

Divine Sentences:
Philosophical and Literary Responses to
Religious “Enthusiasm”

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Declaration

I hereby declare that this thesis has been composed by myself and that the work is my own.

Signed:

Date: November 20, 1999

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Dedication

This thesis is dedicated to the memory of my grandparents, Joginder Singh Gill, who earned his B.Sc. Hons. in Civil Engineering from the University of Edinburgh in 1926, and his wife, Daljit Kaur Gill.

Abstract

When asked why he murdered a doctor who performed abortions, Paul Hill, a former Presbyterian minister from Florida, replied, “What I did was moral, and according to the highest legality. . . . God’s law positively requires us to defend helpless people” (N.Y. Times, Sept. 24, 1995). How are the legal institutions of a liberal society to respond to such claims? How are they to pass judgment on those who profess allegiance to a higher law, without falling into the contradiction of merely asserting the authority to do so? My thesis seeks answers to these questions in the works of three philosophers and three Scottish writers, looking specifically at their encounters with what they described as “religious enthusiasm”, the belief that one has been called by God to enforce divine law.

The first three chapters of my thesis compare the writings of Thomas Hobbes, John Locke, and David Hume on “enthusiasm” to their broader inquiries into the meaning of justice. All three philosophers recognize that “enthusiasts” base their authority on the claim that their words and deeds represent the will of God. And all three philosophers condemn “enthusiasm” precisely for this appeal to the unknowable, to that which lies beyond the limits of common experience. Yet only Hume avoids self-contradiction because only he offers a theory of justice that does not itself appeal to metaphysical, meta-linguistic sources of meaning. For Hume, language is an activity: to speak is to act upon the world and respond to its changing conditions. The meaning and validity of moral discourse, therefore, does not lie in what it *represents* but in what it *does*. By contrast, Hobbes and Locke are unable to break away from an “enthusiastic” belief that meaning is something that is seen *through* language rather than created *by* language.

The last three chapters explore literary responses to religious “enthusiasm”, focusing on a series of novels on the Scottish Covenanters written in the early nineteenth-century by Walter Scott, John Galt, and James Hogg. In each novel, religious “enthusiasm” is described as a problem of narrative: Covenanters are “enthusiasts” because they believe that their actions “post-figure” the stories of the Bible. From this belief, they derive a sense of being legally justified in imposing violent punishments on their enemies. The Covenanters’ authority rests on a reading of the present as a true re-presentation of the biblical past. This is why these literary narratives, with their potential to problematize such claims to narrative re-presentation (including their own), can offer a powerful response to “enthusiasm”. Scott and Galt, however, fail to exploit the self-critical potential of their genre. They condemn the “enthusiast’s” claim to re-presentation by substituting their own. Only Hogg, in his later fiction, is able to escape self-contradiction by revealing an understanding of Hume’s insight that truth-telling is a collective project. For Hogg, “truth” is created by a community of storytellers. The “enthusiast” (or, indeed, the novelist) who claims an exclusive and unique understanding of truth thus violates the fundamental condition of its existence.

I conclude by suggesting that the critiques of “enthusiasm” offered by both Hume and Hogg lead to a valorization of “common life”—understood as life within a community of belief. I offer a brief discussion of how this notion of community can inform current efforts by theorists of political liberalism to justify state coercion of individuals whose commitment to their comprehensive conceptions of “the good” lead them to violate civil law. To illustrate, I return to Paul Hill and scenes from the battle over abortion in America.

Note on Citations

All footnotes conform to *The Blue Book: A Uniform System of Citation* (16th ed., 1996), which is the standard form of citation used in legal writing in the United States.

Everyone declares against blindness and yet who also is not
fond of that which dims his sight?

—John Locke, *The Conduct of the Understanding* (1706)

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Introduction

On the morning of July 29, 1994, Paul Hill stood outside the Ladies Center in Pensacola, Florida just as he had done every Friday for the past few months, protesting the abortions that were performed within. His face had become familiar to the staff at the Center, including Dr. John Britton and his security escort, James H. Barret. They had seen him on numerous occasions outside the clinic, handing out leaflets or planting crosses to mark the deaths of the unborn. So when they noticed him that morning they did not take any extra precautions. They did not expect that Hill was getting ready to kill to defend “the sanctity of life”. There had been warning signs: lately, Hill had started carrying a sign saying ““Whoever Sheds (Unborn) Man’s Blood By Man Shall His Blood Be Shed!””.¹ He had even confronted Dr. Britton face-to-face a few days earlier, asking whether he knew that ““the wrath of God abides in everyone who persists in killing human beings””.² But it seemed a long way from words to action. It wasn’t. As soon as Hill saw the two men drive in, he retrieved a shotgun that he had concealed in tall grass, walked up to their car as it stopped, and opened fire. He killed Barret first, then reloaded, moved closer, and killed Dr. Britton at point blank range. As the judge at Hill’s trial noted, Dr. Britton ““watch[ed] his own execution unfold in front of him””.³

On December 6, 1994, Hill (a former minister in the Presbyterian Church of America) was sentenced to die in Florida’s electric chair. During his trial and afterwards, Hill justified his actions on religious grounds. He claimed that he was simply following God’s command: ““I honestly think that what I did was honorable, and I’m unquestionably encouraging others who are called by God to do same thing.

¹JAMES RISEN & JUDY L. THOMAS, WRATH OF ANGELS: THE AMERICAN ABORTION WAR 212-213 (Basic Books, 1998); Bill Bergstrom, *Suspect Called “Loose Cannon”*, PHOENIX GAZETTE, July 30, 1994, at A13.

²Tom Kuntz, *From Thought to Deed: In the Mind of a Killer Who Says He Served God*, N.Y. TIMES, Sept. 24, 1995, at E14.

³William Booth, *Abortion Foe Gets Death Penalty in Killings*, WASH. POST, Dec. 7, 1994, at 3.

There's no question in my mind that it was what the Lord wanted me to do—to shoot John Britton to prevent him from killing unborn children”⁴ This special “calling” was affirmed by Hill’s reading of scripture:

‘I’m not saying what I did was legal, but I’m saying that what I did was moral, according to the highest legality. . . . God’s law positively requires us to defend helpless people. We’re supposed to help our neighbor if he’s being killed. . . .we’re positively culpable for not loving our neighbors as ourselves’.⁵

According to Hill, the command to ‘love thy neighbor’ implies a right, indeed a sacred legal duty, to kill those who threaten life. “‘It’s a sad thing when murderous aggressors *have to be shot*”’, he said, “‘but clearly our sympathies should be with the innocent people that are being defended rather than the people who knowingly consistently and continually kill innocent human beings”⁶ As Hill himself admitted, it was not easy to fulfill his duty to divine law:

‘my stomach felt like literally a bottomless pit . . . It was an act of will not to begin to think why I shouldn’t be doing what I was doing, but I knew. . . that if that man got into that abortion clinic, he would kill 25 to 30 people. And I’d determined that he had done that for the last time.’⁷

Hill’s words allude to the Passion: Hill claims that, like Jesus, he overcame his fear and weakness to save others and to give life to the Word. And like Jesus, Hill describes a new day, when his inspired understanding of the God’s law will gain widespread acceptance: “‘There’s no question that what I did was a relatively new concept. . . .Some day it will be commonplace and generally accepted as normal”⁸

Although most of us, regardless of religious conviction, are horrified by Hill’s actions,⁹ there is nonetheless a disturbing rationality to his justifications (once we

⁴*Political Christians, Christian Politics: The year’s top stories*, THE CHRISTIAN CENTURY, Dec. 21, 1994, at 1211.

⁵Kuntz, *supra* note 2.

⁶*Id.* (emphasis added).

⁷*Id.*

⁸George Rodriguez, *Gunman kills 2 at abortion clinics. Police identify suspect*, DALLAS MORNING NEWS, Dec. 31, 1994, at 1A.

⁹The leadership of most mainline churches in the United States have condemned the use of violence or threats to protest abortion. See, e.g., *SBC [Southern Baptist Convention] on protest violence*, THE CHRISTIAN CENTURY, Oct. 5, 1994, at 888 (summarizing the 12-page report by the SBC that argues, among other things, that “whatever right there may be to execute a criminal is reserved exclusively to governing authorities.”).

accept his fundamental premises). As a reporter for the *New York Times* noted: “To talk to [Hill] is to encounter a calm zealot’s eerily disarming, internally consistent logic—an impermeable personal conviction of the sort that fatally haunts society”.¹⁰ Yet how can Hill’s “logic” be at once the product of religious zealotry and, at the same time, “eerily disarming”, even to those who do not share his beliefs? Is Hill’s “logic” only “internally consistent” or does it have some wider command, a more fundamental resemblance to truth? And if “society” does indeed recognize a common logic in Hill’s reasoning, then what justification can it give for punishing Hill that does not itself rely on mere hypocrisy and brute force? In sum, what is the difference between the logic of religious fanaticism and the logic of state-sanctioned punishment?

These are the questions that I want to explore in the chapters that follow—questions that, as Dominique Colas points out, are fundamental to understanding the boundaries of “civil society”.¹¹ Colas argues that, at least since the Reformation, the concept of “civil society” has been defined by its opposition to “fanaticism”—the word she uses to describe the beliefs of individuals like Hill who lay claim a unique understanding of divine law—the kind of understanding that is possible only through miraculous inspiration and that confers exclusive authority upon the “inspired” to enforce divine law against the “fallen”.¹² In the Reformation’s emphasis on individual conscience as a source of moral knowledge we see the potential for “fanaticism” and its challenge to the coherence of “civil society”. As P.J. Kelly explains,

[t]he Protestant emphasis on individual responsibility for salvation created the conditions within which the individual conscience became the standard for determining the religious and ethical requirements of salvation. Once an individual’s conscience became the ultimate standard for determining what was necessary for salvation, there arose the situation in which

¹⁰Kuntz, *supra* note 2.

¹¹See DOMINIQUE COLAS, CIVIL SOCIETY AND FANATICISM (Amy Jacobs trans., Stanford University Press, 1997).

¹²See *id.* at 6.

conscience posed a direct challenge to the authority of the civil magistrate.¹³

To answer the challenge of “fanaticism”, “civil society” must define itself in the negative, as that which opposes subjective interpretations of moral and legal duties. The law of civil society is thus conceived as the repository of common and objective standards of human conduct, whose purpose it is to carve out a sphere of social life in which individual action must, under penalty of law, conform to these standards. In punishing the “fanatic”, who attempts to usurp the State’s prerogative in the social sphere, “civil society” reaffirms its boundaries and its monopoly over the legal violence necessary to enforce social norms.

Yet despite the constitutive power of this dichotomy between civil society and fanaticism, Colas warns us that “if we persist in thinking about and understanding fanaticism only from a distance, as something that characterizes the other, we may forget that it penetrates all modernity. . .”.¹⁴ As I will argue, this insight applies with equal force to the most visible instantiation of “civil society”: the institutions and discourse of civil law.¹⁵ It is not only the religious zealot who justifies his right to punish others with a claim to know the hidden truth, the real meaning of things. This “fanatical” claim lurks in *any* justification of authority that relies on the concept of representation— on the amorphous yet pervasive idea that legal words and actions reveal or recall a pre-existing ideal, a deeper structure of meaning. I will attempt to show how this idea of representation undergirds some of the most common and accepted justifications for civil law’s authority. The question then becomes whether civil law can justify itself *without* an appeal to representation and the “fanaticism” that accompanies it. My intuition is that by *not* discarding its “fanatical” belief in representational truth, the State condemns itself to self-contradiction, and thereby

¹³P.J. Kelly, *John Locke: Authority, Conscience and Religious Toleration*, in A LETTER CONCERNING TOLERATION, IN FOCUS 129-30 (J. Horton and S. Mendus eds., 1991).

¹⁴*Id.*

¹⁵I will use the term “civil law” not according to its technical definition, as the counterpart to criminal law, but in its broader sense, as the set of laws promulgated and enforced by the institutions of the state.

undermines its moral authority to control violent acts of fanaticism—even in situations, such as Paul Hill’s, that seem clearly to warrant such control.

To explore the questions raised by Paul Hill’s case, I will interrogate key texts from a period of English and Scottish history in which the clash between fanaticism and civil society came to the forefront of philosophical and literary discourse: the period beginning in the mid-17th century with the English Civil War and Scottish Presbyterian uprisings, and ending in the early decades of the 19th century, when, looking back over 150 years of history, Scottish novelists attempted both to justify and to lay to rest the religiously-motivated violence of the past. The writers of this period share a common term to describe the type of “logic” employed by fanatics like Paul Hill: religious “enthusiasm”. As Susie Tucker has pointed out, the meaning of this term has constantly shifted over time, ranging from “possession or ecstasy”¹⁶ in early usage, to “ardent zeal for any person, cause or principle” in modern parlance.¹⁷ But during the seventeenth and eighteenth centuries, “enthusiasm” had a more stable, if still broad, meaning: the “enthusiast” believed that he or she possessed unique insights into God’s truth through private revelation and inspired readings of the Scripture.¹⁸ As Nathaniel Baily wrote in his *Glossographia* of 1721, the “enthusiast” was “one who pretends [i.e. claims] to be inspired by the divine spirit, and to have a true sight and knowledge of things”.¹⁹ Both Tucker and Colas point out how, later in

¹⁶See SUSIE I. TUCKER, *ENTHUSIASM: A STUDY IN SEMANTIC CHANGE 3* (Cambridge University Press, 1972).

¹⁷*Id.* at 1 (citing the OED).

¹⁸Michael Heyd writes that the term “enthusiasm” “became a standard label by which to designate individuals or groups who allegedly claimed to have direct divine inspiration, whether millenarians, radical sectarians or various prophesiers, as well as alchemists, ‘empirics’ and some contemplative philosophers”. Heyd also warns, however, that “it is a misguided historical exercise to search for a clear definition of enthusiasm, let alone to look for a well-defined movement. Yet, while enthusiasm as such may be a dubious historical entity, the reaction to it is not. Indeed, the label reflects the attitudes of its users rather than describing any particular group which it purports to designate”. See MICHAEL HEYD, “BE SOBER AND REASONABLE”: THE CRITIQUE OF ENTHUSIASM IN THE SEVENTEENTH AND EARLY EIGHTEENTH CENTURIES 2, 5 (E.J. Brill, 1995). Despite his own warning, Heyd defines religious “enthusiasm” narrowly, as the elevation of “direct divine inspiration” over the guidance of Scripture. See *id.* at 175-76, 275-76. Heyd’s definition ignores the fact that the term “enthusiasm” was also used during the seventeenth and eighteenth century to describe “inspired” readings of Scripture—readings made possible by divine communication. It is this broader, more complex definition of “enthusiasm”—in which “inspiration” and “exegesis” are intertwined—that appears in the philosophical and literary texts I will discuss.

