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MELVILLE'S *BILLY BUDD* AND THE TRIALS OF CAPTAIN VERE

EDWIN M. YODER, JR.*

"Fated boy, what have you done?"

An analysis of the issues of law and justice in Herman Melville's novella *Billy Budd* may usefully begin with a fateful change of fortunes. As the tale opens, the handsome model sailor of the title is impressed from the merchantman *Rights-of-Man* (named, we are told, for Thomas Paine's pamphlet defending French revolutionary principles against Edmund Burke), to the seventy-four-gun man-of-war *Bellipotent* ("mighty in battle"). And that British warship is, of course, fighting against the revolution-militant as it had developed by 1797. Young Budd gracefully accepts the forced transfer in good humor, and as he is being rowed toward the battleship even makes a sort of joke of his lot; but his transfer marks a symbolic passage from an environment of natural law to the sterner climate of military law. And that passage will lead to his death.

We do not know whether Melville intended to signal, so explicitly, this shift of moral and legal environments, or whether it was the happy inspiration of a great writer's intuition and reach for narrative symmetry. Indeed, there are many things we would like to know, but do not, about Melville's creative process. When he began writing *Billy Budd*, Melville was in his late sixties, an old man for his day and an ailing one as well, exhausted by two decades of labor as a customs inspector in New York harbor. Like Abraham's son Isaac (cited in the story as an analogue of Billy Budd's relationship to his commander, the fatherly Captain Edward Fairfax Vere, who becomes his executioner), the novella was the child of Melville's age, written over a three-

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year period before his death in 1891. Its textual history is famously tangled—and that tangle famously contributory to the continuing, often fierce, debate over its meaning.¹ The manuscript's thirty-year repose, a literary near-death experience, in a japanned breadbox is itself a saga only recently made familiar to readers and admirers of the tale. The story evolved from a prose headnote to a ballad Melville had written some years earlier about a young sailor facing execution for mutiny, "Billy in the Darbies." Melville at first planned to publish the ballad in a privately printed book of miscellany. His thoughts about death and mutiny were to some extent presumably stirred by a naval incident on the high seas of almost half a century earlier in which his admired first cousin, Guert Gansevoort, then a U.S. Naval ensign, had been intimately involved.²

As he tinkered with fugitive odds and ends of poetry and narrative, Melville began to see larger possibilities in the lengthening headnote to "Billy in the Darbies." Gradually, by an involved process of accretion and revision (whose tracing is not eased by Melville's difficult handwriting and his quaint habit of using the verso of discarded drafts for revised copies), the story as we now know it took shape. But the tale unfolded for Melville by a process so fitful and disorderly as to lead the earliest editors of the text into a number of errors and wanderings from his authorial intentions. These early editors included matter which he intended to cut, or had cut; they mistook a passage about the European political situation in 1797 (the year of two Royal Naval mutinies and the story's action), as a "preface"; and they misread many words

1. Harrison Hayford & Merton M. Sealts, Jr., *Editors' Introduction* to HERMAN MELVILLE, BILLY BUDD, SAILOR (AN INSIDE NARRATIVE) 12-24 (Harrison Hayford & Merton M. Sealts, Jr. eds. 1962). The interpretive significance of Melville's creative process is unusually weighty in *Billy Budd*. According to the authoritative analysis of the holograph manuscript by Harrison Hayford and Merton Sealts Jr., Melville passed through three distinct phases in the composition of his novella, each one of which focused on one of the principal actors. *Id.* at 1-12. It was only when he reached what they designate as the third phase, relatively late in the process, that he began to focus intensively upon and elaborate the character of Captain Vere. *Id.* Since any useful judgment on the legal issues of the story depend critically upon one's evaluation of Vere, his motives, character and purposes, it follows that Melville had ultimately come to view Vere as the key to his thematic meaning.

