African legal order under apartheid offers a related, if distinct, illustration. Apartheid was substantially built and administered through parliamentary statute, applied by courts that, on formalist grounds, frequently declined to inquire into the racial injustice the statutes codified, treating enactment through recognized procedure as sufficient for validity and application. Legal scholars examining this period, including critics writing from within the natural law and Dworkinian traditions, have argued that South African formalism was not a morally neutral methodology but one that provided a legal system with the vocabulary to describe systematic injustice as ordinary legal administration. The lesson generalizes beyond any single regime: literalist method is not politically inert, and its social consequences depend heavily on the substantive content of the rules it is used to enforce.

V. The Indian Experience: Constitutional Text and Constitutional Spirit

India offers an unusually rich record of the tension between letter and spirit, because its Constitution was drafted as an instrument of social transformation even as it inherited a common law tradition steeped in textual literalism. The Supreme Court's own doctrinal history can be read as a long, uneven struggle to bring constitutional text into alignment with constitutional purpose.

5.1 *ADM Jabalpur*: The Letter at Its Most Dangerous

The starkest Indian illustration of literalism's capacity for harm is *ADM Jabalpur v. Shivkant Shukla (1976)*, decided during the national Emergency. A Presidential Order under Article 359 had suspended the right to move any court for enforcement of certain fundamental rights, including Article 21's guarantee of life and personal liberty. A majority of the Supreme Court read this suspension literally and expansively, holding that detenus could not invoke habeas corpus even to challenge detentions that were mala fide or wholly without legal authority, in effect concluding that during the Emergency the state could deprive a person of life or liberty without any judicial remedy at all. Justice H. R. Khanna's lone dissent insisted that the right to life and personal liberty existed independently of Article 21 and could not be extinguished merely because its enforcement mechanism had been suspended; he paid for that dissent with his seniority for Chief Justice. The majority judgment is now widely regarded, and was itself formally disapproved by a nine-judge bench in *K. S. Puttaswamy v. Union of India (2017),* as the clearest instance in Indian constitutional history of the letter of an order being followed into a result that betrayed the purpose the Constitution was written to secure.

The human cost of the majority's position was considerable. According to a government factsheet drawing on the Shah Commission's findings, approximately 1,10,000 persons were detained without trial under preventive detention laws during the Emergency, encompassing opposition leaders, trade unionists, student activists, and journalists.[1]

5.2 From *Maneka Gandhi*: Reading Justice Back Into the Text

Two years after *ADM Jabalpur*, the Court began the long correction. Article 21 protects life and personal liberty save according to "procedure established by law", language the Constituent Assembly had deliberately chosen over the American "due process of law" to avoid importing substantive judicial review of legislative procedure. In *Maneka Gandhi v. Union of India (1978)*, concerning the impounding of a passport without a hearing, the Court held that any procedure depriving a person of liberty must itself be fair, just, and reasonable, and not arbitrary or fanciful, effectively reading a substantive due process requirement into a text drafted to exclude one. The decision also held that Articles 14, 19, and 21 are not mutually exclusive but form an integrated scheme of guarantees, testing one against the others. This purposive re-reading of "procedure established by law" became the foundation for decades of subsequent rights expansion, including the recognition of a fundamental right to privacy in *Puttaswamy*, and stands as a direct doctrinal repudiation of the literalism that had prevailed in ADM Jabalpur.

[1] Press Information Bureau, 'The Emergency in India' (Government of India, 25 June 2025) <https://www.pib.gov.in/FactsheetDetails.aspx?Id=149224&reg=3&lang=1> accessed 31 August 2026. The aggregate detention figures are drawn from the Shah Commission's findings as summarised therein.

Legal scholars have identified *Maneka Gandhi* as the moment when the Supreme Court reconceived its institutional role in relation to fundamental rights. As one commentator writing in the *Indian Journal of Law and Legal Research* has observed, the decision signalled a decisive shift away from a compartmentalized reading of constitutional guarantees toward an approach in which the procedural, substantive, and relational dimensions of liberty would henceforth be tested concurrently rather than in isolation. This interpretive turn produced a cascade of subsequent doctrinal expansions through which the Court located within Article 21 a range of rights whose textual basis in that provision was no less indirect than the due process component that *Maneka Gandhi* itself implied.[2]