¹⁹*Id.* at 16.

the eighteenth-century and into the nineteenth, “enthusiasm” began to be differentiated from “fanaticism” roughly in terms of a distinction between thought and action. Thomas Ludlum, for example, writes in his *Four Essays* (1797) that the enthusiast, “supposes himself in possession of *knowledge*, the fanatic of *directions*, immediately (and miraculously) communicated to him from *God* himself; but neither of them produce any credentials to establish their claim”.²⁰

I will use the term “enthusiasm” in its more flexible, late seventeenth- and early eighteenth-century sense, to include not only the belief in private inspiration but the willingness to put that inspiration into practice. In the writings that I will examine, the term “enthusiasm” is used in this broader sense, allowing for a discussion of its most dangerous aspect—its tendency to lead citizens to reject the authority of civil law and transgress its commands. Michael Heyd has suggested that in the seventeenth century the word “enthusiasm”

was a label assigned to individualists who challenged not only traditional authorities, but collective institutions and common beliefs. The enthusiast set his own inspiration, his own thoughts and ideas, against traditional as well as common beliefs, not only in the religious sphere, but in other intellectual, indeed, social and political, spheres as well. In this respect, the challenge of enthusiasm in the seventeenth century was essentially directed against the established social order, religious, political, intellectual and scientific.²¹

Among the dangers of “enthusiasm”, then, was the *legal* threat it posed to the authority of civil institutions and their functionaries. The “enthusiast” claimed a privileged understanding of the Law, whether it be God’s law or the state’s—an understanding that, in its very uniqueness, conferred authority to impose this Law upon others who remained unenlightened. Thus “enthusiasm” presented a direct challenge to the State’s legal prerogative. As I hope to show, the reason this challenge

²⁰*Id.* at 26. See also COLAS, *supra* note 11, at 18 (“The history of the term ‘fanatic’ is further complicated by the distinction that came to be made in the course of the eighteenth century between an ‘enthusiast’—one who believed himself to receive God’s light—and a ‘fanatic’—one who was ready to ‘act out’ in the name of illumination.”).

²¹HEYD, *supra* note 18.

was so serious was that it threatened to expose the “enthusiasm” supporting the “established social order” itself.

Rather than attempting an overview of the numerous tracts and treatises on “enthusiasm” published during the seventeenth and eighteenth centuries²², in the first part of my thesis, I will concentrate on philosophical texts that discuss the phenomenon of “enthusiasm” as part of a larger attempt not only to justify the legal institutions of the State but also, more fundamentally, to explain the meaning of justice around which these institutions are, or should be, organized. In such texts, we can most clearly perceive the tension (or, perhaps, the disturbing similarity) between the logic of “enthusiasm” and common explanations for civil law’s authority. In particular, I will offer close readings of Thomas Hobbes’s *Leviathan* (1651) and John Locke’s *Essay Concerning Human Understanding* (1700). Both texts are fundamental to Western legal philosophy, providing two very different yet equally influential explanations of the connection between civil law and justice. For Hobbes, civil law and justice are coextensive: civil law is the practical expression of the benevolent Sovereign’s necessarily accurate understanding of justice. For Locke, justice and civil law may often be at odds: civil law must always be compared and corrected by principles of justice that are discoverable by human reason. The logic of “enthusiasm” presents a challenge to both these theories: the “enthusiast’s” miraculous insight into divine law necessarily supersedes the mundane understandings of justice offered by either the Sovereign or the human mind alone. Although Hobbes and Locke attempt to meet the challenge of “enthusiasm” by explaining the error of its logic, they adopt a disparaging view of language that is at odds with their understanding of the sources of moral authority. Try as they may to dispel “enthusiasm”, it keeps returning, showing itself at the foundation of their *own* logic of authority. At root, both “enthusiasm” and the normative systems developed by these two philosophers make moral authority contingent upon acts of violence.

²²For an excellent overview of this extensive literature, see generally HEYD, *supra* note 18.

In Chapter One, I will argue that violence is necessary to defend the central premise of Hobbes's *Leviathan*: that the Sovereign's laws are perfect representations of the desires and beliefs of His subjects. This claim to representational perfection is the *sine qua non* of sovereignty itself: one cannot acknowledge the Sovereign as sovereign and criticize His laws as misrepresentations of the common will. This grant of perfection was, in effect, one of the terms of the original contract by which individuals in the "state of nature" instituted the Sovereign to end the "war of all against all". Yet Hobbes's theory of perfect representation makes sense only if one imagines a "higher" or omniscient perspective from which the Sovereign's legal discourse can be compared to its "original"—the desires and beliefs of the citizenry. Only then can this discourse be "truthful" or "accurate", and thus authoritative. Yet it is precisely this "enthusiastic" faith in the possibility of a "higher" perception of the truth that Hobbes condemns as the great error of Puritan religious dissent. The violence of Hobbes's notion of sovereignty is thus exposed in this double-bind: the citizen must accept the truth of the Sovereign's discourse, but cannot ask for proof, because to do so would be "enthusiasm"—the presumptuous claim that one possesses the "deeper" insight necessary to *judge* the Sovereign's truth. Any effort to look "behind the curtain" (to borrow an image from the *Wizard of Oz*) is punishable as an act of rebellion, as an "enthusiastic" usurpation of the Sovereign's authority. Although Hobbes warns that "enthusiasm" necessarily leads to coercion, it turns out that both the Sovereign and the "enthusiast" derive their authority from their ability to prevent others from questioning the link between their normative language and an authorizing, but unapproachable, source of meaning—the pre-existing ideal that is represented or called forth by this language.

In Chapter Two, I argue that Locke, like Hobbes, responds to "enthusiasm" in a way that leads him to contradict a fundamental premise of his own philosophy. Locke's critique of "enthusiasm" relies on a radical understanding of moral propositions. He suggests that the authority of moral propositions should not depend on their "truth", that is, on their correspondence to a pre-existing standard or ideal.

Rather, they must be judged by their conformity to reason and, most importantly, to human experience. Locke warns that demanding absolute truth is extremely dangerous: it transforms the language of law and justice into mere *representation*—a mundane reflection of some more pure form of meaning. Since this state of purity is not attainable *through* language (since language can only be a symbol rather than the thing itself), moral discourse is thus rendered always-already “imperfect” or “fallen”—always characterized by the absence of the ideal that precedes it. In such a situation nothing prevents “enthusiasts” from denying the authority of generally accepted moral propositions and claiming that their own propositions somehow capture higher moral truths. Such claims can then be used to justify the use of violence necessary to enact these truths against the lesser truths of the State.

Despite developing this critique of “enthusiasm”, Locke appears unable to accept its implications. He asserts elsewhere in the *Essay* that beyond “verbal” truths—those that are created by the definition of terms and adherence to these definitions—there is a type of “real” truth that is more than mere linguistic correspondence. While Locke is consistent in insisting that moral propositions are “verbal” truths, his notion of “real” truth necessarily demotes moral propositions to the level of the “unreal,” and thus, like “enthusiasm” itself, makes the authority of moral propositions contingent upon violence—upon the ability of those espousing them to silence (through intimidation, punishment, etc.) others who would claim to have captured the “real” moral truth beyond the merely “verbal”. Here, violence is exercised by the institutions of civil law not to defend the link between moral propositions and their “real” meaning, but to prevent dissenters from asserting such a link.

Violence, of course, is one of the most visible attributes of civil law: from arrest to trial and finally to punishment itself, civil law depends on a massive institutional deployment of force to maintain control over its subjects. The late Robert Cover has written perceptively about law’s relationship to violence. Along with the use of actual physical coercion, Cover argues that civil law is always engaged in another, related

form of violence, exercised in the field of legal interpretation. State legal institutions, he says, are constantly engaged in a discursive project of “killing off” alternative understandings of the law:

Judges are people of violence. Because of the violence they command, judges characteristically do not create law, but kill it. Theirs is the jurispathic office. Confronting the luxuriant growth of a hundred legal traditions, they assert that this one is law and destroy or try to destroy the rest.²³

By “legal traditions”, Cover means not only those understandings of law that develop from competing modes of interpretation, but also those understandings that are created by self-defined communities of belief, organized around other legal texts, such as the Torah, Bible or Koran. Every articulation of law, says Cover, contains within itself the potential for competing interpretations: new understandings are constantly created as the language of the law is reinterpreted or discarded altogether. It is this multiplicity that requires State institutions to be “jurispathic”: “the proliferation of legal meaning is at odds . . . with the effort of every state to exercise strict superintendance over the articulation of law as a means of social control”.²⁴

In the clash between civil law and “enthusiasm”, we have a rare opportunity to witness a moment when the jurispathic violence of the State is exercised not only through legal interpretation but also through physical force. The death sentence imposed on Paul Hill, for example, was not only an extreme form of corporeal punishment but also a means of extinguishing his competing claims to legal truth. Yet, unlike Hill’s body, his legal interpretations can survive electrocution and even gain strength from it, being shared and passed on by survivors. This is the strange triumph of the martyr. Hill’s martyrdom was constructed from the moment his death sentence was pronounced: as soon as Judge Frank Bell finished reading his sentence, Regina Dinwiddie, an anti-abortion activist from Kansas City, Missouri, stood up in the court gallery and shouted at the judge, ““This man is innocent and his blood will

²³Robert Cover, *Nomos and Narrative*, 97 HARVARD LAW REVIEW 4, 53 (1983).

²⁴*Id.* at 46.

be on your hands, the hands of the people of the state of Florida and on the jury!”²⁵ To Ms. Dinwiddie, and others²⁶, Paul Hill was not a killer but an innocent dying for a moral proposition radically at odds with the institutionalized interpretation of his actions. Hill gladly accepted his “martyrdom”, seeing it as a necessary step for the eventual triumph of his moral position: “‘I think I can save more people dead than alive,’ Hill said after his sentencing, ‘And that’s what I’m called to do—save as many innocent human beings as possible’”.²⁷ In a later interview from death row, Hill stated: “‘If I am in fact killed, I think you could justifiably call me a martyr . . .’”.²⁸ And when asked whether his example would inspire others to do the same, he answered simply “‘Indubitably’”. Three weeks after Hill’s sentencing, John Salvi walked into an abortion clinic in Brookline, Massachusetts, and opened fire, killing one and wounding three. He then drove to another clinic nearby and shot dead the first person he encountered, a young receptionist name Leanne Nichols.²⁹

After hearing of the Brookline shootings, Rev. David C. Trosch, a Catholic priest in Alabama, said, “‘Anyone in the war zone has to expect to be part of the war that’s going on’”.³⁰ Although an ugly way to justify the killings, Rev. Trosch’s imagery is *a propos*: there is, indeed, a “war” being fought—a war between the state and the individual over moral truth and, more importantly, over who has the right to use violence to enforce this truth. More often than not, this clash results in martyrdom for the “enthusiast” and his victims. As Cover has noted:

²⁵Joe Maxwell, *His Call to Battle is Mostly Ignored*, CHICAGO TRIBUNE, Dec. 13, 1994, at 1.

²⁶John Burt, who led numerous protests at Pensacola abortion clinics, noted: “‘People are truly very frustrated with how their protests. . .are being stopped, and some think that Paul Hill is a martyr who made the ultimate sacrifice for the cause.’ . . . ‘He may be inspiring people to take more action.’” Rene Sanchez, *New federal law hasn’t made clinics peaceful*, THE CINCINNATI INQUIRER, Dec. 31, 1994, at A06.

²⁷*Hill Expects his Execution to Boost Anti-Abortion Cause*, SUN-SENTINEL (Ft. Lauderdale), Dec. 21, 1994, at 24A.

²⁸Kuntz, *supra* note 2.

²⁹See Ellen Goodman, *Shootings at Brookline abortion clinics. Commentary*, THE BOSTON GLOBE, Dec. 31, 1994, at 1. For a recent account of the rise in violence against abortion physicians, see David Samuels, *James Charles Kopp’s Anti-Abortion Odyssey*, N.Y. TIMES MAGAZINE, Mar. 21, 1999, at 47.

³⁰George Rodriguez, *Gunman kills 2 at abortion clinics. Police identify suspect*, THE DALLAS MORNING NEWS, Dec. 31, 1994, at 1A.

Martyrs insist in the face of overwhelming force that if there is to be continuing life, it will not be on the terms of the tyrant's law. Law is the projection of an imagined future upon reality. Martyrs require that any future they possess will be on the terms of the law to which they are committed (God's law).³¹

Cover suggests that in the execution of martyrs we see that "the interpretative commitments of officials are realized, indeed, in the flesh".³² If the State cannot provide a coherent justification for the use of violence to silence competing visions of the law, the martyr, in death, exposes the brute force upon which this right to violence is founded.

Paul Hill was sentenced to die not *only* for taking the lives of others, but for trying himself to "realize" his own "interpretative commitments" in the flesh of others—for trying to usurp the jurispathic prerogative of the State. Of course, the State has ample reason to punish acts of "murder". At Hill's trial, however, the court would not even allow Hill to question whether what he did actually constituted "murder". He wanted to argue that his shootings were acts of "justifiable homicide", not only required by God, but permitted by civil law. This argument, however, was dismissed as irrelevant, mainly because abortion itself is legal.³³ In effect, the court declared that the State's legal definitions—its system of moral classification—could not be challenged; its "truth" was a given. The State thus refused to consider Hill's own "inspired" interpretation of the law's meaning—a refusal that created a disjunction, a silence where there could have been explanation. The State attempted to mend this rift through violence, by labeling Hill's objections "contempt of court", an offense punishable by forced removal from the ritual site of judgment. Yet this interpretative disjunction remained and was disquieting, even to those who did not share Paul Hill's "enthusiastic" beliefs. As one editorialist wrote:

It's hard to see. . .how putting Mr. Hill to death would persuade him—or those who would make a martyr of him—that self-justifying vengeance, arrogating oneself the right to decide

³¹Robert Cover, *Violence and the Word*, in NARRATIVE, VIOLENCE, & THE LAW: THE ESSAYS OF ROBERT COVER 203, 205 (Martha Minow, et al. eds., Univ. of Michigan Press, 1992).

³²*Id.*

³³See *Hill Expects his Execution to Boost Anti-Abortion Cause*, *supra* note 27.

which persons shall live or die, cannot be the basis of a civilized society.³⁴

Another writer declared that “there is no fundamental difference between executing an individual in front of an abortion clinic and executing someone in an electric chair. The latter, if anything, is more repugnant, because it reduces the state to the level of the killer himself.”³⁵ After Hill’s death sentence was announced, the same writer commented: “The State of Florida is going to teach that killing is wrong by killing anti-abortion fanatic Paul Hill? The medium mixes that message. Eerily, the state is as addled as Hill, who shot a doctor and his escort to death under the banner of pro-life.”³⁶ What is so “eerie” here is the silence of the court in the face of the enthusiast’s legal challenge—its inability or refusal to differentiate its jurispathic violence from the violence of the “enthusiast”. If all that justified the execution of Hill was the desire by the State to express its conviction that “murder is wrong,” then it is not clear why the State should have the exclusive right to enforce this dictum. Hill, too, thought murder was wrong and therefore punishable by death: that is why he opened fire.