2. *Id.* at 28. In an incident aboard the U.S. Brig-of-war *Somers* in 1842, the ship's commander, Captain Mackenzie, hanged three members of the crew, including a son of the secretary of war, on charges of plotting mutiny. *Id.* He was supported in this summary judgment by Lt. Guert Gansevoort, a subordinate officer. *Id.* In the ensuing controversy, the critical question was whether the plot had been serious and thus whether the captain's summary action was essential to the ship's safety when it was only a few days' sail from harbor. In that inquiry, the action of Captain Mackenzie was vindicated. *Id.*

in Melville's disorderly manuscript, sometimes with mystifying and even ludicrous results.³

It was a young scholar named Raymond Weaver who recovered the manuscript, three decades after Melville's death, from the breadbox in which the author's widow and daughters had preserved his unpublished manuscripts. Weaver worked up the text for the first edition in 1924. Both this and a later (1948) Harvard University Press edition perpetuated similar editorial misjudgments, in part because the later editor used Weaver's edition as copy text rather than analyzing the manuscript from scratch—for instance about Melville's working method. Earlier editors and critics of *Billy Budd* often lamented that Melville had, so they thought, written a dramatic narrative and then misguidedly decorated it with convoluted philosophic musings, and attributed what they deemed incoherences to that practice. In fact, as was at last shown by Harrison Hayford and Merton M. Sealts Jr., it was exactly the other way around. Melville often created characters to embody dialectic; so that the (apparently imaginary) working method was not to blame for textual puzzles, real or imagined.⁴ Even the now authoritative "Chicago" text meticulously edited and published in the early 1960s by Hayford and Sealts includes a chapter of debatable standing in praise of the great Admiral, Lord Nelson, which may be read as casting invidious light on Captain Vere. Since Melville had removed that chapter from his developing draft and placed it in a separate folder, he presumably had lingering doubts about it and may eventually have eliminated it. Nonetheless, readers may now be reasonably sure that they are reading the text that Melville intended them to read—at least at the time of his death. He had never reached the point of preparing a final fair copy for the printers. Hayford and Sealts say that the tale is "most accurately described as a semi-final draft, not a final fair copy ready for publication."⁵ But that is hardly the limit of the trouble.

What, after all, *were* Melville's intentions? A generation and more of contentious political readings hang like the smoke of pitched battle over the contested text of *Billy Budd*; and the resulting murk is of the greatest interest to anyone seeking to draw out the legal lessons that Melville expected his readers to carry away from the story.⁶ What the critic Harold Bloom has called "the

3. The textual history is authoritatively examined by Hayford & Sealts, *supra* note 1, at 12-24. See also HERSHEL PARKER, *READING BILLY BUDD* 41-50 (1980) (offering a lucid summary of the book's editorial history).

4. See Hayford & Sealts, *supra* note 1, at 38, "[A]s we have shown, *Billy Budd* developed . . . from exposition into dramatization." *Id.* at 36.

5. *Id.* at 1.

6. The issue of "authorial intention" is among the most perplexing in modern literary scholarship and criticism. The so-called New Critics, dominant in the two decades or so after World War II, held as a cardinal doctrine that a text stands upon its own bottom—"leads a life of its own"—and consequently that the biographical and bibliographical circumstances of its origin

Party of Resentment”⁷ seized upon *Billy Budd* in the troubled 1960s, and after, as a paradigm tale of overbearing, tyrannical authority, brutally exercised without any plausible excuse. It is in this light—Melville’s contrary indications notwithstanding—that latter generations of readers have often understood *Billy Budd*’s unhappy fate. Rebelliousness against authority generated by the Vietnam War, the rise of feminist consciousness, and other extraneous influences have contributed to a number of questionable but popular readings, and even outright misreadings. The story, we are often told, is not so much a study of the agony of command in wartime, when the choice is often among evils, as a parable of offended innocence, of the sacrifice of a noble spirit to the obscene Molloch of war, confirming, for those who view it in that light, Rousseau’s celebrated depictions of the inevitable injustice of civilized life to the noble savage.

A recent biographer of Melville writes, astonishingly:

The *Bellipotent* resembles a twentieth-century totalitarian state where government officials invoke “national security” to cover politically expedient violations of civil rights, and where military necessity dictates that perversions of language are acceptable political weapons, *and justice as civilians know it does not exist . . .* With its intentional inaccuracies and syntactical twists and turns, *Billy Budd* anticipates George Orwell’s *1984*.⁸

or evolution are all but immaterial to its interpretation. Later, as sophisticated textual editing techniques developed, it began to be seen that errors and alterations during the transmission of literary texts—for instance, by late authorial revisions, printer’s or typesetter’s misreadings, editorial changes, either at the proof stage or between serial and book publication—could dramatically affect the coherence of the text and therefore must be taken into account in the interpretive process: a view which, incidentally, is far from universally accepted or acknowledged even today. See generally HERSHEL PARKER, *FLAWED TEXTS AND VERBAL ICONS: LITERARY AUTHORITY IN AMERICAN FICTION* 17-51 (1984). So elementary are the sample textual incoherences cited by Parker that resistance to their interpretive significance is puzzling. That resistance suggests, indeed, that some critics are disabled by their inexperience, having themselves never ventured outside discursive writing into fiction or even the more creative modes of non-fiction, where unforeseen alterations in initial design or “intention” are so frequent as to be commonplace.

