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Summary Judgment in Herman Melville's *Billy Budd**

Carol Colatrella**

Billy Budd, Melville's final fiction (written in the late 1880s, posthumously published in 1924), presents the life of the ordinary sailor Billy Budd whose impressment and death evoke issues of justice and moral character without resolving them, for the narrative's poetic style and contradictory historical references complicate any reading.¹ As Barbara Johnson elegantly argues, the fiction "problematizes the very idea of authority by placing its own reversal in the pages of an 'authorized' naval chronicle," and thereby resists summary judgments.² Certain stylistic features of the narrative — hesitation, ellipsis, lacunae of silence, as termed by James Duban and William J. Scheick — mark the story as a poetic fable about the law, human and divine, and raise questions rather than providing answers about whether justice is served.

Historical details link *Billy Budd* to accounts of the Somers mutiny, which had ended the naval career of Melville's cousin, Guert Gansevoort, and which had resurfaced in contemporary journals during the period Melville composed the novella, but the fiction goes beyond providing an interpretation of Gansevoort's actions³ Early critical reviews of the

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- 1 Variant texts of Melville's novella have encouraged different critical interpretations. Even if critics read the same text, that is not *Billy Budd, Foretopman* but *Billy Budd, Sailor*, as reconstructed by Harrison Hayford and Merton Sealts in 1962, consensus on meaning and significance remain elusive. See Hershel Parker, *Reading "Billy Budd"* (Chicago: Northwestern University Press, 1990), p. 7.
- 2 Barbara Johnson, "Melville's Fist: The Execution of *Billy Budd*", in *The Critical Difference: Essays in the Contemporary Rhetoric of Reading* (Baltimore: Johns Hopkins University Press, 1980), p. 81.
- 3 See James Duban and William J. Scheick, "The Dramatis Personae of Robert Browning and Herman Melville", *Criticism*, 23 (Spring 1990), 2: pp. 221–240. For an account of Gansevoort's participation in the Somers mutiny case and similarities to the case represented in *Billy Budd*, see Michael Rogin, *Subversive Genealogy* (Berkeley: University of California Press, 1985), chapter 9, and Brook Thomas,

novella focus on Billy's misfortune in being condemned to death by his captain for inadvertently killing the master-at arms John Claggart, while later analyses concentrate on the somewhat duplicitous and self-serving roles played by Captain Vere and Claggart. Resisting the impulse to settle the case, I find interpretations based on endorsing a particular character's guilt or innocence to fall short because they are limited by the biases of whomever is judging the case — character, narrator, and reader. Instead, our attention should be drawn to the murkiness of crime and the inadequacy of judgment to cope with its mysteries.

Melville's text criticizes how narrow legal interpretations restrict facts and determine outcomes, suggesting every trial is more complicated than definitive judgments of guilt or innocence imply because circumstances surrounding an event considered to be a crime elude comprehensive understanding. Questions left unanswered at the end of *Billy Budd* concern the guilt of three primary characters: How should we judge Claggart, as devious plotter or concerned officer? Did Billy commit a capital crime in striking down his accuser with one blow or were his actions accidentally provoked? Should Vere have structured the arrest, incarceration, trial, and verdict of Billy in the way he did, or should he have taken a more protective stance toward the accused, as the surgeon is inclined? Do Claggart's and Vere's actions against Billy prejudice readers against these officers, or do other circumstances mitigate against criticizing them?

These questions raise social, moral, and educational issues familiar to nineteenth-century criminal justice reformers. Melville's references to "natural" inclinations of different characters such as Claggart's mysterious depravity, Budd's naive honesty, and Vere's precipitous action recall late-nineteenth-century discussions of the biological features of criminals. Criminal anthropology developed as a discipline in the latter part of the century in Europe and America; its adherents concentrated on determining physical and mental factors associated with criminality. Melville's descriptions of primary characters focus include narrative epithets incorporating physical features and moral judgments. The repeated epithets provide narrative clues linking action to morality for the reader, offering information about who plots against whom and for what purpose.