5.3 *Kesavananda Bharati* and the Basic Structure Doctrine

A parallel struggle unfolded over the constitutional amending power itself. Article 368, read literally, appears to place no substantive limit on Parliament's power to amend any part of the Constitution, including the fundamental rights chapter. In *Kesavananda Bharati v. State of Kerala (1973),* a thirteen-judge bench, by a narrow majority, held that this literal grant of amending power is nonetheless bounded by an unwritten limit: Parliament cannot amend the Constitution so as to destroy its "*basic structure"*, including features such as judicial review, federalism, secularism, and the rule of law. The doctrine has no explicit textual source in Article 368; it was derived from the Court's sense of what the Constitution, as a coherent scheme, must be taken to protect even where its words do not say so. Basic structure review has since been invoked to strike down constitutional amendments, an audacious assertion that constitutional spirit can override even the literal text of the amending clause, and it remains one of the most consequential examples anywhere in comparative constitutional law of a court subordinating text to an inferred, higher-order purpose.

Academic commentary has consistently identified the basic structure doctrine as among the most consequential acts of purposive constitutional interpretation in the post-war common law world. As scholars writing in the *International Journal for Legal Research and Analysis* have observed,

[2] Noorin Jahan, 'The Maneka Gandhi Revolution: Transforming Article 21 and Redefining Fundamental Rights in India' (2025) *Indian Journal of Law and Legal Research* <https://www.ijllr.com/post/the-maneka-gandhi-revolution-transforming-article-21-and-redefining-fundamental-rights-in-india> accessed 31 August 2026.

the doctrine transforms Article 368 from what its text presents as an unlimited constituent power into a bounded legislative competence whose outer limits are determined by ongoing judicial interpretation. The doctrine thereby positions the judiciary not merely as a faithful reader of constitutional text but as the continuous custodian of constitutional purpose, responsible for identifying and protecting features the Constitution requires even where they are not expressly enumerated.[3]

5.4 *Vishaka*: Judicial Legislation and the Purposive Filling of Gaps

Indian courts have also used purposive reasoning affirmatively, to supply rules the legislature had not yet enacted. In *Vishaka v. State of Rajasthan (1997),* confronted with the absence of any domestic law on workplace sexual harassment, the Supreme Court drew on India's obligations under the Convention on the Elimination of All Forms of Discrimination Against Women and, invoking Articles 14, 19, and 21 together with its power under Article 32, laid down enforceable guidelines to govern workplaces until Parliament legislated, which it eventually did in 2013. Vishaka is frequently cited as an instance of judicial legislation, a court filling a legislative vacuum in service of constitutional purpose rather than waiting on a text that did not yet exist. Article 142, which empowers the Supreme Court to pass any order necessary for "complete justice" in a matter before it, gives this kind of equitable intervention an explicit textual anchor unusual among the world's constitutions, effectively writing the Aristotelian correction of law's generality directly into the constitutional text.

The gap between judicial fiat and legislative action was, in this instance, substantial. The International Bar Association has noted that it took sixteen years after the *Vishaka* judgment for Parliament to enact the Sexual Harassment of Women at Workplace (Prevention, Prohibition and Redressal) Act, 2013, during which period compliance with the Court's directions was uneven and several States failed to implement the guidelines, prompting further judicial directions requiring compliance reporting. The episode illustrates both the utility and the inherent fragility of purposive judicial gap-filling: where the authority to bind derives from the Court's construction of

[3] Zeenya Jestin, 'Amendments, Authority, and Accountability: A Critical Perspective on the Basic Structure Doctrine' (2025) *International Journal for Legal Research and Analysis* <https://www.ijlra.com/details/amendments-authority-and-accountability-a-critical-perspective-on-the-basic-structure-doctrine-by-zeenya-jestin> accessed 31 August 2026.

constitutional purpose rather than from an enacted statutory framework, enforcement depends on continued judicial vigilance rather than on self-executing legal mechanisms.[4]