7. HAROLD BLOOM, *RUIN THE SACRED TRUTHS: POETRY AND BELIEF FROM THE BIBLE TO THE PRESENT* (1989).

8. LAURIE ROBERTSON-LORANT, *MELVILLE: A BIOGRAPHY* 594 (1996) (emphasis added). See also Hayford & Sealts, *supra* note 1, at 26 (stating that “[t]o critics of the ironist persuasion . . . *Billy* is a passive victim of injustice, social or divine; Captain Vere is no hero but a reactionary authoritarian; and the novel as a whole Melville’s final ironic protest against the repressive structure of society (Vere’s ‘forms, measured forms’), or of the cosmos itself”). See also Richard H. Weisberg, *Accepting the Inside Narrator’s Challenge: Billy Budd and the “Legalistic” Reader*, 1 *CARDOZO STUD. L. & LIT.* 27, 39 (1989). It is Weisberg’s astonishing argument that “the entire criminal procedure [that is, the trial and hanging of *Billy Budd*] is intended to hang [Admiral Horatio] Nelson in effigy.” *Id.* That is, in conducting the drum-head court-martial and execution of a hapless young sailor, Vere is actually—and slyly too, since the

Whatever might be claimed for so dim a caricature of military authority as exercised on a warship in wartime—a wartime immediately influenced by two dangerous mutinies in the same year, 1797—the caricature does demonstrable violence to the story as Melville chose to write it. For the author, with a superior sense of moral complexity, interpreted above as mere “syntactical twists and turns,”⁹ distributed his sympathies with an even hand between Billy Budd, the victim, and Captain Vere, the executioner—as the narrator clearly tells us, the Isaac and Abraham of the piece. When Captain Vere at the conclusion of the drum-head court-martial goes to Billy’s room of detention to inform him that he has been found guilty of the murder of a superior officer and is to die at dawn, the narrator speculates that:

The austere devotee of military duty, letting himself melt back into what remains primeval in our formalized humanity, may in the end have caught Billy to his heart, even as Abraham may have caught young Isaac on the brink of resolutely offering him up in obedience to the exacting behest. But there is no telling the sacrament, seldom if in any case revealed to the gadding world, wherever under circumstances at all akin to those here attempted to be set forth two of great Nature’s nobler order embrace.¹⁰

It may be useful here to summarize the action leading up to the narrator’s speculations about this scene of noble reconciliation. Billy Budd, whose “barbaric” and primitive innocence, guilelessness and physical beauty are emphasized, looms, like Othello in the designs of Iago, as a target of the motiveless malignity of a shipmate, the master-at-arms, John Claggart. Captain Vere muses that “in the nude [Billy Budd] might have posed for a statue of the young Adam before the fall”; and that primal innocence is disarming, and part of his undoing, for when Billy becomes the object of Claggart’s mysterious enmity he lacks the worldly experience to discern

“textual evidence” Weisberg cites to support his assessment of Vere as a devious and duplicitous man is wholly inferential—indulging in a rivalrous and hateful competition with England’s most famous naval warrior. Just why this personal enmity would exist, and in so virulent a form as to inspire a cruelly unjust kangaroo-court railroading of a crewman, well before Nelson’s emergence at the Nile and Trafalgar as a national hero, Weisberg does not explain. Weisberg’s exotic reading of the tale is rebutted effectively in Brook Thomas, *Billy Budd and the Untold Story of the Law*, 1 CARDOZO STUD. L. & LIT. 49 (1989). See also ROGER SHATTUCK, FORBIDDEN KNOWLEDGE: FROM PROMETHEUS TO PORNOGRAPHY 156 (1996) (arguing that the tendency of many recent readers to view Vere as a villain springs from the disabling fallacy: *tout comprendre, c’est tout pardonner*). “We are all guilty in some way. How can we judge anyone else, punish anyone else? That line of thinking leads to an unacceptable dilemma. Either justice is impossible and escapes us, or justice is . . . inhuman. The action of *Billy Budd* confronts and blocks such slack thinking.” *Id.*