Billy Budd centers on legal issues raised after a crime has been committed, most notably determining the appropriate judgment and punishment of the offender. The novella ostensibly presents a straightforward naval history of one legal case, but the story is offered by

a narrator whose information is partial and in flux. The fiction unreliably accounts for ideological perspectives, psychological motivations, and even actions of Budd, Vere, and Claggart, making the reader's judgments of their characters and of the propriety of Billy's execution problematic.⁴ The story documents how those in charge claim to follow protocol but also adapt statutes and legal procedures to fit the wartime circumstances, preserving authority of the leadership, regardless of costs to certain individuals.

Depicting divergent testimonies, *Billy Budd* demonstrates how literature, even better than actual cases according to law professors, can articulate ethical quandaries raised by the law, particularly the problem of inequity.⁵ Richard Weisberg and Richard Posner, among others, analyze Melville's novella as a critique of legal reasoning. Weisberg sees Billy as unfairly treated by those in authority and considers Vere's legal errors as stemming from his "hidden motives," including the species of moral insanity the narrator attributes to the captain.⁶ In turn, Posner defends the captain's motivations and actions.⁷ Others consider law in broader social terms by relating narrative commentary on legal issues to criminal justice theories and practices in Melville's time. Following Michael Rogin's line of argument concerning family connections and anxieties about revolutions and their aftermath, Brook Thomas links *Billy Budd* to the aftermath of the Somers affair and to a controversial homicide case decided by Judge Lemuel Shaw, Melville's father-in-law, finding compelling similarities between Vere's conduct and the criticism directed at Shaw's oversight of John Webster's trial for the murder of Dr. George Parkman, for both Vere and Shaw stood accused by critics of "manufacturing law for the occasion and of swerving from the path of judicial integrity."⁸ Bruce Franklin convincingly builds a case for how *Billy Budd* responds to late nineteenth-century debates concerning capital punishment, determining that Melville set the action in a period exemplifying the worst abuses of capital punishment and that he interpolated references to contemporary uses of capital punishment,

4 For example, see Merton Sealts, "Innocence and Infamy: Billy Budd, Sailor" in *A Companion to Melville Studies*, ed. by John Bryant (Westport, CT: Greenwood Press, 1986).

5 William Glaberson, "Best-Seller Account of a Lawsuit Spurs Law School Change", *New York Times* (December 26, 1998), Section A, page 1.

6 Richard H. Weisberg, *The Failure of the Word: The Protagonist as Lawyer in Modern Fiction* (New Haven: Yale University Press, 1984), pp. 133-176.

7 Richard A. Posner, *Law and Literature: A Misunderstood Relation* (Cambridge: Harvard University Press, 1988), pp. 132-75.

8 Thomas, *Cross-examinations of Law and Literature*, p. 205.

particularly regarding the racial disparity evident in its application (p. 340).⁹

Race and ethnicity are submerged in *Billy Budd*, but always present. Like *Moby-Dick*, *Billy Budd* identifies sailors and officers by their ethnic backgrounds, identifying the hierarchical chain of command as race — and class — based. The author's dedication to "Jack Chase, Englishman," points to national pride in ethnicity. The narrator begins the tale about Billy by recounting a memory of another Handsome Sailor: "a common sailor so intensely black that he must needs have been a native African of the unadulterate blood of Ham — a symmetric figure much above the average in height."¹⁰ This memory provides a snapshot of another sailor whose natural merits are acknowledged by his mates. The anecdote foretells what proves fatal for the much admired Billy: gifts and skills fail when judged by Vere's arid legal reasoning linking random act to inevitable consequence.

Both the African sailor and Billy are always watched by their peers and leaders because they are exceptional in terms of natural merits, but spectacle becomes surveillance. In Billy's case, it is this very "cynosure" that dooms him to be noticed by Claggart and to be assumed as a tragic figure by Vere. Billy's special skill of serving as peacemaker, initially noted by Captain Graveling on the Rights-of-Man, eventually undoes the poor boy on the Bellipotent, when Vere deems his death necessary to