5.5 *Navtej Singh Johar*: Reading Down the Letter to Restore the Spirit

A final illustration shows the same interpretive method resolving a decades-long controversy in the opposite direction from ADM Jabalpur. Section 377 of the Indian Penal Code, framed in colonial-era language, criminalized "carnal intercourse against the order of nature", and had been read by the Supreme Court in *Suresh Kumar Koushal v. Naz Foundation (2013)* to apply literally to consensual acts between adults, on the reasoning that the provision's text drew no distinction based on consent and that only Parliament could rewrite it. Five years later, in *Navtej Singh Johar v. Union of India (2018),* a five-judge bench overruled Koushal and read down Section 377 to exclude consensual conduct between adults, holding that constitutional morality, rooted in the values of dignity, autonomy, and equality that animate the Constitution, must prevail over both social morality and a bare textual literalism that Parliament had never revisited. The case captures, in miniature, the entire argument of this paper: the same statutory words persisted unchanged across both decisions, and what changed was the Court's willingness to read those words in light of the purpose the constitutional scheme was designed to serve.

The *Navtej Johar* judgment's introduction of constitutional morality as a jurisprudential counterweight to social morality has attracted sustained academic interest. Commentators have observed that this framework functions as an explicitly purposivist device: where a statutory provision had persisted unrevised by Parliament and where prevailing social attitudes remained hostile, the Court treated the constitutional scheme's commitments to dignity, autonomy, and equality as the operative standard against which the provision's continued application was to be assessed. The decision thereby marks a maturation in Indian purposivist reasoning, shifting the enquiry from the original intent of the legislature toward the ongoing normative requirements of the constitutional order as a whole.[5]

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[4] International Bar Association, 'India's Workplace Sexual Harassment Law: A Decade On' (International Bar Association, 2023) <https://www.ibanet.org/india-decade-of-posh-act> accessed 31 August 2026.
[5] R Vinaykumar, 'Navtej Singh Johar v Union of India: Decriminalising India's Sodomy Law' (2020) 24(8) *International Journal of Human Rights* 1 <https://www.tandfonline.com/doi/abs/10.1080/13642987.2019.1690465> accessed 31 August 2026.

VI. Interpretive Strategies for Reconciliation

6.1 Textualism and Purposivism

Contemporary statutory interpretation theory largely organizes itself around the same axis. Textualism holds that judges should attend to the ordinary public meaning of a statute's words at the time of enactment, resisting appeals to legislative history, unstated purpose, or judicial intuitions about fairness, on the ground that the text is the only thing the legislature actually agreed upon and voted into law. Purposivism holds that statutory words are instruments for accomplishing legislative goals, and that those goals, discernible from structure, history, and context, should guide interpretation even where the bare words might otherwise point elsewhere. Neither camp is naive: sophisticated textualists concede that context fixes meaning and that absurd literal readings are rarely, if ever, what any competent drafter intended, while sophisticated purposivists concede that judicial invocation of unstated purpose can become a vehicle for imposing the judge's own preferences under cover of legislative intent.

6.2 Proportionality and Constitutional Balancing

Constitutional courts in much of the world, particularly in the tradition descending from German constitutional jurisprudence and now widespread across Europe, Canada, and elsewhere, have developed proportionality analysis as a structured method for testing whether a rule's application to a particular case is a justified means of pursuing its legitimate end. By requiring that a measure be suitable, necessary, and proportionate in the strict sense, balanced against the burden it imposes, proportionality analysis formalizes something close to Aristotelian equity: it asks not merely whether a rule technically applies but whether its application in this instance is a rationally justified way of serving the purpose the rule exists to serve.

India’s own Supreme Court has in recent years formally adopted a structured proportionality test as the framework for reviewing restrictions on fundamental rights. Academic literature has, however, raised questions about the consistency with which the test is applied in practice. Writing in the *Oxford University Human Rights Hub Journal*, Aparna Chandra has argued that the Court’s engagement with the doctrine has been episodic rather than systematic, with some decisions substituting a looser reasonableness inquiry for the structured four-part analysis that the doctrine properly requires. This diagnostic is directly relevant to the broader argument of this paper: interpretive discipline of the kind that purposivism demands is only as effective as the institutional practices through which it is consistently implemented.[6]

6.3 What the Hart–Fuller Debate Still Teaches

The enduring value of the Hart–Fuller exchange is not that either side won outright, but that it clarified what is actually at stake in choosing an interpretive method. Hart's insistence on separating validity from morality protects the capacity to say clearly that a rule is legally valid and nonetheless wicked, preserving space for principled disobedience without redefining law itself. Fuller's insistence on law's internal morality protects against a different danger: a legal culture so committed to formal validity that it loses the vocabulary to explain, from within legal reasoning itself, why a regime of secret decrees and retroactive punishment fails to deserve the name of law at all. A mature interpretive practice needs both insights: the discipline to distinguish valid law from good law, and the honesty to recognize that some purported laws are so defective in their basic structure that calling them law obscures more than it reveals.