The “expressive” justification for Hill’s execution rests on a claim to truth—on the claim that what Hill did can be accurately described as “murder”. Yet the “truth”, the *necessity*, of the connection between the description (“murder”) and the act (killing) can never be “proven”: enthusiasts like Hill can always challenge this connection as being, in Lockean terms, merely “verbal,” the product of superior force exercised in the field of moral language. A claim to truth alone, therefore, cannot be grounds for preventing others from denying the truth of civil law’s description of actions. But one may ask why such counter-claims must be policed in the first place. Why must alternative descriptions of moral truth be the target of the State’s *jurispathic* violence? Cover suggests that “social control” is at stake, yet this answer is incomplete. It is not clear why the mere presence of competing understandings of

³⁴American Political Network, *Editorial Round-up on Paul Hill Death Penalty*, ABORTION REPORT, Dec. 9., 1994, at 2.

³⁵Editorial, *Murder mustn't beget murder*, THE MILWAUKEE JOURNAL, Nov. 4, 1994, at A8.

³⁶Editorial, *Another act of lethal lunacy*, THE MILWAUKEE JOURNAL, Dec. 8, 1994, at A18.

the law is enough to undermine the ability of the State to maintain control. Is there a certain *kind* of rival understanding that necessitates jurispathic violence?

Locke and Hobbes provide two answers. Under a Lockean regime, jurispathic violence must be directed at those rival articulations of law that claim to represent “real” truth—truth beyond human reason and experience—because such claims undermine the authority of the civil law, which can only aspire to a “verbal” truth based on deductions from moral definitions. In a Hobbesian state, the institutions of civil law must destroy *any* rival claims to moral truth because such claims undermine the fundamental term of the social contract—the concept of the Sovereign’s necessary perfection in his legal pronouncements. Both these answers reveal the instability created once truth becomes the ground for legal authority. This authority can be maintained only through the use of violence, not only to punish wrong-doers, but to destroy their dissenting visions of moral truth.

In Chapter Three, I will examine an alternative model of moral and legal authority, derived from David Hume’s monumental work, *A Treatise of Human Nature* (1739-40). For Hume, discourse is an activity: to speak is to act upon the world and to respond to its changing conditions. The meaning and validity of moral discourse, therefore, does not lie in what it *represents* but in what it *does*. It is not that claims to truth cannot be made, but rather that such claims are simply immaterial to the question of whether we should assent to moral propositions. Individuals can declare the truth of their beliefs, but such declarations by themselves are insufficient to *require* adherence. What must be shown is the *effect* of these moral propositions—the benefits they confer and the improvements they promote. Hume does not deny the existence of “true” propositions, but he denies that *any* proposition can claim a higher or more real truth beyond the verbal realm of definition. It is the underlying hope of Hume’s philosophy that by moving the foundation of moral authority away from truth and towards utility, we may discover a common ground of consent, based on shared human capacities to perceive pleasure and pain. Whether such a common ground is available is another, larger question, one that is not within the scope of my present

investigation. Rather, I hope to show how, by developing a theory of authority that avoids claims to representational truth, Hume is able to offer a coherent, non-contradictory, response to religious “enthusiasm”.

Whereas Hobbes and Locke evince a certain intolerance for skepticism and a desire to eradicate doubt, Hume transforms the possibility of skepticism itself into a positive force. Skepticism becomes a principle of restraint that applies equally to the State and the “enthusiast”. Since metaphysical proof is impossible, neither the State nor the “enthusiast” can use truth claims to provide an objective justification for jurispathic violence. According to Hume, enthusiasts like Paul Hill may be punished, but not for simply making a claim to “metaphysical” truth, but for the horrific consequences of staking an *exclusive* claim to truth, a desire that denies the limits imposed by skepticism. In punishing Hill, however, the State must not itself appeal to absolute truths that deny the possibility of doubt. The State must not assert that its description of Hill as a “murderer” is incontrovertible. Instead, it must explain its use of this descriptor as a penalty for Hill’s use of violence to impose his dissenting *belief*. While Hill would deny that what he did was “murder”, he would certainly recognize that Dr. Britton and Mr. Barret did not share his belief that *abortion* is “murder”. But rather than using means of moral persuasion recognized as valid by *both* himself *and* Dr. Britton, Hill attempted to end debate with a gun.³⁷

Hill, of course, would respond that the State has already precluded debate through the Supreme Court’s decision in *Roe v. Wade*.³⁸ Under Hume’s model, Hill is almost right. By using its interpretive authority to provide a “final” answer to the moral question of when legally-protected life begins, the Court may have overstepped the limits of knowledge and, in one sense, “outlawed” skepticism. Perhaps the Court should have left the resolution of this “unproveable” issue to the political process—

³⁷It is another question whether the State could be justified in *executing* Hill for silencing moral debate. In some respects, the death penalty would seem an inappropriate medium for the message the State sought to convey. On the other hand, by imposing the ultimate punishment on Hill for his ultimate act of silencing, the State can be said to be reaffirming its commitment to safe and free debate.

³⁸410 U.S. 113 (1973).

the process by which “ultimate” questions may be given provisional answers.³⁹ Yet Hill is not entirely correct: he ignores the fact that, even with the Supreme Court’s decision in *Roe v. Wade*, debate on abortion was still possible, as evidenced by his own protests outside the Ladies Center in Pensacola. Such protests represent an effort to overturn *Roe* through political, rather than, judicial means—an effort to convince others, including Dr. Britton and those seeking abortion, to voluntarily accept the ultimate moral proposition that abortion is murder. Motivating these protests is the hope that the *Roe* decision could be rendered a nullity through moral suasion.

Hume’s effort to purge metaphysical truth claims from the foundation of legal or moral *authority* does not require discarding *belief* in the value of moral propositions. Indeed, Hume’s *Treatise* can be read to suggest that such belief is absolutely necessary to overcome constant and paralyzing doubt. The stories by which moral propositions are passed from generation to generation may also, consistent with Hume’s philosophy, be understood as “sacred”. Yet the practical consequences of these stories must always be assessed. Hume’s philosophy warns us not to let our love of sacred narratives mislead us into thinking that the truth of the moral propositions these narratives convey is enough to justify their enforcement against those who do not believe in the same stories.

³⁹Two important notes: First, Supreme Court interpretations of the Constitution are not “final” in the sense of being irreversible. They may always be overturned by constitutional amendment. The Court’s interpretations, however, *are* final in the sense that they articulate *the* legally-significant meaning of the Constitution as it stands in the present. Second, *Roe* is a long and complex opinion, reflecting the complexity of the debate over abortion itself and the numerous moral, scientific, and legal questions involved. It is difficult, therefore, to distill a single issue or “answer” from the various explanations and dicta offered by the majority in support of their decision. Nevertheless, numerous constitutional scholars, on both the right and left, have criticized *Roe* as a misguided attempt by the Supreme Court to resolve the moral debate over abortion by judicial fiat. For a summary of these criticisms, see STEPHEN CARTER, *THE CULTURE OF DISBELIEF* 251-52 (New York: Doubleday, 1994). The importance of “finality” was recognized by the Court in *Planned Parenthood v. Casey*, 505 U.S. 833 (1992), which upheld *Roe*. The *Casey* decision begins with the assertion that “[l]iberty finds no refuge in a jurisprudence of doubt”. 505 U.S. at 845. Souter goes on to write that “Where, in the performance of its judicial duties, the Court decides a case in such a way as to resolve the sort of intensely divisive controversy reflected in *Roe*. . . its decision has a dimension that the resolution of the normal case does not carry. It is the dimension present whenever the Court’s interpretation of the Constitution calls the contending sides of a national controversy to end their national division by accepting a common mandate rooted in the Constitution”. *Id.* at 866-67. It is not entirely clear, however, that such a “call” to end debate and division by an unelected, unrepresentative judiciary is healthy for a democratic society, especially when the debate and division are over fundamental and deeply held beliefs. In fact, as Paul Hill’s actions suggest, it may be extremely dangerous.

The use of narrative to lend authority to the law, however, extends beyond the mere explanation of why the law, as written or spoken, represents moral truth. Narrative is also crucial in explaining why particular acts of judgment are accurate *re-*presentations of the law and the moral truths it contains. Narrative, in other words, provide the grounds upon which individual legal actors can claim authority through repetition and consistency. It was the authority of repetition that led the U.S. Supreme Court to affirm its decision in *Roe v. Wade*. In *Planned Parenthood v. Casey*⁴⁰, decided nearly twenty years after *Roe*, Justice Souter provided a detailed discussion of *stare decisis*, the common law doctrine of adhering to precedent.⁴¹ Souter pointed out that “[i]n constitutional adjudication as elsewhere in life, changed circumstances may impose new obligations, and the thoughtful part of the Nation could accept each decision to overrule a prior case as a response to the Court’s constitutional duty”.⁴² Yet, according to Souter, circumstances have not changed sufficiently to merit a departure from precedent: “neither the factual underpinnings of *Roe*’s central holding nor our understanding of it has changed”.⁴³ Souter concludes, therefore, that “overruling *Roe*’s central holding would not only reach an unjustifiable result under principles of *stare decisis*, but would seriously weaken the Court’s capacity to exercise the judicial power and to function as the Supreme Court of a Nation dedicated to the rule of law”.⁴⁴

It is important to note that, in *Casey*, the Court does not treat the decision in *Roe* as authoritative because it was true, but because it was precedent.⁴⁵ In fact, the Court explicitly rejects the “trimester framework” around which the *Roe* doctrine was

⁴⁰505 U.S. 853 (1992).

⁴¹The literal translation of *stare decisis* is “let the decision stand”. As Russel Moore explains: “*stare decisis* is the doctrine in English Law that, when the court has once laid down a principle of law as applicable to a given state of facts, it will adhere to that principle and apply it in future cases where the facts are substantially the same”. RUSSEL MOORE, *STARE DECISIS* 4 (Harvard University Press, 1958). It should be noted that *stare decisis* is as much a part of American common law as English.

⁴²*Casey*, 505 U.S. at 864.

⁴³*Id.*

⁴⁴*Id.* at 865.

⁴⁵See generally Part III of the *Casey* opinion. 505 U.S. at 854-69.

organized.⁴⁶ Despite this departure Justice Souter argues that the “rule of law” demands that the Court repeat the judgment it announced in *Roe* since the “factual underpinnings” have not changed. The story of abortion in America in the 1990s is similar enough to the story told in *Roe* that the Court is compelled to provide the same “ending”. The “rule of law” is here conceptualized as a discursive rule: the law is a set of narrative archetypes that must be retraced in the present. The precedent story must be told again, in its entirety, for the Court to retain its legal authority—an authority founded not on ultimate truth but consistency. And it is the requirement of consistency (i.e. the “rule of law”) that both authorizes and *demand*s the use of jurisprudential violence against other interpretations of the source narrative.

It is not only the discourse of civil law that employs narrative archetypes as source of justification, guidance, and rules. This interpretive practice is also central to religious traditions organized around sacred stories.⁴⁷ It is the practice of religious typology—of finding both the present in the narrative past and the narrative past in the present (or future). Northrop Frye writes that “typology is a figure of speech that moves in time: the type exists in the past and the antitype in the present, or the type exists in the present and the antitype in the future”.⁴⁸ In other words, typology is a way of giving meaning to experience, either by reading the present into a pre-existing story

⁴⁶See 505 U.S. at 873. In *Roe*, the Court held that in the first trimester of pregnancy, a woman’s right to abortion is not subject to state control. In the second trimester, and before “viability,” the State may regulate abortion in “ways that are reasonably related to maternal health”. After viability, the State is allowed to regulate, and even proscribe abortions, “except where it is necessary. . . for the preservation of the life or health of the mother”. 410 U.S. 113, 164-65. As Justice Scalia writes in *Casey*: “I have always thought, and I think a lot of other people have always thought, that the arbitrary trimester framework, which the Court today discards, was quite as central to *Roe* as the arbitrary viability test, which the Court today retains”. 505 U.S. at 993. Scalia neglects to explain, however, why viability is an arbitrary test, except for the fact that the point of viability can shift over time with improvements in medical science.

⁴⁷These sacred narratives should be distinguished from devotional texts. The difference is that between Torah and Talmud, Genesis and Psalms, Gospel and Epistle—between texts that tell the story of the appearance of the divine in the world, and texts that either explain the prescriptive meaning of this story or that offer praise and supplication.

⁴⁸NORTHROP FRYE, *THE GREAT CODE: THE BIBLE AND LITERATURE* 80 (Routledge, 1982). Frye gives the term “typology” a broader significance than merely a hermeneutic approach to the New Testament, whereby events described in the Hebrew Testament are read as prefigurements of the events described in the Gospels. “Typology”, for Frye, is a general interpretive strategy that finds the structure of past narratives in present experience. For now, I will adopt Frye’s usage. *But see infra* text accompanying notes 50-51 (adopting the term “post-figuration” to describe the typological practice of understanding the present as a repetition of the narrative past).

(the present as repetition), or by reading this story in the present as a guide to future events (the story as template). As Frye notes, “[t]he types are frequently established, or at least interpreted as such, only after the antitypes have appeared”.⁴⁹ Out of the chaos of experience, patterns are recalled or projected, revealing a higher power whose providence organizes existence. The divine reappears in the fallen present—a present which it seemed to have abandoned. Those who are able to discern this divine narrative structure are thus comforted, secure in the knowledge that the movements of their lives are not random or meaningless, but shaped and ordered by the holy Word.

Typology confers more than psychological benefits. As we saw in the *Casey* decision, the backward-looking form of typology (in which the present is viewed as narrative repetition) also confers legal authority. Murray Roston has labeled this form of typology “postfiguration” and explains how it is a major trope in seventeenth- and eighteenth-century Protestant discourse.⁵⁰ Cairns Craig explains that, under the postfigurative gaze, “life is drama of re-enactment of the founding narrative of the universe, and by that re-enactment returns significance to the original *typos* by revealing how powerfully it has prefigured the present”.⁵¹ In the discovery of parallels between life and text, the text is confirmed as the truth, as a paradigm of action that deserves emulation. Yet equally important is the way in which this discovery of parallels also *compels* action in life: the original narrative, which is discovered to be repeating itself in the present, must reach the same conclusion. The interpreter has no choice: once the truth and divinity of the original text is shown through its miraculous (but not yet completed) repetition, the interpreter must adhere to the plot of this divine story. Not to do so would be to contradict God’s command, or, to paraphrase Justice Souter, the “rule of [divine] law”. It is this sense of *obligation* to the original narrative enactment of the Law that allows the interpreter to forget or conceal her own

⁴⁹*Id.* at 81-82.