9 As Franklin points out, "during the very years that Melville was composing the story — 1886–1891 — national and international attention was focused on climax of a century-long battle over capital punishment unfolding in the very place where Melville was living — New York State." (p. 22) Franklin illuminates Melville's interweaving of historical legal analysis and contemporary political criticism by outlining a list of concerns raised by the capital punishment debate and that are also considered in *Billy Budd*: "Which offenses, if any, should carry the death penalty? Does capital punishment serve as a deterrent to killing or as an exemplary model for killing? What are the effects of public executions? Is hanging a method of execution appropriate to a civilized society? Is an impulsive act of killing by an individual more — or less — reprehensible than the apparently calmly reasoned act of judicial killing? Is capital punishment essentially a manifestation of the power of the state? A ritual sacrifice? An instrument of class oppression? A key component of the culture of militarism? Participants on all sides of the debate seemed to agree on only one thing: that the most appalling moment in the history of capital punishment within modern civilization was the reign of George III in England." See H. Bruce Franklin, "*Billy Budd* and Capital Punishment: A Tale of Three Centuries", *American Literature*, 69 (June 1997), 2: pp. 337–359. For an historical analysis of Reconstruction-era transformations of the criminal justice system in the American South and the racial bias of administering justice, see David M. Oshinsky, "*Worse Than Slavery*": *Parchman Farm and the Ordeal of Jim Crow Justice* (New York: The Free Press, 1996).

10 Melville, *Pierre, Israel Potter, The Confidence-Man, and Billy Budd*, ed. by Harrison Hayford (New York: Library of America, 1984), p. 1353.

keep a potentially mutinous crew in line. Billy does keep peace even in death, for he is special and dispensable, and the narrative culminates in the sailor's sacrificial death, an event that links his human capacities with a divine function.¹¹

The topic of capital punishment as a ritual sacrifice bears on any discussion of Billy's execution, whether one's interpretation is based on an allegorical, religious, scientific, or social scientific framework. While some critics consider Billy's death as a necessary sacrifice made by the captain to preserve order on the ship, Joyce Adler argues "Billy is an offering Vere makes to Mars [god of war], an offering not demanded by law or ethics or even military necessity (Melville plainly eliminating these as Vere's felt motivations) but by his own obsession."¹² Even if we condemn Vere for influencing the judges with biased information about what the law and circumstances demand, there is still something to be said about how Billy's death, like his life, enables the king's authority to remain unchecked, and peace to reign aboard the *Bellipotent*; after all, the incidents occur during a time in which "it was not unreasonable to apprehend some return of trouble sporadic or general" (p. 1368), that is, another mutiny like that on the *Nore* would occur. The narrator recognizes the limitations of all opinions, those supporting Vere's decisions and the opposition, by noting that "the might-have-been is but boggy ground to build on" (p. 1366).

11 Certain points of the narrative link physiological and supernatural explanations without establishing a coherent resolution endorsing either. For instance, what happens to Billy's body during the execution? The contemporary scientific debate concerning how electricity works resonates with readers wondering about the emphasis on electrical impulses in *Billy Budd*, specifically regarding the narrator's comment on Billy's lack of spasmodic movement when he is hanged in chapter 26. The narrator describes Billy's hanging: "In the pinioned figure arriving at the yard-end, to the wonder of all no motion was apparent, none save that created by the slow roll of the hull in moderate weather, so majestic in a great ship ponderously cannoned" (p. 1427). The purser and the surgeon disagree regarding the most likely explanation for lack of perceptible movement. Their discussion leaves open the possibility that there might be a non-material and possibly supernatural explanation, encouraging critics who identify Billy's supernatural status as an iconic figure resembling Jesus Christ. Looking at a materialist explanation for Billy's end, Franklin summarizes evidence of converging debates in the 1880s over using electrocution as a method of capital punishment and concomitant issues concerned with employing AC or DC current, as scientific experts George Westinghouse and Thomas Alva Edison respectively endorsed (Franklin, pp. 342-344). Recalling the materialist explanations of the period regarding electricity, Melville's narrative incorporates an aura of wonder about physiological movement.

12 Joyce Adler, *War in Melville's Fiction* (New York: New York University Press, 1981), p. 165.

Whether we believe that Vere is a hero for keeping a rebellion down or whether we blame the captain for unfairly punishing an ordinary sailor, Billy functions in the text as a pharmakos, whose death is the price of social cohesion, a process not dissimilar to the judgments against marginals often meted out by criminal trials. Brook Thomas notes that anti-immigration sentiments pervaded Boston in the 1850s when many Irish defendants were judged guilty (p. 213), criminal decisions that helped pacify the civilian populace irritated with the large number and different values of immigrants. Billy's story provides a similar example of the cost of social peace and criticizes the morality of the community requiring a ritual sacrifice.