VII. Toward a Disciplined Equity

The historical and theoretical record counsels against two symmetrical errors. Unbending literalism treats legal certainty as an end in itself, forgetting that predictability has value chiefly because it serves the citizens who rely on it, and that a rule applied against its own evident purpose serves no one's legitimate expectations. Unbounded equity treats justice as self-evidently accessible to the individual judge, forgetting that the very appeal of the rule of law lies in removing outcomes from the discretion of whoever happens to be deciding, and that a judiciary licensed to depart from text whenever it judges the result unjust has effectively appointed itself an unaccountable second legislature.

[6] Aparna Chandra, 'Proportionality in India: A Bridge to Nowhere?' (2021) *Oxford University Human Rights Hub Journal* 1 <https://ohrh.law.ox.ac.uk/wp-content/uploads/2021/04/U-of-OxHRH-J-Proportionality-in-India-1.pdf> accessed 31 August 2026; Prannv Dhawan, 'Doctrine of Proportionality in India: Culture of Justification or Culture of Deference?' (2026) *International Journal of Law Management & Humanities* <https://ijlmh.com/article/view/doctrine-of-proportionality-in-india-culture-of-justification-or-culture-of-deference> accessed 31 August 2026.

A more defensible position treats purposive interpretation as the default method, but subjects departures from plain text to institutional discipline along at least four dimensions. *First*, reasoned justification: a court that departs from literal meaning should be required to identify, with reference to structure, history, or evident statutory purpose, why the departure is warranted, rather than invoking justice as an unexplained trump card. *Second*, precedent and consistency: equitable departures should be treated as reasoned exceptions that themselves become rules for future cases, rather than one-off exercises of discretion, so that the system does not trade one form of unpredictability for another. *Third*, institutional layering: appellate review, constitutional courts, and, where available, legislative correction provide checks against any single decision-maker's idiosyncratic sense of justice, distributing interpretive authority rather than concentrating it. *Fourth*, a substantive floor: consistent with the Radbruch formula's narrower reading, formal validity should be treated as defeasible only at the extreme, where a rule's injustice is intolerable or where it abandons the premise of equal treatment that underlies the very idea of law, rather than whenever a rule seems merely suboptimal or unwise.

This synthesis does not eliminate the tension between certainty and justice; no theoretical framework can, because the tension is built into the nature of general rules applied to particular cases. What it offers instead is a disciplined practice for managing that tension: one that treats the text as the primary and presumptively authoritative expression of legal purpose, that reserves departure from text for cases where literal application would betray that purpose so clearly that continued adherence to the letter would itself become a kind of bad faith, and that channels even justified departures through reasoned, reviewable, and precedent-generating decision-making rather than unstructured judicial conscience.

VIII. Conclusion

The letter of the law and the spirit of justice are not natural enemies; in a well-functioning legal system, the letter is simply the spirit made public, stable, and enforceable. The crisis this paper has examined arises only when that relationship breaks down, when text and purpose come apart because the legislature failed to foresee a case, because language proves more rigid than the situation it was meant to govern, or, in the gravest instances, because the law was never really aimed at justice to begin with. Riggs v. Palmer, the English rules of construction, and the postwar reckoning with Nazi statutory positivism each show a legal culture recognizing, in its own idiom, that fidelity to enacted text cannot be the final word when that fidelity would betray the very purposes law exists to serve.

At the same time, the twentieth century's darkest legal episodes were made possible not only by unjust statutes but by officials all too willing to treat any duly enacted rule as self-justifying, and the remedy for that failure cannot be a jurisprudence that hands equivalent latitude to every judge's private sense of right and wrong. The task for legal theory and legal practice alike is to keep both lessons in view at once: to insist that law's authority depends on more than its pedigree, while insisting equally that the correction of unjust or ill-fitting rules proceeds through disciplined, reasoned, and institutionally accountable interpretation rather than through the unconstrained discretion the rule of law was built to contain. It is in holding that balance, imperfectly but deliberately, that a legal system earns the right to call itself just.

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