⁵⁰See MURRAY ROSTON, *BIBLICAL DRAMA IN ENGLAND FROM THE MIDDLES AGES TO THE PRESENT DAY* 70-71 (Faber and Faber, 1968). See also CAIRNS CRAIG, *OUT OF HISTORY: NARRATIVE PARADIGMS IN SCOTTISH AND ENGLISH CULTURE* 217-19 (Polygon, 1996). Craig notes that “[p]ostfiguration turns the progressive movement of time into a recuperation of the past, and makes the present a significant narrative precisely because it is a narrative already inscribed in the word of God”. *Id.* at 217.

⁵¹*Id.*

subjectivity, and thus deflect responsibility for the outcome of the already-written story.

Both the common law doctrine of *stare decisis* and the more general typological claim of postfiguration rely on a form of violence similar to that found in the “law as representation” theories of Hobbes and Locke. David Luban writes that “[t]he legal doctrine of *stare decisis* is nothing more than a formalist expression of the more fundamental juristic act of narrative imagination by which distinct historical episodes are fused into political equivalence”.⁵² The authority of particular pronouncements of law requires “fusion”—the forced creation of equivalence—between the past and present, between text and life. Any differences or distinctions that disrupt the claim that the past text is re-presenting itself must be ignored or erased. Otherwise the legal decision “required” by this past text would, as Luban notes, “lose its aura of authority and invite a self-proliferating skepticism rather than conviction”.⁵³ In the discourse of civil law, the violence required to police such claims is exercised both through the jurispathic effect of decision-making (whereby dissenting opinions are denied legal significance) and through the effect of these decisions themselves (whereby the ‘losers’, who interpret the past differently, are made to suffer the various physical and/or economic penalties of the law).

The second half of this thesis, Chapters Three to Five, explores literary descriptions of the violence required to sustain postfigurative authority. My focus will be on works by three novelists—Walter Scott, John Galt, and James Hogg—that recount the history of, and the various justifications for, the seventeenth-century uprising of the Scottish Covenanters. In these works, the religious “enthusiasm” of the Covenanters is marked by their use of postfiguration as a means of justifying and directing their acts of violent rebellion against the oppressive agents of the Stuart monarchy. We see the Covenanters “reading” the present as a repetition of biblical narratives that describe God’s violent punishment of the enemies of his chosen

⁵²David Luban, *Difference Made Legal: The Court and Dr. King*, 87 MICHIGAN LAW REVIEW 2152, 2154 (1989).

⁵³*Id.* at 2153.

people. Once the Covenanters “discover” the repetition of these biblical narratives in their persecution by the Stuart government, they “read” themselves to be authorized and required, as God’s chosen instruments, to re-enact His law upon their persecutors. They transfigure the Bible into a set of legal precedents that must be invoked when the present mimics the conditions that led to divine judgment in the past.

As in the works of Hobbes and Locke, “enthusiasm” appears as the mirror image of the discursive attitudes and practices that ground civil authority. Both the “enthusiasts” and the agents of civil law that inhabit these novels use postfigurative claims to justify their jurispactic efforts to silence dissent and to impose their vision of law upon the world. Whether it is labeled “typology” or “the rule of law”, both the Covenanters and their opponents attempt to “fuse” their violent actions with the legal narratives of the past, both sacred and secular. As long as these actions accurately re-enact the narrative archetype, their destructive consequences are immaterial. Once again, the claim to accurate representation (or, in this case, re-presentation) is the sole foundation of moral authority.

There is yet another similarity between the critiques of “enthusiasm” offered by Hobbes and Locke, and those found in these novels. Once again, the portrayal of “enthusiasm” sparks self-contradiction. Here, it arises from the inability of these texts to contain the implications of their critiques of “postfiguration”. What they reveal is that *all* accounts of the past that claim to describe the past *truthfully* are postfigurative. In order to make a claim to historical truth through story-telling, the past must be understood as already having a narrative form which then is *only* re-presented through the text. But if the past appears as what Benjamin has described as “homogeneous, empty time”⁵⁴—as time upon which narrative form must be *imposed*—then the representational truth claims of narrative re-presentation must fail. The text reveals itself as a creation of the past rather than its re-presentation.

⁵⁴WALTER BENJAMIN, *Theses on the Philosophy of History*, in ILLUMINATIONS 264 (Hannah Arendt ed. & Harry Zohn trans., Schocken Books, 1968).

In Chapter Four, I examine *Old Mortality*, Walter Scott's controversial account of the Covenanter uprising of the 1670s. What Scott claims to offer is insight into the true motivations and character of the Covenanters and their Royalist opponents. This assertion of historical truth lends authority to (and, indeed, is necessary for) the judgments of moral culpability articulated by the text. As many of Scott's contemporaries noted, *Old Mortality* stands as an extended indictment of the *radical* Presbyterian rebellion, both for its violence and for the irrational "enthusiasm" that provoked it. The "enthusiasm" of the most extreme Covenanters is marked by their willingness to read the narratives of the Bible as legal decisions that must be repeated in the present. Again and again, Scott undermines the Covenanters' understanding of the present and past through images of rhetorical excess and interpretative confusion—images that suggest that the meaning of past narratives and their relevance to the present are by no means self-evident or transparent. The Covenanters' high-minded "enthusiasm" is portrayed as simply a stubborn refusal to acknowledge the subjectivity of the postfigurative readings that justify their violence.

Yet by judging the Covenanters for their "enthusiastic" use of postfiguration as a source of authority, *Old Mortality* undermines its *own* authority to make such judgments. For the validity of these judgments of historical culpability rests on a similar denial of subjective interpretation and a concomitant belief in self-evident narrative meaning. Scott's narrative makes an implicit claim to simply repeat rather than create the form and content of the past, and the assignments of guilt or innocence imbedded within it. In condemning the Covenanters for their "enthusiastic" belief in narrative re-presentation, *Old Mortality* thus condemns *itself* to the status of fiction, whose judgments do not uphold precedent but announce a new rule.

In Chapter Five, I examine *Ringan Gilhaize*, John Galt's response to Scott's indictment of the Covenanters. Galt recognized *Old Mortality* as an effort to condemn the Covenanters through a supposedly objective narrative "postfigurement" of the past. Galt felt that Scott had misjudged the Covenanters as religious extremists whose violence was justified only by their self-indulgent "enthusiasm". To undermine

Scott's claim to truth, Galt provides his own account of the past, yet one that acknowledges rather than conceals its subjective viewpoint. Galt tells the story of the Scottish Presbyterian dissent from the perspective of a Covenanter, Ringan Gilhaize, whose understanding of the world is shaped both by the narrative traditions of his family and his own experience of Stuart brutality. Galt takes care to suggest how these influences affect Gilhaize's account and lead him to the same "enthusiastic" use of biblical text as portrayed in *Old Mortality*. Gilhaize, like Scott's Covenanters, reads the movements of his life into Scripture and, in doing so, creates a justifying precedent for his violent revolt. Yet Galt, unlike Scott, does not condemn the enthusiast's judgments of historical guilt or innocence simply for the interpretive excesses that accompany them. Instead, Galt distinguishes between Gilhaize's "enthusiastic" readings of the world and the Covenanters' collective understanding of Scottish history and their place within it.

For Galt, "enthusiasm" is an attempt to "narrativize"⁵⁵ the past—to structure the events of the past as a narrative—while claiming that this narrative structure is inherent or natural. Out of "enthusiasm" comes the illegitimate belief that the past can be re-presented as a narrative that repeats itself in the present, thus authorizing the violence necessary to complete this repetition. Galt's novel suggests that enthusiastic "narrativization" must be separated from narrative reproduction—the *re-telling* of stories that already circulate within a community and provide a common understanding of the community's past. While rejecting "enthusiasm" and the jurispathic violence that results from it, Galt valorizes the Covenanters' narrative traditions as a source of historical insight and moral judgment. All the while, Galt is careful to remind the reader that these traditions are *re-tellings* rather than re-presentations of the past, and thus are limited in their justifying power. They must always be understood as products of a particular community and perspective rather

⁵⁵As Hayden White defines it, a "narrativizing" discourse is one that "feigns to make the world speak itself and speak itself *as a story*". The "enthusiasts" of *Old Mortality* and *Ringan Gilhaize* "narrativize" their experience: they perceive the present as already structured by the repetition of biblical narratives. See Hayden White, *The Value of Narrativity in the Representation of Reality*, 7 *CRITICAL INQUIRY* 5, 7 (1980).

than the “past itself”. As such, the moral authority of these traditions rests not on their absolute or real truth, but on their value to a community that relies on them to survive intense pressure.

Despite Galt’s efforts to foreground the self-constructed quality of historical understanding, he nevertheless offers a vision of Scottish history in *Ringan Gilhaize* that tilts towards the same “enthusiasm” that he describes as the product of emotional trauma. Galt’s novel suggests that Scottish history is structured by a series of postfigurations and repetitions, each revealing the same moral and legal truth at the foundation of Scottish national life: the “divine right of resistance”—the right and duty of the oppressed to oppose their oppressor, even through force. Galt’s novel attempts is an attempt at proving how the original narrative of Scottish resistance to religious oppression *repeats itself* throughout Scottish history, thus confirming itself as a true precedent—one that authorizes efforts to complete its re-presentation through acts of jurispathic violence. *Ringan Gilhaize* portrays the Covenanters’ struggle as an effort to destroy other interpretations of Scottish history that ignore this true precedent and the existence of the “divine right of resistance”. Galt thus locates a belief in postfigurative truth at the center of his response to Scott’s judgment against the Covenanters. In the end, Galt’s own jurispathic effort to “kill off” Scott’s alternative reading of historical precedent gives into the same “enthusiastic” impulse that motivated Scott’s text. Galt, like Hobbes and Locke, appears uncomfortable with the seeming instability of legal rights justified solely by a community’s narrative traditions.

In the sixth and final Chapter, I trace the development of James Hogg’s critique of “enthusiasm” from his early work on the Covenanters, *The Brownie of Bodsbeck*, to his later masterpiece of religious delusion, the *Confessions of a Justified Sinner*. Throughout his fiction on the Covenanters, Hogg portrays the violence of the Killing Times, and the religious and political ideologies that provoked it, as a disruptive force, dividing families and neighbors. The “enthusiasm” of both radical Protestants and their opponents is described as a direct threat to the common life of the

community—a local community held together by shared narrative traditions. These traditions stand in opposition to the narrative practices of “enthusiasts”, both civil and religious, who base their unilateral right to impose their normative beliefs on others through a claim to privileged understanding of the texts of their law.

In *The Brownie of Bodsbeck*, published eighteen months after *Old Mortality* in 1818, we see the narrative traditions of the local community reasserting themselves against the division and loss of shared meaning caused by “enthusiasm”. The sudden and disconcerting violence of the Killing Times is explained through already-existing narratives of folklore, superstition and myth. Unlike the self-referential narratives of the “enthusiasts”, these traditional stories encapsulate shared descriptions of the truth—descriptions that resist verification, that defy attempts at proof, but that nonetheless persist in shaping the community’s understanding of events. The divisive violence of “enthusiasm”, with its claims to unilateral, absolute knowledge, is thereby contained and transformed into an occasion for more story-telling, more sharing of beliefs. *The Brownie of Bodsbeck* seems to suggest that truth, including moral truth, is the product of community assent and communication, and thus cannot be imposed unilaterally by “chosen” interpreters. Yet despite the radical, communitarian vision of truth that Hogg develops through his depictions of narrative traditions, *The Brownie of Bodsbeck*, like the Covenanter novels of Galt and Scott, clings to the belief that an objectively verifiable truth can be uncovered at the root of the community’s “superstitious” interpretations of events. Just as the myth of the Brownie is dispelled by the discovery of the Covenanters concealed underground, so, too, may the truth be uncovered through a direct witnessing of reality. Those who are brave enough or simply lucky enough to gain direct contact with the real meaning of things are thereby authorized to contradict and transcend the explanations of the world offered by the narrative traditions of their community.

In *The Brownie of Bodsbeck* Hogg positions the truth-finder in virtuous opposition to the dehumanizing effects of *both* the local community’s superstitions and the intruders’ “enthusiasms”. In his later fiction, however, he reveals an

increasing awareness that the search for “real” truth is simply too dangerous to rely on human decency and intelligence as a protection against the abuse of truth-claims. In the *Confessions* and Hogg’s short stories, we encounter complex visions of the futility and danger of assertions of absolute truth. Hogg’s characters and, indeed, his readers, are required to suspend their disbelief, to accept the inaccessibility or incomprehensibility of moral truth beyond the shared understandings developed by the community that surrounds them. His characters’ efforts to overcome these communal beliefs, to gain deeper or more real knowledge, are constantly frustrated by the radical instability of language when interpreted in isolation, away from the common interpretative practices that locate meaning within the community. Hogg thus captures in literature what Hume described through philosophy: the idea that moral truth does not predate its linguistic expression but is created by a community of speakers or story-tellers. The “enthusiast” (and the novelist) who aims to impose an exclusive or unassailable understanding of the truth thus violates the fundamental condition of truth’s existence and is thereby condemned to absurdity.

What emerges from this exploration of philosophical and literary responses to “enthusiasm” is a striking pattern: “enthusiasm” provokes in its opponents a rejection of the discursive theories and practices upon which the “enthusiast” claims authority. Yet this rejection leads to self-contradiction, for it is based on these very same theories and practices. Only Hume and Hogg seem able to escape self-contradiction by searching for a foundation of normative authority other than the claim of *representation* (with its attendant mistrust of language as the distorted image of ideal meaning) or the claim of *re-presentation* (with its attendant faith in the ability of language to offer a direct encounter with “the real”). In their writings, both Hume and Hogg embrace the construction of moral truth through shared definitions or narratives, so long as these constructions prove useful in preventing the violence that results both from a state of lawlessness and a state of legal surplus in which each person’s conscience becomes a “law unto itself”, with an equal claim to “absolute” truth.

I conclude with a discussion of how the insights of Hume and Hogg on “enthusiasm” can inform current debates over the role of religious faith in the political and legal discourse of a liberal state—a state committed to democracy and liberty of conscience. The critiques of “enthusiasm” offered by both Hume and Hogg lead us from extreme skepticism to an appreciation of the value of “common life”—understood as life within our various communities of belief. I suggest that the concept of community offered by Hume and Hogg can aid theorists of Liberalism in their attempts to develop a model of political and legal discourse that can both incorporate religious faith as a source of comprehensive moral beliefs, and, at the same time, assert the priority of *shared* understandings over *unilateral* claims to absolute moral truth.