Considering late-nineteenth-century philosophical, religious, and social theories of ritual sacrifice, Susan Mizruchi¹³ notes that characters are typed in the fiction according to categories familiar to phrenologists (p. 154), that sacrifice in certain contexts displays "national loyalty" as "model dedication to [social] norms" (p. 162), and that criminality and sexual deviance appear in the text inextricably bound with sacrifice as desirable, necessary, and natural (pp. 183 and 185). But it is too easy to accept as "natural" what Melville wished to spotlight as individually desired and socially determined, just as he threw doubt on what "legal" might mean in the context of a captain who bends naval regulations to suit particular circumstances he discerns as critical, such as an incipient mutiny, and what "innocent" might mean in relation to a sailor hiding information about a mutiny. The word "innocent" takes on considerable meaning in the case of Billy, an impressed sailor who does not reveal some limited knowledge of the mutineers to save himself (and others) from punishment. Although Billy is innocent of acting against the crown, he does possess forbidden knowledge in that he has been approached by another impressed sailor and asked to join the mutiny.¹⁴ Vere's actions, like Billy's and Claggart's, are rendered as morally ambiguous in order to make the point that good and evil mix in all of us, according to Mizruchi. I extend her claim that *Billy Budd* supports vastly different ideological perspectives in arguing that the novella represents moral

13 Susan Mizruchi, *The Science of Sacrifice: American Literature and Modern Social Theory* (Princeton: Princeton University Press, 1998).

14 Susan Weiner, *Law in Art: Melville's Major Fiction and Nineteenth-Century American Law* (New York: Peter Lang, 1992), explores the story as a radical critique of legal reasoning. I am grateful to Deborah Johnson, whose discussion of forbidden knowledge in a different context, that of scientific expertise and public awareness, has helped me to clarify this point.

conflicts in order to reproduce them in readers, who try to resolve what the fiction leaves insoluble.¹⁵

Billy Budd is subtitled "an inside narrative," referring to the closed circumstances of the case: crime, trial, verdict, and punishment take place within the confines of the man-of-war, with the first three phases of the case taking place within the same chamber of the ship. The narrative is also inside in that it sketches psychological profiles of Billy, who inadvertently commits a crime, and Captain Vere, who rushes to the judgment phase of the case and therefore determines Billy's death sentence (what we can call an "inside" job). Alluding to the criminality of Claggart and his henchman Squeak, the novella explores how Billy stands accused of plotting to mutiny without offering a definitive judgment as to his guilt or whether execution was an appropriate punishment (pp. 1386–1387). That mutinous attempts seem to be falsely introduced to entrap Billy creates an ambiguous plot. Each reader tries to figure out what has happened (according to the narrator's limited information) and why events have been related by the narrator in certain ways (making use of omission, indirection, and conflicting sources). Readers are pressed to resolve the case and to figure out how one judges the fates of three men whose characters are elusive.

Melville's narrative suggests judgment of an individual's moral capacity or actions remains contingent on circumstantial and contextual readings. *Billy Budd* delineates processes we employ to reach moral judgment as constrained by our circumstances as readers: social position, education, history, and ideological predisposition. Each character is deemed blameworthy or innocent at different times by the narrator. The personalized narrator (he takes the perspective of an older, former officer looking back on a particularly troublesome episode during a dangerous time) concisely presents the essential nature of each primary character, but each man remains obscure.

There is an essential mystery about why Billy forgives those who have engineered his fate, about why Vere thinks more about the law than the human beings it serves, about who Claggart is and why he has such hatred for Billy. What remains salient is that while a case can be made to defend the behavior and actions of each, it is impossible to reach definitive judgments about all that fit together into a neat analysis. Despite Vere's effort to maintain forms, fiction does not oblige, as the narrator notes: "The symmetry of form attainable in pure fiction cannot so readily be achieved in a narration essentially having less to do with

15 For example, Geraldine Murphy describes and analyzes a variety of twentieth-century liberal perspectives on *Billy Budd* in "The Politics of Reading *Billy Budd*", *American Literary History*, 1 (Summer 1989), pp. 361–382.

fable than with fact. Truth uncompromisingly told will always have its ragged edges; hence the conclusion of such a narration is apt to be less finished than an architectural finial" (p. 1431). Readers evaluate evidence as members of a jury, for each "fact" must be incorporated in an interpretive narrative leading up to a conclusion of who ought to be punished.