9. ROBERTSON-LORANT, *supra* note 8, at 594.

10. HERMAN MELVILLE, *BILLY BUDD, SAILOR*, at 71 (Cyrus R. K. Patell ed., 1999). All subsequent references to the story text are to the Patell edition, which uses the Hayford-Sealts text.

gratuitous malice when it appears. When Billy turns for advice to the wizened old salt known to the crew as “the Dansker,” the Dansker warns him that “Jemmy-legs” (Claggart) has it in for him. But Billy, deceived by the surface pleasantries of Claggart’s behavior, misses the somber depth. Melville is explicit about the source of Claggart’s enmity: It springs from “natural depravity,” intrinsic evil; and that such depravity should be as much a part of the order of nature as natural law or rights incidentally warns us against naively or simple-mindedly identifying the “natural” with benevolence, or civilized rules and laws with evil. Certain overtones in Melville’s characterization of Claggart suggest that his malignity springs in part from a perverse reaction to Billy’s physical beauty and innocence and his popularity with the other crewmen; it runs deep, in any case, and there are hints of forbidden sexual attraction.

Sometimes [Claggart’s] melancholy expression would have in it a touch of soft yearning, as if Claggart could have loved Billy but for fate *and ban*. But this was an evanescence, and quickly repented of, as it were by an immitigable look, pinching and shriveling the visage into the momentary semblance of a wrinkled walnut.¹¹

Billy first suspects something amiss when his personal gear is mysteriously tampered with in a way that could expose him to disciplinary reprimand. Soon afterward, he is awakened one night while sleeping on deck and summoned to a secluded part of the ship. There, another impressed crewman—later identified by the Dansker as Claggart’s “cat’s paw”—tempts him with two gold guineas to confess his resentment and rebelliousness as an impressed man and to make himself available for some unspecified mutiny. Since no ordinary seaman is likely to have had that kind of money, this clue as well points to Claggart as the inspiration of the *agent provocateur*, whom Billy summarily rebuffs. But Billy fails to report the incident; and that failure, born of a naïve but honorable distaste for the informer’s role, becomes a trap for him after he kills Claggart. (He cannot truthfully deny, in response to Captain Vere’s questions, that he has been approached by the disaffected.)

The climax comes one day when the *Bellipotent* on detached patrol pursues a French frigate for several hours before it escapes. Just after the pursuit is abandoned, Claggart approaches Captain Vere and accuses Billy of disloyalty. He is “a dangerous character,” Claggart tells the captain, gingering up his shocking charge (and irritating the captain) by alluding to the recent Naval mutiny at the Nore. Vere is astonished. He too has noticed the grace and appeal of the young sailor and has marked him for promotion. Vere orders his trusted cabin boy to bring Billy Budd quietly and confidentially to his quarters and demands that Claggart confront Billy and repeat his charge to the young

11. *Id.* at 46 (emphasis added).

sailor's face. Claggart does so; and the narrator pointedly notes the opacity of his accusing eyes in their contrast with the transparent blue of Billy's. The reader has been alerted at an earlier stage of the story that Billy suffers from a troublesome "vocal defect":

Though in the hour of elemental uproar or peril he was everything that a sailor should be, yet under sudden provocation of strong heart-feeling his voice, otherwise singularly musical, as if expressive of the harmony within, was apt to develop an organic hesitancy, in fact more or less of a stutter or even worse.¹²

Dumbfounded at Claggart's perjured charge, unable to speak in his rage, Billy impulsively strikes the scheming master-at-arms a lethal blow to the head and Claggart falls lifeless to the deck. Vere clearly believes from the first that Claggart is lying and indeed has warned him as the bearer of this "foggy tale" that the penalty for false witness is hanging. He has little doubt that he has witnessed an act of divine justice; for like Ananias in the biblical story, Claggart has been killed for lying¹³ and Billy is a vessel of divine retribution. "Struck dead by an angel of God!" Vere exclaims to the saturnine ship's surgeon, who has been summoned to examine the serpentine Claggart, whose lifeless body has the heft of a "dead snake."¹⁴ "Yet the angel must hang!"¹⁵