Chapter One

Hobbes and The Semantics of Authority

Like other great works of philosophy, Thomas Hobbes's *Leviathan*¹ fascinates not only with its arguments and stances but with what it does not say and what it attempts to silence. In the opening chapters Hobbes sets the stage for his famous theory of the Sovereign by exploring the relationship between discourse, reason and truth. He develops a set of rules for the use of language in philosophical inquiry, a set of rules that he promises to obey. According to Hobbes, one of the most serious errors a philosopher can make is to assume that language is the representation of an ideal form of meaning. Such an assumption devalues language and leads inevitably to a cycle of violence: for as long as meaning remains *prior* to language, truth can never be found *through* language, that is, through dialogue. In this opening chapters, Hobbes describes the danger of justifying authority with claims to pre-linguistic truth. Proof becomes impossible because "the truth" is precisely what can never be *shown as itself*, what can never be made present. It can only be symbolized, through arbitrary signifiers that carry no meaning "within" themselves. The result is that authority becomes the product of oppression: only through brute force can one prevent others from making equally (in)valid claims to truth. The middle ground, the space of constructive dialogue, disappears, leaving both tyranny and revolution with the means of justifying themselves. As Hobbes learned from his experiences during the Puritan Revolution, it is precisely this polarization that religious "enthusiasts" exploit: they

¹All references to *Leviathan* (1651) from: THOMAS HOBBS, *LEVIATHAN* (Kenneth Minogue ed., Everyman, 1994). All references to *Elements of Law* (1640) from: THOMAS HOBBS, *THE ELEMENTS OF LAW, NATURAL AND POLITIC* (Ferdinand Tönnies ed., Frank Cass & Co., 1969) [hereinafter *EL*]. All references to *De Homine, sive Elementorum Philosophiae Sectio Secunda* (1658) from the English translation: THOMAS HOBBS, *OF MAN, IN MAN AND CITIZEN* (G. Gert ed., C. T. Wood, T. Scott-Craig, & B. Gert trans., Humanities Press, 1972) [hereinafter *De Homine*]. All other references to Hobbes's writings from THOMAS HOBBS, *THE COLLECTED WORKS OF THOMAS HOBBS* (Sir William Molesworth ed., Routledge / Thoemmes Press, 1992) [hereinafter *CW*]. I will provide the equivalent *CW* volume, chapter, and page numbers for *Leviathan* and *The Elements of Law*, immediately following the first reference. Unless otherwise noted, all italics are original.

demolish prior claims to truth by asserting their own, creating an antagonism that can only be resolved through force.

Leviathan is Hobbes's attempt to defend the authority of civil law against the challenge to order posed by the Puritan doctrine of individual conscience. Hobbes recognized that the subversive force of this doctrine lay in its implicit definition of truth as an ideal form of meaning existing before and beyond the social domain of language. Truth, for the Puritan, is something that is revealed privately and then only symbolized to the public through an imperfect idiom. Language is thought of as the conduit rather than origin of meaning. To think otherwise would be to deny the autonomy of individual conscience: the content of "private" revelation would be shown to be socially contingent, conditioned by the limits, definitions, and norms of public discourse. If you can close this separation between meaning and public language, Hobbes thought, then, at the very least, you take away the *necessity* of violence in political and religious disputes: the clash of mutually exclusive ideals becomes a mere possibility, rather than a precondition, of disagreement. Accordingly, in *Leviathan*, Hobbes argues that all conclusions—whether legal, political or religious—must be explained rationally: the key terms must be defined, these definitions must be justified, and most importantly, these justifications must proceed without claims of ideal representation. All deductions must be traced back to the definitions which initiated the logic, and no further. If these definitions can be justified on grounds *other than their inherent truth* then violence may be avoided. Otherwise, proof amounts to nothing more than an essentially meaningless, but very hazardous, claim to authority.

Just as soon as Hobbes establishes these rules of debate, however, he discards them and constructs a model of government in which the head of state, or "Sovereign", is defined as having absolute authority in all legal matters, both civil and ecclesiastical.² Hobbes justifies this grant of unfettered power with the claim that the

²Hobbes's definition of "authority" is complex and simultaneously addresses the legitimacy of verbal, legal, and political representations. This chapter will examine Hobbes's idea of *authorized* representation in light of his semantic theory.

Sovereign always recreates the beliefs and desires of his subjects with complete accuracy. Hobbes's implicit claim is not that language is the translation of truth into symbolic form, but that the Sovereign's language is the perfect *reproduction* of that prior truth. The "enthusiastic" claim to ideal truth remains, but Hobbes replaces the "enthusiast's" mistrust of language with faith in its representational capacity. Under Hobbes's theory, disagreeing with the Sovereign is illogical and ultimately futile. It is like arguing with yourself: "you" always turn out to be wrong (and therefore right). Hobbes thus dismisses the need for political dialogue and negotiation with the same kind of unilateral assertion of truth that he had earlier rejected as chimerical and dangerous. It is as if, after clearing away all the metaphysical debris from moral and political discourse, Hobbes did not like what he saw—a world in which truth is constructed rather than found. So instead of venturing boldly into this new world, he takes a faltering step back, patching together a political philosophy that simultaneously denies and exploits the idea of language as recreation. It is, however, too late for Hobbes to go back. His powerful critique of language disrupts his own political argument, weighing it down with contradiction. In this chapter I will explore the disunity of Hobbes's text and suggest that it reveals the way in which the belief in language as either the translation or reproduction—that is, the *representation*—of meaning undermines any claims to authority based upon it. Hobbes senses this conflict but ultimately chooses to not to deal with its political consequences.

1. Against the Imagined Ideal

Connections between language, knowledge, and truth are discussed throughout The First Part of *Leviathan*, entitled "Of Man". In Chapter Four, for example, Hobbes writes:

[o]f Names, some are *Proper*, and singular to one onely thing. .
.and some are *Common* to many things; as *Man, Horse, Tree*; every
of which though but one Name, is nevertheless the name of divers
particular things; in respect of all which together, it is called an
Universall; there being nothing in the world *Universall* but Names;

for the things named, are every one of them Individuall and Singular.

(14; *CW*, III, i, 21)

Names express the similarities we observe between objects; in their assertion of order and connection they give rise to the idea of perfect or “universall” types which possess all the common characteristics of the discrete things so named.³ These ideal types, however, must remain invisible, hovering, ghost-like, between words and things. In an earlier work Hobbes ridicules such metaphysical conceits:

[t]his universality of one name to many things, hath been the cause that men think that the things themselves are universal. And do seriously contend, that besides Peter and John, and all the rest of the men that are, have been, or shall be in the world, there is yet somewhat else that we call man, (viz.) man in general, deceiving themselves by taking the universal, or general appellation, for the thing it signifieth.

(*EL*, 20; *CW*, IV, 22).

The fact that a single name can be applied to several different objects creates the mistaken impression that the meaning of a word lies not in its specific application but in the “universal” thing it supposedly signifies. This idea exerts a powerful influence over our understanding of language: even though we know how to use a word in a myriad of contexts, when we think about its meaning we forget about *practice* and think only in terms of *representation*. We assume that, to have a meaning, a word must point to some static entity existing beyond our *use* of language.

Hobbes clearly finds this way of thinking strange and tries to reveal its absurdity. He begins by reminding us that there is no organic link between name and object: “A NAME or APPELLATION therefore is the voice of a man arbitrarily imposed for a mark to bring to his mind some conception concerning the thing on which it is imposed” (*EL*, 18; *CW*, IV, 20). Names, then, establish an *artificial* order across the surface of our otherwise fragmented experience.⁴ Through this classification of

³Do names *represent* an inherent, natural order of things or do they *impose* artificial connections upon the world? In the range of Hobbes’s writing, one finds support for both positions.

⁴Hobbes’s belief in the “radical particularity” of the physical world does not preclude a belief in an intrinsic order. Just because the *idea* of “the universal” is a human construction, a way of understanding and describing the world, this does not mean that fundamental connections do not exist, as it were, prior to language. Whether Hobbes’s theory of language permits belief in a natural *moral* order is a different

identity and difference, connection and division, language gives shape to human knowledge and enables it to have some sort of permanence. To illustrate, Hobbes turns to one of his favorite topics, geometry:

[f]or example, a man that hath no use of Speech at all, (such, as is born and remains perfectly deafe and dumb), if he set before his eyes a triangle, and by it two right angles, (such as are the corners of a square figure,) he may by meditation compare and find, that the three angles of that triangle, are equall to those two right angles that stand by it. But if another triangle be shewn him different in shape from the former, he cannot know without a new labour, whether the three angles of that triangle also be equall to the same. But he that hath the use of words, when he observes, that such equality was consequent, not to the length of the sides, not to any other particular thing in his triangle; but onely to this, that the sides were straight, and the angles three; and that that was all, for which he named it a Triangle; will boldly conclude Universally, that such equality of angles is in all triangles whatsoever; and register his invention in these generall terms, *Every triangle hath its three angles equall to two right angles*. And thus the consequence found in one particular, comes to be registered and remembered, as an Universall rule; and discharges our mentall reckoning, of time and place; and delivers us from all labour of the mind, saving the first; and makes that which was found true *here*, and *now*, to be true in *all times and places*.

(*Leviathan*, 15; *CW*, III, i, 22)⁵

What is important here is how Hobbes strictly avoids using the concept of an ideal or archetype to explain how words create and preserve knowledge. The meaning of the word “triangle” does not lie in the ideal image it invokes but in the *discourse* it summons. As Anthony Kronman writes, “Hobbes states his own view quite emphatically: the triangle itself (unlike the particular triangles the geometer constructs to aid his inquiry) is nothing but a definition, and a definition is a kind of

matter. His explanation of moral categories as the *product* of language seems to eliminate the possibility that names such as “justice” or “right” *represent* a “natural” or “divine” order.

⁵On Hobbes’s fascination with geometry, see AUBREY’S BRIEF LIVES 150 (Oliver Lawson Dick ed., Secker and Warburg, 1950). I owe this citation to Don Herzog, who gives an interesting account of how philosophers since Euclid have used the “geometric proof” as a model for their own method of argument. See DON HERZOG, WITHOUT FOUNDATION: JUSTIFICATION IN POLITICAL THEORY 18-19 (Cornell University Press, 1985). Hobbes seeks to ground his political and moral reasoning in the “irrefutable” logic of “analysis” which he defines as the “continual reasoning from the definitions of the terms of a proposition we suppose true, and again from the definitions of the terms of definitions, and so on, till we come to some things known, the composition whereof is the demonstration of the truth or falsity of the first supposition” (*CW*, I, 310).

name”.⁶ The definition does not allow us to escape from language; rather it submerges us deeper in its descriptive network, giving us more and more words to describe the *particular* “triangles” we encounter. The story of the speechless geometer reveals how discourse is essential for the creation of useful knowledge; language appears as both the foundation of science and its product. Hobbes describes scientific investigation as the invention of a vocabulary and grammar to talk about certain objects. Once established, the need for constant re-investigation and re-creation disappears. Humans are thus freed from constant “mentall reckoning” by language.

But how *real* is this knowledge if, at its foundations, it is only a way of *speaking* about our experience? In *The Elements of Philosophy* Hobbes provides further explanation of the connection between words, definitions and knowledge:

seeing definitions (as I have said) are principles, or primary propositions, they are therefore speeches; and seeing they are used for the raising of an idea of some thing in the mind of the learner, whensoever that thing has a name, the definition of it can be nothing but the explication of that name by speech; and if that name be given it for some compounded conception, the definition is nothing but a resolution of that name into its most universal parts.

(*CW*, I, 83)

By “primary propositions” Hobbes means “the principles of demonstration”, that is, “truths constituted arbitrarily by the inventors of speech, and therefore not to be demonstrated” (*CW*, I, 37). Definitions, then, are the limit and foundation of our knowledge, the origin of all our reasoning.⁷ But this foundation seems radically unstable. Hobbes’s emphasis on the arbitrary nature of these “primary propositions” suggests an intense skepticism, a view that all science— all truth—may be reduced to linguistic artifice. This is what provoked Leibniz to write:

⁶Anthony Kronman, *The Concept of an Author and the Unity of the Commonwealth in Hobbes’s Leviathan*, 18 *JOURNAL OF THE HISTORY OF PHILOSOPHY* 159-76 (1980).

⁷Frederick Whelan explains the role of definition in Hobbes’s epistemology: “Besides the avoidance of logical fallacies, however, the truth of any science also depends on the truth of its initial definitions, or first principles. While Hobbes believes that certain statements about bodies and motion must constitute the fundamental definitions of any science of the physical world, he recognizes that the first principles of any science cannot be demonstrated, but only claimed as self evident (*De Corpore* III. 9, VI. 5, 12); and their truth in the end relies on the agreement of the propositions derived from them with the evidence of experience . . .”. Frederick G. Whelan, *Language and Its Abuses in Hobbes’s Political Philosophy*, 75 *THE AMERICAN POLITICAL SCIENCE REVIEW* 59, 69 (1981).

Hobbes seems to me to be a super-nominalist. For not content, like the nominalists, to reduce universals to names, he says that the truth of things itself consists in names and, what is more, that it depends on the human will, because truth allegedly depends on the definition of terms, and definitions depend on the human will.⁸

Hobbes's discussion of the triangle, however, suggests that not all primary propositions are arbitrary, in the sense of having no connection to a natural order. The qualities that the geometer discovers are "real": they have an existence beyond language in the raw sense data of perception. For Hobbes, it is the *form* in which these qualities are described that is arbitrary, not the qualities themselves. Hobbes's "super-nominalism" is really aimed at debunking the idea that meaning is a non-linguistic, "universal", essence. In saying that truth is artificial Hobbes is emphasizing the fact that language is an instrument we have created to structure our experience and to preserve this structure for the future. Through language we assign meaning, registering the connections we have found through perception. What we call "truth" *does* depend upon the "human will"—but it is a *will to know*, to constantly prove the effectiveness of our language, our way of understanding, in the world. Truth is not something we must accept passively; it is something that we can test and, if necessary, change to suit our needs. Unproved truths, however, often gain power because of the prevalence of the belief that the meaning that we "find" in experience is predetermined—that it exists in some perfect form prior to our interpretation and

⁸G. W. LEIBNIZ, 1 PHILOSOPHICAL PAPERS AND LETTERS 199 (L. E. Loemker ed. & trans., 1956) (2 vols.). As quoted in J. W. N. WATKINS, HOBBS'S SYSTEM OF IDEAS: A STUDY IN THE POLITICAL SIGNIFICANCE OF PHILOSOPHICAL THEORIES 144 (Hutchinson University Library, 1965). This view of Hobbes as a radical nominalist is supported by Dorothea Krook, who contrasts his philosophy to "metaphysical realism": "The realist in metaphysics always, we know, recognizes an objective order of things as, in some sense, "given," or pre-existent, or prior to, the conceptions of the human mind and the propositions of human discourse; and believes, further, that the nature of this objective order is discoverable, and its relation to our mental worlds of ideas and to our linguistic universes of discourse, through not easy to determine, is yet capable of being determined. For the metaphysical nominalist like Hobbes no such objective order is "given". . . —all order, all significance, all intelligibility—is created by the mind of man. And among these creations of the mind stands truth itself". Dorothea Krook, *Thomas Hobbes's Doctrine of Meaning and Truth*, 31 PHILOSOPHY 3 (1956). Here again, Hobbes's critics confuse his description of language with a description of the "world itself". In fact, Hobbes never rules out the existence of a "natural" order, beyond language, to which our language may correspond. Another confusion seems to be taking place as well, between Hobbes's natural epistemology and his normative "science of Man", which resembles Krook's description more closely.

linguistic ordering of experience. The “universal” appearance of language tempts us to think of meaning in these dangerous terms, as an ideal that lies beyond our language and will to know.⁹

In opposition to Leibniz and other “orthodox” critics who believe that Hobbes wants to destroy the notion of truth, William Lyons argues that Hobbes’s skepticism—his “super-nominalism”—is simply the expression of a profound appreciation for the way language intervenes between the natural world and our understanding.¹⁰ According to Lyons, Hobbes describes truth as “arbitrary” only because it is expressed through a set of invented signs, not because it lacks a rationale. Passages such as this one from *The Elements of Philosophy* are responsible for Hobbes’s reputation as an intense skeptic:

the first truths were arbitrarily made by those that first of all imposed names upon things, or received them from the imposition of others. For it is true (for example) that *man is a living creature*, but it is for this reason, that it pleased men to impose both those names on the same thing.