As the early scenes of Billy's impressment point out, Claggart, Budd, and Vere function within an environment defined by rules of discipline and self-regulation and highlighting the subordination of all sailors, officers, and citizens to their king.¹⁶ Life on the *Bellipotent* evokes the nineteenth-century penitentiary, for each man is continuously monitored for any breach of rules. The story of Billy's entrance into, participation within, and elimination from the disciplinary order of that ship becomes a case testing the limits of law to impose punishment, of society to endorse class — and race — based theories of social superiority, and of narrative to speculate about plotting and characterization. Whether judges can accurately assess whether and how this accused should be punished becomes the central problem in the novella.

Billy's death sentence appears out of proportion with his crime until we recognize that from the moment Vere observes the effect of Billy's blow to Claggart, the outcome of the case is clear in the captain's mind. Both Vere's testimony as witness and his interpretation of the law as captain converge to make the guilty judgment and the death penalty inevitable for the court's members (the first lieutenant, the captain of the marines, and the sailing master), who recognize that Vere's description of the case predetermines verdict and sentence: "Quite aside from any conceivable motive actuating the master-at-arms, and irrespective of the provocation of the blow, a martial court must needs in the present case confine its attention to the blow's consequence, which consequence justly is to be deemed not otherwise than as the striker's deed" (p. 1412). The sailing master asks whether Billy could receive a mitigated penalty, but Captain Vere constrains the outcome of the court by noting that the choices are only to "condemn or let go" (p. 1416). Vere's determination that an officer was killed requires that the court sentence Billy to death, whatever the motivations of the "victim" or the accused, or the compassion of witnesses or judges.

¹⁶ Captain Graveling, who has been immensely pleased with Billy's ability to keep peace among what would otherwise be a fractious group of sailors on the merchant ship *Rights-of-Man*, deplors his loss of Billy to Ratcliffe when the lieutenant from the king's man-of-war *Bellipotent* takes the best man aboard the merchant ship for service in the royal navy.

Calling into question Vere's sanity in assuming Billy's inevitable fate, the narrator also excuses the members of the court by explaining that it is too "easy" to reconsider decisions made in time of war: "Forty years after a battle it is easy for a noncombatant to reason about how it ought to have been fought. It is another thing personally and under fire to direct the fighting while involved in the obscuring smoke of it. Much so with respect to other emergencies involving considerations both practical and moral, and when it is imperative to act" (pp. 1417-1418). The narrator defends military hastiness concerning the summary judgment but suggests that more considered evaluation might have yielded a different outcome.

Billy Budd's death sentence suggests the failure of theories and practices associated with capital punishment and with the practice and theory of moral rehabilitation in penitentiaries. Nineteenth-century theories of moral rehabilitation assumed instinctual tendencies in human beings toward good and evil and argued that appropriate activities — working, reflecting on exemplary texts, praying, and appropriately conversing with reformers — improved an individual's moral conscience and behavior.¹⁷ Melville's fiction describes how Claggart, and, in turn, Vere, who enforce the Bellipotent's regulations, rely on their authority and on legal statutes to entrap Billy, whose beauty makes him a spectacle and the center of attention. Striving to maintain order and discipline, the Bellipotent's leaders read all events in a manner that will allow them to exercise maximum force in protecting the stability of the King's navy, by blaming any individual who could be represented as deviating from practice, procedure, or protocol.¹⁸

Because the novella presents each primary character as an ambiguous blend of virtuous and duplicitous traits, it delineates how any man, even one essentially innocent, can be caught within a web of interpretations that doom him. It is all the more awful that it is right-thinking men who enforce the law in this case, for a relatively benign set of characters collaborate in sending the boy to his death. The moral ambiguity of character propels the plot forward, for the complex

17 Scott Christianson summarizes late-nineteenth-century philosophies of prison reform as replacing traditional penological beliefs stressing guilt and vengeance with notions of "reformation and a medical 'disease' approach that was aimed at treatment, improvement, and cure." Christianson reports on Northern efforts during the Reconstruction period aimed at correcting problems of prison management, specifically on the work of New York prison administrator Zebulon Brockway to grade conduct of prisoners. See *Liberty for Some: 500 Years of Imprisonment in America* (Boston: Northeastern University Press, 1998), pp. 178-180.