Captain Vere immediately convenes a drum-head court-martial and acts in three roles—as sole witness to Claggart's death, as presiding officer of the tribunal and at times as prosecutor. By superior force of intellect and character he overrides the doubts of the three officers he has appointed to the court and secures Billy's conviction. His paramount consideration, the narrator tells us, is to prevent a resurgence of the Nore mutiny, which was suppressed only with great difficulty and harshness:

Feeling that unless quick action was taken . . . the deed of the foretopman, so soon as it should be known on the gun decks, would tend to awaken any slumbering embers of the Nore among the crew, a sense of the urgency of the case overruled in Captain Vere every other consideration. But though a conscientious disciplinarian he was no lover of authority for authority's sake.¹⁶

The captain proceeds with haste even though he is persuaded of Billy's loyalty to the king and of his moral innocence; and, as we have already noted, he suspects both natural and divine justice in Billy's impulsive act.

12. *Id.* at 13.

13. *Id.* at 58.

14. *Id.*

15. MELVILLE, *supra* note 10, at 58.

16. *Id.* at 61.

This is the legal issue as Melville's narrator poses it; and again the voice of the narrator seems throughout interchangeable with Melville's own.¹⁷ The point could hardly be more emphatically stressed. Vere knows his country to be at war against a dangerous and resourceful enemy, and the danger is augmented by Britain's isolation. The nation is wholly dependent on the Royal Navy to shield it against the threatened French invasion. Any outbreak of insubordination, however motivated, must be un sentimentally crushed.

This is the conclusion over which so much outrage has been expended in recent decades by ideological interpreters of the story; and many readers seem, as does the Melville biographer quoted above, to scant or even entirely overlook the rationale of military justice—why it necessarily differs from civilian codes of justice: a mistaken act of sentimentality could jeopardize the lives of many others whose lives are at risk in a military situation. Few observers of the familiar imperfections of positive law and justice can fail to notice here the lines of the usual dilemma. Whatever claims may be made for primal moral innocence of the kind Billy Budd exemplifies, his entanglement in the fortunes of war during a grim period, though involuntary on his part, entails dire consequences when he commits a rash act; and in all but the most exceptional cases it is the act and the letter of the law that customarily prevail. Inevitably discrepancies and tensions emerge between the abstract “rights of man” and the more circumscribed and limited “rights” of a seaman caught up in the web of war, nowhere more so than on a warship in wartime. Captain Vere is hardly ignorant of those cross-purposes; his keen consciousness of them is obviously a part of the tragedy. His argument to the court reveals profound sympathy with this officers' instinct to spare Billy, or at least to delay their judgment for another day. Yet command authority requires his lucid recognition that larger “justice” for the many may require a more severe, indeed pitiless, brand of literal justice to the solitary defendant. Sacrifice is integral to warfare and the severest penalties for insubordination part of “the price of admiralty,” and for countless generations, in many societies, such has been the considered judgment of the necessities of military law.¹⁸ In this

17. In his indispensable work, *THE RHETORIC OF FICTION*, Wayne Booth discusses the various devices by which an author may distance himself from the dubious views of an “unreliable narrator,” and thereby cast doubt on the narrative report. WAYNE BOOTH, *THE RHETORIC OF FICTION*, at 158-59 *passim* (2d ed. 1963). For instance, in William Faulkner's *The Sound and The Fury*, Faulkner slyly engages the alert reader in a conspiracy of doubt and distaste behind the back, as it were, of the comically reprehensible, mean and grasping Jason Compson, one of the novel's narrators. In *Billy Budd*, however, there is no evidence at all that the narrator's voice and report depart in any degree from Melville's own. To the contrary, the narrator seems to speak with unusual authority, and often in the voice of an “historian.”