(CW, I, 36)

This same point is made in stronger terms in *Leviathan*:

When two Names are joyned together into a Consequence, or Affirmation; as thus, *A man is a living creature*; or thus, *if he be a man, he is a living creature*, If the later name *Living creature*, signifie all that the former name *Man* signifieth, then the affirmation, or consequence is *true*; otherwise *false*. For *True* and *False* are attributes of Speech, not of Things. And where Speech is not, there is neither *Truth* nor *Falshood*.

(16; CW, III, i, 23)¹¹

⁹Hobbes observes that definitions often produce “an universal notion of the thing defined, representing a certain universal picture thereof, not to the eye, but to the mind” (CW, I, 84). It is this tendency to separate meaning from the use of language that Hobbes is trying to denature by emphasizing the instrumentality of language.

¹⁰William Lyons, *Against an Orthodox Interpretation of Hobbes*, 27 PHILOSOPHICAL QUARTERLY 302 (1977).

¹¹This same point concerning the relationship of truth and naming appears in throughout Hobbes’s philosophical writings. In *The Elements of Law*, for example, he writes “we cannot from experience conclude, that any thing is to be called just or unjust, true or false, nor any proposition universal whatsoever, except it be from remembrance of the use of names imposed arbitrarily by men” (EL, 16-17; CW, IV, 18). Similarly, in *The Elements of Philosophy*, he declares that “it is evident, that truth and falsity have no place but amongst such living creatures as use speech. . .as men owe all their true ratiocination to the right understanding of speech; so they owe their errors to the misunderstanding of the same. . .” (CW, I, 36).

When viewed only as a concurrence of signs, the proposition “man is a living creature” appears self-validating and arbitrary. But, then again, *any* proposition will appear this way when looked at only as a piece of language. And this is precisely what Hobbes is trying to get at: a “true” proposition is simply one that follows established rules, that conforms to accepted ways of talking about certain things. Truth is a quality of discourse rather than of objects in the world. In defining the word “man” all we are doing is establishing the “truthful” or grammatical way of using language in this case. Hobbes, however, is *not* saying that these “truths”—these approved descriptions—cannot be confirmed by experience. He is simply trying, once more, to remind us that language and truth are things we control rather than things to which we must cede authority. We fashion our descriptions of the world to meet the demands of the environment, and these demands are very real. As Lyons writes:

while Hobbes certainly believed that natural science was largely a matter of deduction, it is by no means clear that he believed that thereby it was rendered *a priori*. For there is no clear evidence that he saw natural science as simply a matter of making deductions from *a priori* definitions or premises; indeed, there is evidence that he did not see science in this way.¹²

Lyons is right to affirm the need for more subtlety in descriptions of Hobbes’s epistemology. In regards to natural science Hobbes leaves room for the existence of an intrinsic order, a standard in the *world itself*, which can guide our use of language and our placement of truth and meaning.

But what about abstract ideas such as “justice” and “right” that have no form, no *life*, outside discourse? How can the definitions of such names be verified and controlled? Hobbes’s philosophy of language *does* seem radically skeptical in regards to the naturalness or intrinsicity of moral and political knowledge and the “truths” upon which they are founded.¹³ For Hobbes, science and morality involve what Paul

¹²Lyons, *supra* note 10, at 302.

¹³Although Hobbes doubted the intrinsicity of moral truths, he did not rule out the possibility of certainty. In fact, he believed that we can be *more* certain in our knowledge of morality than in our knowledge of the physical world precisely because *we* are the makers of these “truths”. See TOM SORELL, *HOBBS* 137 (Routledge, 1991).

Ricoeur describes as different “orders of truth”—different modes and criterion for locating (the simultaneous act of *finding* and *placing*) the “truth”.¹⁴ Here again, Hobbes wants to rid us of our belief in a divine or metaphysical source of meaning. He explains that a false proposition is one in which “the *latter* appellation comprehendeth not the former; as in every man is just; the name of just comprehendeth not every man; for unjust is the name of the far greater part of men” (*CW*, IV, 24). From natural science and geometry we have moved into the realm of moral discourse and social practice. Lyons, trying to maintain his picture of Hobbes as the forerunner of pragmatism, interprets this passage to mean:

that we cannot discover whether men are just or unjust by any consideration of the meanings of the words involved. We have to refer to experience to know the extensions of the various terms used and so know that “*unjust* is the name of the far greater part of men”. Indeed, Hobbes’s error if anything was probably to think that analytic statements were empirical statements, rather than *vice versa*.¹⁵

Hobbes does suggest that “experience” is necessary to judge the truth of the proposition “every man is just”. But what *kind* of experience does he say is required? Is it not the experience of *discourse*, particularly *abstract moral discourse*? In the case of moral assessments Hobbes argues that our knowledge of truth or falsehood depends entirely on the “artificial” arrangements of our moral language, on the conventional placement of moral names within our community.¹⁶ While we can judge the truth of a scientific descriptions through immediate sense data, without linguistic mediation, we can only judge the truth of moral propositions, such as “every man is just”, by calling upon other moral descriptions of conduct. As Hobbes comments in a later work: “we ourselves make the principles — that is, the cause of justice (namely laws and

¹⁴See PAUL RICOEUR, *Truth and Falsehood*, in *HISTORY AND TRUTH* 165 (C.A. Kelbley trans., Northwestern University Press, 1965).

¹⁵Lyons, *supra* note 10, at 309.

¹⁶This idea of a split in Hobbes’s skepticism, between his natural and moral epistemologies, is argued forcefully by Herzog. He succeeds in showing that “Hobbes grounds a moral argument on the analytic account of science”; that is, upon a set of “arbitrary” definitions. HERZOG, *supra* note 5, at 58. J.W. Watkins makes a similar distinction between the ontological status of factual and moral utterances in Hobbes’s writing. See WATKINS, *supra* note 8, at 144-145. I shall argue that Hobbes’s theory of abstract “truth” does not allow for any other mode of moral argument other than the “analytic”. While attempting to “prove” his moral argument, Hobbes ends up merely asserting its “primary propositions”.

covenants) — whereby it is known what *justice* and *equity*, and their opposites . . . are” (*De Homine*, 42-43).¹⁷ We can never break out of the established web of names and definitions that supports each individual act of naming and that gives it its truth-value. This is why the question of authority is so important to moral discourse: not only should the *effect* of moral definitions be considered but also the *process* by which they are established and circulated in the community. Who gets to participate in this process? What role does political or religious power play in determining its outcome? Questions such as these are curiously absent from Lyons’s interpretation of Hobbes’s epistemology. They also are missing from Martin Bertman’s otherwise insightful analysis of Hobbes’s theory of language. Bertman recognizes the importance of utility in Hobbes’s thought:

Hobbes, I believe, anticipates Wittgenstein. It is that the circle *is* closed, in that language originating in experience returns to experience to prove its viability. Language as the instrument of human action is proved by its efficaciousness in the realm of action: men communicate with one another in a shared world . . . It may be true that private images or associations attend words which are clearly understood within a communication, but the point is that language holds and allows the public order of the communication.¹⁸

Bertman, however, does not discuss whether Hobbes’s theory of language permits changes to be made to the “public order of communication” if the “public” definitions of words like “justice”, “right”, and “evil” prove, in effect, to be destructive or prejudicial. The question remains: how does moral language relate to political power in the Hobbesian community?

2. *The Semantic “State of Nature” and Its Political Resolution*

Hobbes confronts the subjectivity of moral discourse throughout his writings. In *Leviathan*, for example, he observes:

¹⁷As cited in SORELL, *supra* note 13, at 139.

¹⁸Martin A. Bertman, *Hobbes: Language and the Is-Ought*, in HOBBS’S “SCIENCE OF NATURAL JUSTICE” 99, 105 (C. Walton & P. J. Johnson eds., Martinus Nijhoff Publishers, 1987).

For one man calleth *Wisdome*, what another calleth *feare*; and one *cruelty*, what another *justice*; . . . And therefore such names can never be true grounds of any ratiocination. No more can Metaphors, and Tropes of speech: but these are less dangerous, because they profess their inconstancy; which the other do not.
(19; *CW*, III, i, 29)

Hobbes describes what may be termed a semantic “state of nature”, a condition in which moral definitions, like humans in their pre-civil state, war against each other endlessly, each laying exclusive claim to the truth. Indeed, Hobbes theory of semantic competition has direct bearing upon his dismal vision of human life before the advent of stable government—a terrible time in which the “warre of every man against every man” leads to an existence that is (famously) “solitary, poor, nasty, brutish, and short” (72, 71; *CW*, III, i, 115, 113). In the absence of controls or standards, linguistic strife develops into physical conflict:

Good, and *Evill*, are names that signifie our Appetites, and Aversions; which in different tempers, customes, and doctrines of men, are different: And divers men, differ not onely in their Judgement, on the senses of what is pleasant, and unpleasant to the tast, smell, hearing, touch, and sight; but also of what is conformable, or disagreeable to Reason, in the actions of common life. Nay, the same man, in divers times, differs from himselfe; and one time praiseth, that is, calleth Good, what another time he dispraiseth, and calleth Evil: From whence arise Disputes, Controversies, and at last War.
(91; *CW*, III, i, 146)

Moral discourse, in its “natural” state, has no necessary order, no inherent tendency towards stability. Unlike the truths of geometry which can be discovered in solitude, moral truths are always socially constructed. The truth of a moral description lies only in its agreement with socially established ways of talking. But if no such standard has been found, no moral *communication* can take place—only competition and incomprehension. Even reason cannot discover *intrinsic* moral truths since any chain of deduction must begin with an initial and arbitrary description, a “primary proposition”: “For REASON, in this sense, is nothing but *Reckoning* (that is, Adding and Subtracting) of the Consequences of generall names agreed upon” (20; *CW*, III, i, 30). Hobbes places ultimate importance on the act of definition. The individuals or

institutions that succeed in establishing definitions succeed also in controlling moral truth.

Hobbes's political theory is intended to explain how moral definitions are legitimately established and given truth-value within a community. Hobbes begins by invalidating any unilateral assertion of meaning:

when men that think themselves wiser than all others, clamor and demand right Reason for judge; yet seek no more, but that things should be determined, by no other mens reason but their own, it is as intolerable in the society of men, as it is in play after trump is turned, to use for trump on every occasion, that suite whereof they have most in their hand.

(21; *CW*, III, i, 31)

Those who make authoritarian claims to knowledge are caught in self-contradiction: they betray "their want of right Reason, by the claym they lay to it" (*id.*). Hobbes seems to be saying that real truth can only be found through negotiation and agreement among the members of a discursive community.¹⁹ Truth, like government itself, must emerge from a state of nature, from a state of freedom and uncertainty.

But how does semantic order arise? As Hobbes has already noted, words such as "justice" and "wisdom" are liable to radically different interpretations, each equally "true". Just as he describes the institution of government as the only to end the state of nature, Hobbes describes the institution of semantic authority as the only way to end linguistic anarchy:

therefore, as when there is a controversy in an account, the parties must by their own accord, set up for right Reason, the Reason of some Arbitrator, or Judge, to whose sentence they will both stand, or their controversie must either come to blowes, or be undecided, for want of a right Reason constituted by Nature; so is it also in all debates of what kind soever.

(*id.*)

The main duty of the semantic judge is to determine moral truth, to permit the development of moral knowledge founded upon settled definitions. Moral meaning requires authority:

¹⁹Several critics have noted a certain hypocrisy in Hobbes's protest, seeing that he spends so much of his time in *Leviathan* asserting the truth of his own definitions. See, e.g., Whelan, *supra* note 7, at 70-71.

For these words of Good, Evill, and Contemptible, are ever used with relation to the person that useth them: There being nothing simply and absolutely so; nor any common Rule of Good and Evill, to be taken from the nature of the objects themselves; but from the Person of the man (where there is no Common-wealth;) or, (in a Common-wealth,) from the Person that representeth it; or from an Arbitrator or Judge, whom men disagreeing shall by consent set up, and make his sentence the Rule thereof.

(27; *CW*, III, i, 41)

Once again, Hobbes distinguishes between the truth of physical science and that of moral discourse. While he leaves open the possibility that our descriptions of the natural world may correspond to objective fact, he shuts the door between “reality” and moral classification. For the semantic judge there are no angles to examine, no lines to measure. His definitions of virtue and vice are irrelevant to the “nature of the objects themselves”. This lack of an objective standard presents a serious problem for Hobbes. While it necessitates the establishment of semantic authority, which he approves of, it also means that any decision made by this authority can never be true in itself. The arbiter can *create* “truth” by establishing an order, but this order itself cannot correspond to any previous standard; it cannot *be* true. The judicial imagery that runs throughout Hobbes’s discussion suggests that at the origin of all our moral reasoning lies an initial exercise of power—the arbitrary work of the moral arbiter. But how do the decisions of the semantic judge gain legitimacy? Why should they be obeyed? Hobbes’s attempt to answer these questions leads him into self-contradiction.

3. *Justice and the Sovereign’s Authority*

Hobbes’s discussion of justice reveals that moral meaning is established in a community through legal power. The state of nature is described as a state of legal disorder that manifests itself as semantic instability:

To this warre of every man against every man, this also is consequent; that nothing can be Unjust. The notions of Right and Wrong, Justice and Injustice have there no place. Where there is no common Power, there is no Law: where no Law, no Injustice.