18 The exception to this rule is noted when Lieut. Ratcliffe only smiles when Billy bids farewell to the Rights of Man.

interaction of idiosyncratic personality types determine the result. *Billy Budd* represents human beings who are morally flawed in their predisposition, biases, and actions. At different moments in the text, the narrator suggests that analyzing heredity might help to resolve the mystery, noting that Billy, Claggart, and Vere are morally devious, acting in different ways, out of different motivations, and with different consequences based on their births.

In contrast to the occluded characterizations of Billy, Vere, and Claggart in *Billy Budd*, nineteenth-century prison reports include brief biographical sketches documenting in summary form how institutional measures rehabilitated the moral characters of prisoners. Reports issued by prison discipline societies in Philadelphia, New York, and Boston appended paragraphs delineating age, race, ethnicity, national origin, religion, crime, and emotional state for a number of prisoners. The biographical sketches of prisoners provided by observers offer such illustrations to supplement the claims of chaplains, wardens, and reformers regarding the general welfare of their charges.¹⁹

19 For example, Beaumont and Tocqueville include in *On the Penitentiary System in the United States and Its Application in France*, trans. by Francis Lieber (Philadelphia: Carey, Lea, and Blanchard, 1833) sketches of prisoners and excerpts of their transcribed conversations with prisoners in their appendix relating to their visit at Eastern State Penitentiary (specific convict numbers were omitted, presumably for privacy):

N° 00 – Age forty years; has been in the penitentiary but eight days. We found him reading the Bible. He seemed calm and almost contented. He said, that during the first days, solitude seemed insufferable to him. He was neither allowed to read or to work. But the day before we saw him, books had been given to him; and since then, he found his condition entirely changed. He showed us that he had read already almost the whole volume which contains the four Gospels. This perusal furnished him with several moral and religious reflections. He could not conceive that he had not made them sooner.

N° 00 – Has been two years in the penitentiary. His punishment was to expire within a few days. Health excellent. Hope and joy gave an expression to his face which it was a pleasure to contemplate. He assured us of his having firmly resolved to commit no new faults. Every thing indicates that the intentions of this young man are good, and that he will act up to them. He has been convicted for an act of violence. His conduct in prison has always been exemplary.

N° 00– Age twenty years; is an Englishman by birth, and arrived in America but a short time ago; has been sentenced for forgery. He seems intelligent, mild, and resigned. Health excellent. His dispositions for the future seem good (p. 196).

N° 00 – Age twenty years; Englishman by birth. He seems to be irritated, and not subdued by the punishment. It seems he dislikes visits; he does not interrupt his work when he speaks to you, and hardly answers the questions you put to him. He shows no repentance, and is not the least given to religious contemplations. Health good.

N° 00 – Age thirty-eight years; has been but three weeks in the penitentiary, and seems to be plunged in despair. "Solitude will kill me," he says; "I never shall be able

The characterizations of Budd, Vere, and Claggart assigned by Melville's narrator fall short of the definitive resolutions concerning the benefits of rehabilitation supplied in the short sketches of penitentiary prisoners. Melville's narrator recognizes that his limited information can only explain so much: "Yes, *Billy Budd* was a foundling, a presumable by-blow, and, evidently, no ignoble one. Noble descent was evident in him as in a blood horse" (p. 1361). Billy's "simple-mindedness" is referenced in another passage as "unaffected," for "he had none of that intuitive knowledge of the bad which in natures not good or incompletely so foreruns experience, and therefore may pertain, as in some instances it too clearly does pertain, even to youth" (p. 1393). Billy's errors speak to his innocence and trusting nature: he does not report the afterguardsman's invitation to mutiny to any higher authority, resisting even during his trial interrogation to divulge this information, perhaps because he recognizes that his previous deception could cast him in a bad light, or perhaps seeking to protect his peer from punishment even if he might exonerate himself.²⁰ Loathe to implicate someone else, Billy tries to deceive Dansker as to the identity of the plotter and does deceive the drumhead court.