18. ROBERTSON-LORANT, *supra* note 8, at 594. Lorant overlooks this essential distinction altogether, protesting as she does that aboard *HMS Bellipotent* “justice as civilians know it does not exist.” *Id.* That, of course, is exactly the point and the beginning, not the end, of the interpretive task.

instance, moreover, the mandate of the Articles of War, specifically Article 22, is explicit:

[I]f any officer, mariner, soldier, or other person in the fleet shall strike any of his superior officers, or draw, or offer to draw, or lift any weapon against him, being in the execution of his office, on any pretense whatsoever, every such person being convicted of such offense, by the sentence of a court martial, shall suffer death.¹⁹

And so Billy Budd is hanged at sunrise the morning after Claggart's death. Magnanimous to the last he dies with the cry, "God bless Captain Vere!" on his lips; and this stirring valedictory is echoed by the crew. And by way of suggesting that Billy's selfless submission to the court's verdict may carry larger meaning, Melville embellishes the hanging with strokes of imagery drawn from the biblical *Revelation* of St. John: "At the same moment it chanced that the vapory fleece hanging low in the East was shot through with a soft glory as of the fleece of the Lamb of God seen in mystical vision and simultaneously therewith, watched by the wedged mass of upturned faces, Billy ascended and, ascending, took the full rose of dawn."²⁰ Later, seabirds hover, lamenting, over Billy's place of burial:

[W]hen the tilted plank let slide its freight into the sea . . . another inarticulate sound proceeding from certain larger sea-fowl, their attention having been attracted by the peculiar commotion in the water . . . So near the hull did they come, that the stridor or bony creak of their gaunt double-jointed pinions was audible. As the ship under light airs passed on, leaving the burial spot astern, they still kept circling it low down with the moving shadow of their outstretched wings and the croaked requiem of their cries.²¹

The mournful requiem of the seabirds over Billy's watery grave is far from the least, or least interesting, of those incidents in the tale in which some pointed identification of his fate with a violation of the order of nature is intimated. This intimation is entirely congruent with the narrator's identification of Billy—as well as Captain Vere—as among the members of "great nature's nobler order." It is also consistent with the text as we have it to see in Billy Budd's execution a sort of epiphany of the fate of innocence in this world. What is flatly inconsistent with the text is to read Melville's representation of a tragic but defensible act of military justice as an act of gratuitous cosmic cruelty.

It would be interesting to know whether Melville viewed this powerful story as an opportunity to sort out, in his twilight years, the legal and moral ambiguities in which his cousin Guert Gansevoort had entangled himself in the

19. JOHN MCCARTHUR, *PRINCIPLES AND PRACTICES OF NAVAL AND MILITARY COURT MARTIALS* (4th ed. 1813), cited in MELVILLE, *supra* note 10, at 103 n.8.

20. MELVILLE, *supra* note 10, at 80.

21. *Id.* at 82.

days of their youth as an officer on the *Somers*. Perhaps Melville sought to rationalize to his satisfaction what some had viewed as an unduly harsh disciplinary action on the high seas, and in that instance in peacetime, though an actual mutinous plot was involved. But Melville's testimony appears to be lacking on the point; and to impute that purpose to the author, conscious or not, would at best be idle if interesting speculation. We may be sure that the 1842 incident was unforgotten because it is explicitly mentioned and compared with the events aboard the *Bellipotent*.²² But as for *Billy Budd*, we must take the story as we have it and make the best effort we can, under traditional rules of textual interpretation, to decipher its legal and moral point. And in this writer's view, the ambiguities of Billy Budd's story, though hardly inconsiderable, and perhaps irremediable, given the chaotic state of the manuscript materials, have been somewhat exaggerated.²³

22. *Id.* In the long chapter (Chapter 21) detailing the procedures of Captain Vere's court-martial, Melville writes:

Not unlikely they [the three members of the court] were brought to something more or less akin to that harassed frame of mind which in the year 1842 actuated the commander of the U.S. Brig-of-war *Somers* to resolve . . . upon the execution at sea of a midshipman and two sailors as mutineers designing the seizure of the brig An act vindicated by a naval court of inquiry subsequently convened ashore True, the circumstances on board the *Somers* were different from those on board the *Bellipotent*. But the urgency felt, well-warranted or otherwise, was much the same.