(72; *CW*, III, i, 115)

Just as truth is the product of discourse, justice is the product of Law—that set of definitions imposed by the “common Power”. All other interpretations of justice are therefore illegitimate.²⁰ Hobbes rejects the orthodox notion of justice as an intrinsic set of beliefs, “written by the finger of God upon man’s heart, there to remain forever”²¹:

Justice and Injustice are none of the Faculties neither of the Body, nor Mind. If they were, they might be in a man that were alone in the world, as well as his Senses, and Passions. They are Qualities, that relate to men in Society, not in Solitude.

(72-3; *CW*,

ibid.)

The meaning of “justice”, like all moral meaning, is socially constructed and supported by a network of description that serves a specific purpose. Elsewhere in *Leviathan*, Hobbes explains that the language of justice facilitates the making of contracts or “covenants” between members of society. According to Hobbes, the obligation to fulfil contracts is one of the “Laws of Nature”:²²

in this law of Nature, consisteth the Fountain and Originall of JUSTICE. For where no Covenant hath preceded, there hath no Right been transferred, and every man has right to every thing; and consequently, no action can be Unjust. But when a Covenant is made, then to break it is *Unjust*: And the definition of INJUSTICE, is no other than *the not Performance of Covenant*. And whatsoever is not Unjust, is *Just*.

(82; *CW*, III, i, 130-131)

²⁰See George Shulman, *Hobbes, Puritans, and Promethean Politics*, 16 POLITICAL THEORY 426 (1988). Shulman argues that Hobbes “means to define justice in a way that precludes the possibility of judging or criticizing specific decisions, practices, and usages”.

²¹JAMES DALRYMPLE, VISCOUNT OF STAIR, *THE INSTITUTIONS OF THE LAW OF SCOTLAND* 75 (David M. Walker ed., The University Presses of Edinburgh and Glasgow, 1981). In the later work *De Homine*, Hobbes in fact uses this conventional imagery of inscription to explain how human beings can have knowledge of God’s commandments. He writes: “God himself, because He hath made men rational, hath enjoined the following law on them, and hath inscribed it in all hearts: that no one should do unto another that which he would consider inequitable for the other to do unto him. In this precept are contained both universal justice and civil obedience” (*De Homine*, *supra* note 1, at 73). In *Leviathan*, and indeed in *De Homine*, Hobbes does not deny the existence of universal laws discoverable by reason, but he argues that these cannot be described as laws of *justice* if they are considered in isolation from civil society. There is no such thing as “justice” in a state of nature, in a state of without civil laws. See *De Homine*, *supra* note 1, at 68-69.

²²Hobbes defines certain laws as “natural”, not because they are intrinsic in themselves, but because they are discoverable by the intrinsic *faculty* of reason that all humans possess.

This talk of “laws of nature” seems to suggest that, unlike other moral categories, the meaning of justice *does* have an intrinsic source beyond our artificial discourse.

Hobbes, however, clarifies his position:

But because Covenants of mutuall trust, where there is a feare of not performance on either part. . . are invalid; though the Originall of Justice be the making of Covenants; yet Injustice actually can there be none, till the cause of such feare be taken away . . . Therefore before the names of Just, and Unjust can have place, there must be some coërcive Power, to compell men equally to the performance of their Covenants, by the terrour of some punishment, greater than the benefit they expect by the breach of their Covenant . . . such power there is none before the erection of a Common-wealth. . . . where there is no Common-wealth, there nothing is Unjust. So that the nature of Justice, consisteth in keeping of valid Convenants: but the Validity of Covenants begins not but with the Constitution of a Civill Power, sufficient to compell men to keep them
(*id.*, *CW*, III, 131)

The language of justice can only have *effect* if it is supported by a coercive institution able to ensure the performance of contracts. If no such power exists then the name “justice” is meaning-less, unable to differentiate or connect. Where nothing is unjust, everything is justice and, therefore, nothing at all. As Hobbes states, “the Makers of Civill Laws, are not onely Declarers, but also Makers of the justice, and injustice of actions” (343; *CW*, III, ii, 559). The word “justice” does not voice or manifest some silent, pre-linguistic essence. Its meaning lies in the particular conduct it describes and promotes as part of a broader legal system that regulates behavior through language. Hobbes’s argument is paradoxical: the “natural” law of contract depends upon “unnatural” pre-conditions, namely, the establishment of a governing power within society able to *enforce* the public meaning of words.

Hobbes’s text is both descriptive and performative: it describes how moral knowledge exists as a network of logical entailments and, in doing so, spins such a web. In *Leviathan* the meaning of justice is constructed through a chain of deduction that begins with an act of definition. By following Hobbes’s “trayne of thought” we uncover the original assertion that founds his political theory. Justice relates to the making of covenants, which requires the establishment of a “common power”, which

follows the creation of a “Common-wealth”.²³ To understand justice, then, we must understand how a “Common-wealth” comes to exist. And here, at the origin, lies another paradox: Hobbes says that a Common-wealth is created through a covenant. Yet how, according to Hobbes’s definition, can this originating contract be feasible without the prior existence of that common, coercive, power it supposedly brings into being?²⁴ The movement of Hobbes’s logic is suspended as proposition and deduction dissolve into each other, indicating that we have traced his argument back to its “primary propositions”—and back to the limit of discourse itself.²⁵ Just as Hobbes describes “definitions” as “the principles of demonstration, being truths constituted arbitrarily by the inventors of speech, and therefore not be demonstrated”, his own definitions—of justice, covenant, and common-wealth—cannot themselves be proven or “demonstrated” because they are simply pronouncements. They establish what “the truth” will be. But, as we shall see, Hobbes seems to think that such acts of truth-making are not politically legitimate. Throughout his writing on civil government, he disguises *creations* of truth as mere *representations* of predetermined meanings.

Hobbes’s concept of Covenant deserves close attention:

A *Common-wealth* is said to be *Instituted*, when a *Multitude* of men do Agree, and *Covenant*, with every one, that to whatsoever *Man*, or *Assembly of Men*, shall be given by the major part the *Right to Present* the Person of them all, (that is to say, to be their *Representative*;) every one, as well he that *Voted for it*, as he that *Voted against it*, shall *Authorise* all the Actions and, of that *Man*, or *Assembly of men*, in the same manner, as if they were his own, to the end, to live peaceable amongst themselves, and be protected against other men.

²³For a concise explanation of Hobbes’s theory of covenant and commonwealth, See SORELL, *supra* note 13, at 111.

²⁴As Larry May notes, “Covenants are contracts where one party performs and the other party is trusted to perform later. In the state of nature this type of contract would have been seen as ridiculous. . .”. Yet it is this state of nature which a covenant somehow ends. May does not discuss this paradox, although he does provide a detailed description of how covenants operate in Hobbes’s commonwealth. See Larry May, *Hobbes’s Contract Theory* 18 JOURNAL OF THE HISTORY OF IDEAS 195, 201 (1980). Sorell suggests that the original covenant is unique because it creates the conditions of its own enforcement. In this way, making such an agreement would seem reasonable to individuals in the state of nature. But this explanation merely points out, rather than resolves, the circular logic of Hobbes’s *definitions*. The same power created by a covenant is the one that allows covenants to be made. Although Hobbes’s explanation may make sense as a *narrative* account, as a *deductive* sequence it runs in circles, as must any description of moral “truths”. See SORELL, *supra* note 13, at 116.

²⁵We have, in other words, traced Hobbes’s *analysis* back to “the definitions of the terms of a proposition we suppose true”. See *supra* note 5.

The Commonwealth originates in a symbolic act, the grant of “authority” to a representative. Hobbes provides the reader with a very technical definition of “authority” that incorporates a specific understanding of personhood:

A Person, is he, whose words or actions are considered, either as his own, or as representing the words of actions of an other man, or of any other thing to whom they are attributed, whether Truly or by Fiction.

When they are considered as his owne, then is he called a *Naturall Person*: And when they are considered as representing the words and actions of an other, then is he a *Feigned or Artificiall person*.

(92; *CW*, III, i, 147)²⁶

The Sovereign, that “Man” or “Assembly of Men” who represents the citizenry, is an “artificial person”. “Of Persons Artificiall,” Hobbes writes, “some have their words and actions *Owned* by those whom they represent. And then the Person is the *Actor*; and he that owneth his words and actions, is the *AUTHOR*: In which case the Actor acteth by Authority” (93; *CW*, III, i, 148).²⁷ So the “authority” of the Sovereign derives from a gift of representative power. The concept of ownership here is important, for it suggests that the symbolic actions of the “actor” are tied to a stable set of “words and actions” controlled and determined by the “author”. As H. F. Pitkin writes, “an author is not only someone with authority, who can authorise; he is also the one who writes or composes or originates something—who controls its developments or outcome or final form. . . . Representation implies standards for, or limits on, the conduct of the representative”.²⁸ “Authority” does not imply absolute freedom for the actor but just the opposite: it implies absolute adherence to a prior discourse, this “intellectual property” of the author.

²⁶Kronman describes Chapter 16 of *Leviathan* (entitled “Of Persons, Authors, and Things Personated”) as “one of the most important in the book”. In this chapter, Hobbes lays down his theory of authorised representation, which Kronman describes as having a “fundamental importance for Hobbes’s political theory and for his view of human nature”. See Kronman, *supra* note 6, at 160.

²⁷The implications, and short-comings, of this definition of “authority” in relation to political representation are explored in: HANNA FENICHEL PITKIN, *THE CONCEPT OF REPRESENTATION* 14 (University of California Press, 1972).

²⁸*Id.* at 28, 33.

The relationship of “authority” recalls the semantic connection between word and definition: just as the use of a word is determined by the definition, the actor’s discourse is governed by the “words and actions” of the author. There is a legal covenant between the agent and principal:

When the Actor doth anything against the Law of Nature by command of the Author, if he be obliged by former Covenant to obey him, not he, but the Author breaketh the Law of Nature: for though the Action be against the Law of Nature; yet it is not his: but contrarily, to refuse to do it, is against the Law of Nature, that forbiddeth breach of Covenant.

(ibid.; *CW*, III, i, 149)

The signifying obligations of the “actor” are subject to “justice”— the duty to maintain or perform covenants.²⁹ For the actor “to do justice” to the author’s “words and actions”, their meaning must be readily available, awaiting representation. Yet how can the Sovereign be an “authorized” representative when he addresses questions of morality? Hobbes has denied the existence of either an objective or an intrinsic order for moral discourse. He has pointed out that words such as “justice”, “wisdom”, “good”, and “evil” have radically subjective meanings. The reason the Sovereign was established in the first place was to end the violence resulting from the *lack* of a common way of using moral language. How, then, can a Sovereign who only *represents* the public fulfil his contractual duty to signify its “words and actions” if these “words and actions” have no stable meaning?

We are moving closer to the contradiction at the heart of *Leviathan*. Hobbes describes how the Sovereign is created:

The only way to erect such a Common Power . . . is, to conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce their Wills, by plurality of voices, unto one Will: which is as much as to say, to appoint one Man, or Assembly of men, to beare their Person . . . This is more than Consent, or Concord; it is a reall Unitie of them all, in one and the same Person, made by Covenant of every man

²⁹Kronman describes the relationship between “actor” and “author” in this way: “The agreement which creates a relation of authorized representation between them consists of a pair of mutually supporting promises, each promise being given in consideration for the other. Their agreement therefore constitutes a “contract” in the technical sense in which Hobbes uses that term”. See Kronman, *supra* note 6, at 163.

with every man, in such a manner, as if every man should say to every man, *I authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions, in like manner.*

(99-100; *CW*, III, i, 157-158)

Even as Hobbes affirms that the link between Sovereign and citizen is created by “authorization” he attempts to absolve the Sovereign from the *legal* requirement to do representational “justice” implied in this process. He describes the original covenant as an agreement, not between actor and author, but between each member of the Common-wealth. As Kronman writes, “Hobbes conceives the unity of the commonwealth as arising from a network of individual contracts (or “commissions”), each authorising the same representative to act on behalf of one of the association’s members”.³⁰ This maneuver leads Hobbes to his well-known, and surprising, conclusion that the Sovereign has absolute power:

Because the Right of bearing the Person of them all, is given to him they make Soveraigne, by Covenant onely of one to another, and not of him to any of them; there can happen no breach of Covenant on the part of the Soveraigne; and consequently none of his Subjects, by any pretence of forfeiture, can be freed from his Subjection.

(101-2; *CW*, III, i, 161)

By describing the Sovereign as only a fortunate bystander—a third-party beneficiary³¹—to the contracts made among members of the community, Hobbes hopes to preserve the Sovereign’s ability to control the terms of moral discourse.³² Otherwise the process of “authorization” would establish an impossible, and therefore politically subversive, standard of “truth”. A Sovereign who was legally bound to perform the duties of an “actor” could never possess *moral* “authority” because the discourse he would have to represent would not yet exist. Hobbes wants to have it

³⁰*Id.* at 166.

³¹I owe this term to May, who suggests that Hobbes’s theory of authority establishes a double “contract” between the citizens themselves and between each citizen and the Sovereign.

³²Even though Hobbes explicitly denies that the Sovereign enters into a contract with citizens, his explanation of how a Common-wealth is created implies such a contract. See Kronman, *supra* note 6, at 166 n.10. May argues that while Hobbes’s writing does indeed imply that the Sovereign is involved in a contractual relationship, such a covenant creates only benefits, but no duties, for the supreme power. See May, *supra* note 24, at 197.

both ways: he claims that his Sovereign is “authorized” and, at the same time, that he is free to *create* rather than *represent*.