The narrator's information indecisively points to Claggart's criminal tendencies without revealing specifics, for "His portrait I essay, but shall never hit it" (p. 1372). The reader is alerted to Claggart's shady past and his ignominious entry into the service by allusions to his previous incarceration, phrenological aspects of his character, and his statements and actions regarding Billy. Claggart's "notable" features recall a famous fraud, and he proves himself true to the comparison when he deliberately misrepresents Billy's behavior in putting forth concocted evidence of the sailor's plot to mutiny (p. 1373).

Vere's biased interpretation of the statutes has already been considered, but his intellectual capacity to ponder abstractly each situation and his inclination to strike quickly are also of considerable significance. After Billy strikes Claggart and inadvertently kills his superior officer, Vere allows his "dreaminess of mood" and his

to endure my sentence until its expiration. I shall be dead before that time arrives" (p. 197).

Tocqueville, who prepared the appendices, emphasizes in these sketches and others that generally criminals profit from solitude, careful reading, and labor, but he acknowledges that some individuals shall never be rehabilitated because the conditions of the penitentiary irritate, rather than improve, their temperaments.

20 In thinking about Billy's duplicity, I have been aided by comments offered by Lyon Evans, Jr., including those appearing in "'Too Good to Be True': Subverting Christian Hope in *Billy Budd*", *New England Quarterly*, 55 (September 1982), pp. 323-353.

intolerance of "an infraction of discipline" (p. 1369) to affect his managerial competence. The captain too quickly recognizes Billy's act as demanding his conviction and death sentence. Vere acts on his fear of mutiny, convening the drumhead court and forcing their judgment at sea instead of waiting until voyage is over to settle the case.

The case of Billy Budd demonstrates the harsh consequences of imposing a strict reading of the law above all other considerations, indicating other information should mitigate punishments required by law. To those arguing that compassion should not bend the law, the novella suggests that to interpret the law is to shape it because human beings are unable to apply the law without incorporating their prejudices and expectations. "The Handsome Sailor" (*Billy Budd*), suffers an ignominious death as a traitor to his King and country for murdering a superior officer who has accused him of treachery. Suggestive characterizations supplied in the first part of the novella by the narrator, that Claggart is a naturally depraved villain up to no good, that Billy is an innocent young man intent only on getting along with everyone who recognizes no deceit in others, and that Vere is a well-read warrior too quick to apply literary analysis in punishing an infraction, are familiar types subverted in the last pages when the official documents and the folklore of Billy's life and death question what has been too easily accepted. Shifting characterizations make each man less than hero but not quite villain.

Classical epics and tragedies describe precipitously heroic actions leading to the downfalls of great men, a trope reconfigured in crime stories published in nineteenth-century pamphlets, newspapers, magazines, and popular fictions mentioning the lives and ends of notable criminals. The trope of just outcomes can be applied to each primary character: Claggart and Vere impute deviously destructive tendencies to come from Budd, whose inability to imagine another's ill-will bespeaks his own failure. The novella presents essential elements of character as determinative of action. Billy's naivete means he accepts trustingly what authorities and shipmates tell him and that he will not delve into their deeper nature. He does not believe, as Dansker does, that the master-at-arms and others might seek to misrepresent or entrap him (chapters 1, 2, and 16). Vere's character is distinguished both by his pedantic allusions mined from reading and by his acting quickly, as a warrior in battle, to snuff out any threat to shipboard order. When confronted by Claggart's accusation that Billy is "a mantrap under the daisies," Vere reacts by quickly "testing the accuser" and interrogating Billy (pp. 1400-1402). Upon learning from the surgeon that Claggart has died as a result of Billy's blow, Vere analogizes Claggart's fate to that of Ananias, a Biblical parallel recalling the narrator's references to Claggart's "natural depravity" (chapters 8 and 17), the essential characteristic linked to his

inexplicable hatred of Billy. Like Ananias who is struck dead by God for his crimes of theft and lying, Claggart, Vere suggests, gets what he deserves, or as the narrator has intimated concerning "the monomania in the man," "Something decisive must come of it" (p. 1396).²¹