Id. at 70

23. The customary rule of textual interpretation in the face of unintended but irremediable ambiguity is that the interpreter is obliged to supply that meaning which most plausibly accords with the internal logic of the story. See RONALD DWORKIN, *LAW'S EMPIRE* 232-38, *passim* (1986) for an entertaining elaboration of this principle. Dworkin uses Dickens's *A Christmas Carol* as a hypothetical test case, imagining conclusions that would be ludicrously inapt. *Id.* at 232-38. When the author's meaning is unclear and cannot be inferred fairly from extrinsic evidence, the rule applies; and plausibility of inference is essential to a fair and coherent reading. *Id.* The application of this commonly accepted rule of interpretation to *Billy Budd* (always bearing in mind that Melville left the work unfinished when he died) would have spared the world a huge body of absurd and far-fetched constructions. See, e.g., sources cited *supra* note 8. Surprisingly, even so sophisticated a reader of the novella as Hershel Parker, a distinguished Melville scholar whose *READING BILLY BUDD* is an invaluable handbook, seems to hover around this point without exactly making it. "Cognitive psychologists," he writes,

can help account for the way we read imperfect texts, for they show that the mind tends to impose meaning when vital clues to meaning are absent or else to impose meaning at the cost of denying the existence of ambiguity So it was not the New Criticism which impelled readers to make sense of any text they held in their hands—it is the nature of the beast, the perceptual systems we are born with, which predispose us to make sense of what we see, even, experiments have shown, if we have to undergo the stress of screening out elements in a field of vision . . . which do not readily make sense.

PARKER, *supra* note 3, at 177. Is it really necessary, however, to drag the cognitive psychologists and their experimental data into this? Their analysis seems to make literary interpretation a bit robotic, an exercise in readerly somnambulism. Experienced readers (dare one say skilled) are capable of weighing the probabilities and arriving at reasoned conclusions about what the author

The reader of this powerful tale is invited to ponder the ironies and cross-purposes embedded in our flawed human nature and, inevitably, in systems of man-made law reflecting human imperfection—especially in its consequent departures from ideals of natural justice. The imperfections characteristic of almost all codes and systems of positive law frequently strike romantic sentimentalists of a Rousseauist bent as symptoms of corruption and tyranny, marring an otherwise pristine innocence. Melville's view would appear to be more complicated. He intimates that these familiar imperfections of positive law, when they govern warlike circumstances, exalt the safety of the many at the price of injustice to the individual; and while they are never morally acceptable, they may well point to a tragic condition lying at the heart of civilization. In that light, the *Bellipotent* may be viewed not as a "twentieth-century totalitarian state"²⁴ in miniature but as a microcosm of the flawed world in which man's ways are not necessarily God's ways. Melville (or the narrator) repeatedly suggests that Billy Budd is a sacrificial figure, a suffering servant. The intimation is explicit not only in the Abraham-Isaac analogy but also in the saga of the spar from which Billy was hanged. We learn that it became a cult object, the bluejackets following its path "from ship to dockyard and again from dockyard to ship, still pursuing it even when at last reduced to a mere dockyard boom. To them a chip of it was a piece of the Cross."²⁵ And as if to rub in the tendency of the crude and careless world of journalistic report to miss not only the sublimer shadings but to get the plain facts grossly wrong as well, Melville adds a savage little report "in a naval chronicle of the time, an authorized weekly publication," which pronounces Billy Budd guilty as charged of the mutinous activities of which, as we are aware, he was entirely innocent:

[O]n board HMS *Bellipotent*, John Claggart, the ship's master-at-arms, discovering that some sort of plot was incipient . . . and that the ringleader was one William Budd, he, Claggart, in the act of arraigning the man before the captain, was vindictively stabbed in the heart by the suddenly drawn sheath knife of Budd The enormity of the crime and the extreme depravity of the criminal appear the greater in view of the character of the victim, a middle-aged man respectable and discreet.²⁶

Nowhere is Melville's depiction of Captain Vere (who dies soon afterwards, in delirium, of a gunshot wound received in combat, whispering "Billy Budd. Billy Budd.") such as to suggest that he is not an exemplary officer and vessel of naval command authority. Some of his peers are said to

of imperfect texts meant them to think; nor does this process require unanimity of view among such readers—only plausibility.