Developing alongside commentary on how character equals action is a set of remarks focusing on the deceptive appearances of reality. Billy sees the afterguardsman as "the last man in the world... to be overburdened with these thoughts" of conspiracy (p. 1391), although Dansker immediately understands a disordered bag to be a sign of deliberate meddling and the afterguardsman's proposition to join the mutiny as dangerous, even if rejected by Billy. Claggart's hatred of Billy is similarly represented as of unknown origin, a mystery that cannot be unraveled by the narrator or the author: "For what can more partake of the mysterious than an antipathy spontaneous and profound such as is evoked in certain exceptional mortals by the mere aspect of some other mortal, however harmless he may be, if not called forth by this very harmlessness itself?" (p. 1381). Acting from mysterious ill will, Claggart incorporates Squeak's reports of Billy's misdeeds into his accusation. Vere imposes "forms" on events, a residue of reading determining his interpretations and the outcome of any case brought before his attention.

The novella sets the rule of law — that the guilty must be punished — against a rule of narrative — that an otherwise virtuous man can be taken up short by a misstep — in describing Billy's blow to Claggart as both the crime triggering his death sentence and as his defense of his innocence. As the innocent convict, Billy is a Christ figure, a foundling whose fortune threatens and improves a corrupt social world. The ship is represented as a prison: no escape is possible and orders must be obeyed. Billy carefully guards his actions to avoid the public spectacle of flogging, a disciplinary performance reinforcing the law of authority. Billy cannot protect himself from Claggart, for the complex attraction/hatred that the master-at-arms feels for Billy points to the master-at-arms's repressed homosexuality, a form of envy that Melville describes in other narratives, notably in the Town-Ho's story in *Moby-Dick*, where Radney abuses Steelkilt, and in the story of how Ahab's madness overwhelms Starbuck's reverence.

The narrator of *Billy Budd* discerns several types of transgression, each punished to varying degrees. Claggart's accusation against Billy brings about a quick end to the master-at-arms, and Billy's inadvertent crime causes his death. Vere's suffering later in life is presumed to be caused by his role in Billy's death. These men find their characters enmeshed in a problem caused by the death of one and determining the

21 Mizruchi, *The Science of Sacrifice*, pp. 109 and 149.

death of another, a situation that concerns the intellectual Vere so much he is reported to have cried out Billy's name just before his own death at the hands of an atheist revolutionary (pp. 1431–1432). In keeping knowledge of who Billy was to himself, the senior officer of marines does what Vere did: acts quickly to preserve peace and order, acknowledging that the moral dilemma of whether Billy should have been hanged was not resolved and remains on each man's conscience, if not as a troublesome episode to be regretted, then at least as a case without end.

The legal narrative dominating *Billy Budd* gives way at the end to a collection of anecdotes and documents suggesting opinions varying from the narrator's. Chapter 29 notes that a naval chronicle reports the Bellipotent affair was caused by Billy, who as "the ringleader" of a mutiny attempt was accused in the front of the captain by Claggart, who "was vindictively stabbed to the heart by the suddenly drawn sheath knife of Budd" (p. 1433). Chapter 30 provides another compelling interpretation in a ballad venerated by sailors, "Billy in the Darbies," which is rendered in Billy's voice and set at the time he awaited execution; sailors "instinctively felt that Billy was a sort of man as incapable of mutiny as of willful murder" (p. 1434).

Melville's fictions provoke change and difference in the reader. These narratives acknowledge that what appears to be true, or what certain authorities argue must be true, is an ideological argument benefiting the speaker. *Billy Budd* complicates our notion of how writing encourages readers to distrust the capacities of narratives, which attempt disciplinary persuasion in ways that are not obvious but significant. Countering moral reformers who emphasize the positive capacities of narrative to uplift souls and bring individuals into harmony in their communities by acting as a mechanism for self-regulation, Melville's fictions enable their readers to recognize moral hypocrisy and social inequity. Resisting disciplinary modes of reading familiar to reformers, Melville's narratives empowered readers to understand that authority constrains. We are all prisoners of the words directed towards us, for we are always engaged in a disciplinary environment that seeks control us and that ask us to control ourselves and others. To use the word is to develop the imprisoning capacities of our own discourse. To be a narrator is to deceive oneself in the pursuit of deceiving others. As we analyze why things are the way they are, we rationalize the status quo, suggesting that to live otherwise might be impossible, given the limits of human experience and the checks on human knowledge.