24. ROBERTSON-LORANT, *supra* note 8, at 594.

25. MELVILLE, *supra* note 10, at 86-87.

26. *Id.* at 85-86.

have observed in him “a queer touch of the pedantic” and indeed he is uncommonly well-read and a stickler for regulations and “forms, measured forms” though not of discipline for discipline’s sake. The ship’s surgeon questions, moreover, whether Vere is entirely sane: a question the narrator declares to be a question of degree as difficult to distinguish in close cases as the transitional colors of the rainbow, and declines to answer. But the narrator’s explicit judgment, citing “a writer whom few know,” presumably Melville himself, is this: “Little ween the snug card players in the cabin of the responsibilities of the sleepless man on the bridge.”²⁷

From the standpoint of an exacting due process, such as would usually obtain in civil courts on land in peacetime, at least two fair objections may be lodged against Vere’s proceeding. He prejudges the case (“and yet the angel must hang”), and, doubling in the prosecutor’s role, he overbears with masterly rhetoric the inarticulate doubts of the less resolute officers he has appointed to the court. Indeed, in the climactic moments of the tale Vere seems almost eager to get Billy Budd condemned and hanged so as to relieve his ship of the lurking danger of insubordination. Moreover, it must be conceded that the logical connection between Billy’s crime and the threat of renewed mutiny in the absence of summary justice is manifestly elusive, one of the many loose ends Melville left dangling and might have fixed if death had not interrupted his labors. The ship’s surgeons and the officers of the court are united in believing that the captain could have deferred judgment until his ship, on detached patrol at the time of the incident, had rejoined the fleet and Billy’s fate referred to higher authority. The surgeon, we are told, found the drum-head court “impolitic, if nothing else,” though just why it is “impolitic” is not explained. Vere is operating in the context of a tumultuous year, scarred by two dangerous naval mutinies, whose immediate peril has been summarized by the eminent British naval historian G. J. Marcus:

[T]he year 1797 has sometimes been described as the darkest hour in our history. On land, France was everywhere victorious. The British Army had been driven off the continent, leaving the great ports of the Scheldt and Rhine in enemy hands. The British Navy had been obliged to abandon Corsica and the Mediterranean. Austria, the last of our allies, was about to lay down her arms. . . . A formidable army of invasion was encamped by the Texel ready to be ferried across to the British Isles under convoy of the Dutch fleet. . . . Ireland, smoldering with rebellion, could scarcely be held if ever the enemy landed in force. . . . Once again the harvest had failed . . . The bank of England had recently suspended payment in gold. British shipping losses this year reached the alarming total of 949 vessels—more than 11 per cent of our foreign-going shipping . . . the invasion alarm had occasioned a run on the

27. *Id.* at 70.

banks. And on the morning of 17 April the news reached London that the whole Channel fleet had mutinied.²⁸

“To the British Empire,” comments the narrator, “the Nore mutiny was what a strike in the fire brigade would be to London threatened by general arson.”²⁹ In such a setting, an error of judgment, an intimation of softness in the sure hand of law and authority, could lead to fatal complications. That is Vere’s argument to his court and it is obviously what he believes. That may make him less a paragon than the great Nelson, of whom it has been earlier suggested that he could have quelled any mutiny by a bloodless display of personal authority. “[I]t was thought that an officer like Nelson was the one, not indeed to terrorize the crew into base subjection, but to win them, by force of his mere presence and heroic personality, back to an allegiance if not as enthusiastic as his own yet as true.”³⁰ The implied contrast, however, doesn’t convict Vere of tyranny or heartlessness.

For readers who look reflectively beyond the four corners of the text, *Billy Budd* has enduring implications. Issues of military authority and discipline have lately become entangled with egalitarian hopes kindled by various revolutions in social status and consciousness in civil society, hopes which are, however, not always clearly related to the hazardous core mission of armed forces.³¹ Unlike Captain Vere and his companion officers of the Royal Navy in the perilous year of 1797, we have the luxury today of debating these perplexing issues, and the relation of military necessity to democratic and civilian values, without thereby jeopardizing freedom or national survival. That luxury was not open to Captain Vere; he was compelled to make his tragic choice in a dangerous world in which, by Marcus’s testimony, the stakes for command authority and for English freedom were as high as they ever were or could be. It was Melville’s genius to write a parable of justice whose resonances for us, a century and more after it was written and seventy years after it was rescued from the jappanned breadbox, are ever fresh and never less than provocative.

28. G. J. MARCUS, *THE AGE OF NELSON: THE ROYAL NAVY IN THE AGE OF ITS GREATEST POWER AND GLORY, 1793-1815*, at 82 (1971).

29. MELVILLE, *supra* note 10, at 14.

30. *Id.* at 19.

31. I have in mind, for instance, the continuing debates over the role of women in front-line combat forces, and in warships and high performance aircraft, as well as the regulations governing the status of homosexuals.