If covenants are only feasible when there exists a “higher power” to ensure their fulfillment, then the Sovereign is doubly removed from the responsibility of true or just representation. As Hobbes acknowledges, the Sovereign possesses ultimate legal power and so may break any covenant at will:

if any one, or more of them [the Sovereign’s subjects], pretend a breach of the Covenant made by the Sovereigne at his Institution; and others, or one other of his Subjects, or himselfe alone, pretend there was no such breach, there is in this case, no Judge to decide the controversy . . . The opinion that any Monarch receiveth his Power by Covenant, that is to say on Condition, proceedeth from want of understanding this easie truth, that Covenants being but words, and breath, have no force to oblige, contain, or protect any man, but what it has from the publique Sword; that is, from the untied hands of that Man, or Assembly of men that hath the Sovereignty

(102; *CW*, III, i, 161-162)

The Sovereign was elected in the first place to act as moral *arbiter*: he was asked to *find* meaning, to settle the truth, and thus to end the constant battle over moral definitions that had prevented human society in the past. The duties of the *authorized* Sovereign conflict: to gain legitimacy he must *represent*, but to establish society he must *create*. Hobbes is faced with a dilemma: if he acknowledges that, in fact, the Sovereign *does* create truth, then he must also acknowledge that there are no real controls on the Sovereign’s actions. There is no “higher power” or prior standard to which the citizens can appeal in case of disagreement. The Sovereign controls the language of evaluation and so can claim imperiously that he is “doing justice” to the beliefs of his subjects. Since it is his right to determine what the “true” descriptions of his actions are, moral dissent becomes meaningless. But just as citizens cannot prove that these descriptions are untrue, it is equally impossible for the Sovereign to prove that they *are*. As May writes: “Since there is no coercive power over the sovereign himself, his actions cannot be called unjust *or* just . . . Thus, while legality and justice are correlative notions, neither properly applies to the sovereign law-makers who, by

definition, stand outside of the law”.³³ Therein lies Hobbes’s desire to describe Sovereignty as an *authorized* power. If the Sovereign can be said to *represent* some prior discourse then it is at least *possible* to claim that his actions have objective truth-value. But this “solution” itself is problematic: for if the Sovereign cannot perform his proactive role as moral arbiter then the Common-wealth reverts back to its previous anarchy of meanings. The common moral discourse, which the Sovereign must *represent*, would disappear. The moral *authority* of the Sovereign rests upon an extravagant claim to represent what does not exist or, at best, what lies beyond language

Hobbes has fallen back on very belief in pre-linguistic meaning that he had once rejected. He stridently denies the Sovereign’s arbitrary power over language, insisting that his moral decisions are representations rather than creations of meaning. Yet even as representations, the Sovereign’s authority deprives his subjects of a viable language of critique. Hobbes declares that all *authorized* representations are necessarily “true”:

because every Subject is by this Institution Author of all the Actions, and Judgments of the Sovereigne Instituted; it followes, that whatsoever he doth, it can be no injury to any of his Subjects; nor ought he to be by any of them accused of Injustice. For he that doth any thing by authority from another, doth therein no injury to him by whose authority he acteth: But by this Institution of a Common-wealth, every particular man is Author of all the Sovereigne doth; and consequently he that complaineth of injury from his Sovereigne, complaineth of that whereof he himselfe is Author; and therefore ought not to accuse any man but himselfe; no nor himselfe of injury; because to do injury to ones selfe, is impossible. It is true that they that have Sovereigne power, may commit Iniquite; but not Injustice, or Injury in the proper signification.

(103; *CW*, III, i, 163)

Hobbes re-inserts the notion of ownership into the relationship between Author and Actor, suggesting that the Sovereign is legally bound to bring into being a specific, defined, set of “words and actions”, controlled by the Author. A mysterious legal power operates over and between the Sovereign and his authors, guaranteeing

³³Larry May, *Hobbes on Equity and Justice*, in HOBBS’S “SCIENCE OF NATURAL JUSTICE”, *supra* note 18, at 241, 243.

absolute correspondence, absolute justice. In making such to absolute correspondence, however, Hobbes not only contradicts himself but also undermines the *symbolic* nature of the Sovereign's actions: representation supplants the "ideal" it supposedly brings into figurative being. The Sovereign's legal pronouncements *become* justice:

no Law can be Unjust. The Law is made by the Sovereign Power, and all that is done by such Power, is warranted, and owned by every one of the people; and that which every man will have so, no man can say it unjust.

(207; *CW*, III, i, 335).

The Sovereign's "authority" empties moral language of its meaning (if meaning is conceived of as something that is *represented*). By asserting the complete justice of his acts the Sovereign makes "justice" a useless word. He destroys the conditions of truth upon which his *authority* rests: for a representation to be "true" it must always be possible to distinguish between the symbolic form and what it supposedly represents. Yet such a distinction is impossible given the *a priori* perfection of the Sovereign's signifying acts. The outlines of truth dissolve as the possibility of its "other" (non-truth) is destroyed.

How may a citizen judge the Sovereign when the language of justice and legality has no alternative application in the Common-wealth? Hobbes's passing comment that the Sovereign may "commit Iniquite; but not Injustice, or Injury in the proper signification" seems to suggest that another vocabulary of moral critique is still available and, indeed, practicable. Numerous readers of *Leviathan* have tried to articulate this vocabulary. May asserts that "[m]erely because the sovereign's laws cannot be called unjust does not mean that they are immune to all moral valuation".³⁴ Don Herzog adds that the Hobbesian paradigm of sovereignty was never intended to rule out the possibility of moral judgement: "Since the sovereign has made no contract with the rest of us and is above the laws, he cannot act unjustly: this is a matter of conceptual coherence, not a claim about the infallible wisdom or goodness of sovereigns".³⁵ Pitkin maintains that "although the subjects have no claim on their

³⁴*Id.*

³⁵HERZOG, *supra* note 5, at 48.



representative . . . the sovereign nevertheless does have duties, which he must interpret in the light of his own conscience, and for which he is responsible to God”.³⁶ Each of these interpretations contrasts illegitimate and viable forms of critique: “authority” cannot be challenged, but morality can be questioned. The public sphere of law does not compete with the private sphere of moral judgement; it is a world apart. As Frederick Whelan writes: “while a subject cannot rightfully speak evil of a king, even if he sin, it would seem that he can think evil of him, and that a standard of sin remains to society as a criterion of judgement over and above that of justice, even if it may not be publicly invoked”.³⁷ Yet how can moral standards be available *to society*, as a basis for judgement, when they cannot be voiced, when they are kept silent by law? Whelan himself acknowledges that citizens may only judge privately, as individuals. Their moral evaluations are thus precluded from having “authority”, that is, from representing any public meaning. The Sovereign, therefore, will always be justified in crushing dissent with the coercive power of his “representative” laws.³⁸ As the creator of moral truth, the Sovereign prevents dissent from having meaning. As the perfect representative, the Sovereign prevents dissent from having a legitimate place in public discourse.

4. Authority and Religious “Enthusiasm”

In the third and fourth parts of *Leviathan* Hobbes applies his theory of government to the most divisive issue in English politics during the seventeenth century: the

³⁶PITKIN, *supra* note 27, at 30.

³⁷Whelan, *supra* note 7, at 74.

³⁸The subject, in turn, must accept these punishments because the Sovereign possesses “authority”. As Kronman explains, “[i]f an actor performs an act on someone else’s behalf, an act he has been authorised to perform, the party he represents cannot disown the act or deny that it is his: he is *obligated* to accept its consequences”. See Kronman, *supra* note 6, at 162. An alternative explanation of how “authority” relates to justice is provided by William Mathie: “Certainly Hobbes hopes to make it impossible for us ever to speak of an unjust law, but it is important to see that he attempts this by arguing the necessary coincidence of civil and natural law and not by destroying the latter notion as a standard”. See William Mathie, *Commentary of Professor May’s “Hobbes on Equity and Justice”*, in HOBBS’S “SCIENCE OF NATURAL JUSTICE”, *supra* note 18, at 253, 253-254. While Hobbes may indeed *attempt* to preserve “justice” as a viable standard in the Commonwealth, the semantic effect of “authority” is to make the name “justice” useless in moral discourse. Where nothing can be unjust, justice loses its definition—its ability to represent those differences and similarities that are the basis of human knowledge.

relationship between Church and State.³⁹ Here, perhaps more than anywhere else in *Leviathan*, the limitations and contradictions in Hobbes's political philosophy are apparent. In addressing the problem of religious conflict Hobbes is forced to confront the indeterminable quality of moral language and the impossibility of legislating other points of view out of existence. In Hobbes's "Christian commonwealth" religious dissent is excluded *a priori* from "public" discourse. It becomes an act of "enthusiasm"—an entirely private and therefore illegitimate interpretation of divine meaning. Only the Sovereign has the authority to determine the public or legally true meaning of God's Word. Here again, Hobbes conceives of legal power as a power over language, in this case divine language:

By the Books of Holy SCRIPTURE, are understood those, which ought to be the *Canon*, that is to say, the Rules of Christian life. And because all Rules of life, which men are in conscience bound to observe, are Laws; the question of the Scripture, is the question of what is Law throughout all Christendome, both Naturall, and Civill Seeing therefore I have already proved, that Sovereigns in their own Dominions are the sole Legislators; those Books only are Canonically, that is, Law, in every nation, which are established for such by the Sovereign Authority.

(227; *CW*, III, ii, 366)

The right to define God's text is subsumed under the Sovereign's authority to control moral discourse in his Common-wealth. His legal power is expressed as hermeneutic privilege: But it is precisely this *need* for interpretation that undermines his control. As Hobbes is forced to admit, the pre-existence of God's text limits the Sovereign's power to regulate the "truth". The availability of the discourse itself as *scripture* makes it impossible to prevent private, autonomous acts of re-interpretation and re-definition.

³⁹For more on the political context of *Leviathan* and its relation to contemporary debate over ecclesiastical authority, see Shulman, *supra* note 20, at 426-428; Quentin Skinner *The Ideological Context of Hobbes's Political Thought*, 9 *THE HISTORICAL JOURNAL* 286 (1966); RICHARD TUCK, *HOBBS* 27-39 (Oxford University Press, 1989). For a detailed analysis of Hobbes's attempt to subsume religious practice under civil authority see R. C. Grady, *The Law of Nature in the Christian Commonwealth: Hobbes' Argument for Civil Authority*, in 4 *THOMAS HOBBS: CRITICAL ASSESSMENTS* 107, 107-114 (P. King ed., Routledge, 1993); E. J. Eisenach, *Hobbes on Church, State and Religion*, in 4 *THOMAS HOBBS: CRITICAL ASSESSMENTS*, *supra*, at 290.

Hobbes's justification of the Sovereign's ecclesiastical authority follows closely the outlines of his political theory. The Sovereign's *religious* duty is also to establish order—once again delivering his subjects from the violence of semantic anarchy. Yet, for Hobbes, this religious “state of nature” is not some theoretical construct but a very real portrait of life in England during the Civil War period, when battles over interpretative authority exploded into violent disorder. As Patricia Springborg writes, “Hobbes appreciated the chaotic influence in his time of self-appointed prophets, each purporting to issue authoritative directives to his followers on the basis of private revelations”.⁴⁰ His antipathy towards the Puritan rebellion is readily apparent in this description of religious dissent and its consequences:

when Christian men, take not their Christian Sovereign, for Gods Prophet; they must either take their owne Dreames, for the Prophecy they mean to bee governed by, and the tumour of their own hearts for the Spirit of God; or they must suffer themselves to bee lead by some strange Prince; or by some of their fellow subjects, that can bewitch them, by slaunder of the government, into rebellion, without other miracle to confirm their calling, then sometimes an extraordinary success, and Impunity; and by this means destroying all laws, both divine, and humane, reduce all Order, Government, and Society, to the first Chaos of Violence, and Civill warre.

(263; *CW*, III, ii, 427)

According to Hobbes, civic peace and order can only exist if the Sovereign is recognized as the ultimate source of theological knowledge. Without such a grant of authority, dangerous claims to truth go unchecked. Hobbes denies the possibility that religious meaning can be found through calm debate and negotiation. It either originates in a completely exclusive and subjective understanding of God *or* it is imposed from without by legitimate or illegitimate masters. Any private interpretation of religious doctrine is automatically invalid: it is described it as arrogance, a “tumour” or prideful swelling of the heart.

Hobbes equates religious doctrine with law—it can only be established by a public power, one that is not contaminated by the private understandings of individual

⁴⁰Patricia Springborg, *Leviathan and the Problem of Ecclesiastical Authority*, in THOMAS HOBBS: CRITICAL ASSESSMENTS, *supra* note 39, at 136.

citizens. Only the authorized Sovereign fulfils these requirements: his discourse is simultaneously public and yet, by necessity, off-limits to members of “the public”.

Dissent is once again excluded from civic life. As George Shulman writes:

If ideas of God and conscience are merely private and subjective fancies, they are incapable of being publicly shared or rationally defended, cannot provide warrantable grounds by which to criticize prevailing practices, and cannot sustain an alternative form of order. God is a source of order only when defined by temporal, sovereign authority; individual conscience yields peace only when it is the internalization of the same rule of law.⁴¹

Shulman perceptively describes the Sovereign’s role as one of definition: the Sovereign institutes official meanings to control the public use of divine words within his jurisdiction. But Hobbes does not argue, as Shulman implies, that “internalization” of the Sovereign’s definitions is what is required for peace and order. The use of force and intimidation work just as well. In matters of religion, there is a strong split between public and private discourse in the Hobbesian Commonwealth. Although kept silent and private, individual readings of the Scripture remain autonomous from the *semantic* control of the Sovereign.

Hobbes, perhaps unwittingly, admits that even though the Sovereign’s theological decisions are “authorized”, they are not necessarily objective or even true. Hobbes, in fact, compares the extravagant claims to knowledge made by “enthusiasts” with those that could be made by Sovereigns:

For if a man pretend to me, that God hath spoken to him supernaturally, and immediately, and I make doubt of it, I cannot easily perceive what argument he can produce, to oblige me to beleefe it. It is true, that if he be my Sovereign, he may oblige me to obedience, so, as not by act or word to declare I beleefe him not; but not to think any otherwise then my reason perswades me. But if one that hath not such authority over me, shall pretend the same, there is nothing that exacteth either beleefe, or obedience.

(224; *CW*, III, ii, 361)

This passage marks a significant rupture in the logic of Hobbes’s argument, coming as it does immediately following his extended explanation of Sovereign infallibility in

⁴¹Shulman, *supra* note 20, at 438.

Parts One and Two. Here, Hobbes acknowledges that there is no “higher order” ensuring any *real* truth for the Sovereign’s claims. Private reason provides an alternative standard of truth that can be used to judge the Sovereign’s actions. But while dissent may exist, it must always be kept quiet to avoid punishment. So it seems that the Sovereign’s power to end the state of nature is not the product of his ability to represent a common discourse. Rather it follows from his unique ability to inflict pain and coerce silence. The semantic state of nature still exists, but behind closed doors.

Pitkin had suggested that the Sovereign is “responsible to God”. But, rather than being some common standard to which we all can appeal, it turns out that the nature and meaning of God is, in reality, *determined* by the Sovereign—the product of what in others would be called “enthusiasm” but in the Sovereign is called “authority”. Hobbes freely admits that biblical interpretation *requires* an arbitrary determination of meaning. This, in fact, is what necessitates the Sovereign’s religious power. Hobbes writes that “the question is not of obedience to God, but of *when*, and *what* God hath said” (227; *CW*, III, ii, 366). Although this “when” and “what” is readily available to each citizen in the form of the Bible, *public* definitions must still be established so that peace and good order can be maintained. And in the public arena, the Sovereign has authority.

Hobbes spends most of his time in Part Three and Four providing a close reading of Scripture, revealing various ambiguities in the text and establishing definitions. Both activities are intended to justify the Sovereign’s right to impose meaning upon biblical text and to control religious practice in general. Hobbes, for example, describes the problematic use of the word “spirit” in the Bible:

Other signification of *Spirit* I find no where any; and where none of these can satisfie the sense of that word in Scripture, the place falleth not under humane Understanding; and our Faith therein consisteth not in our Opinion, but in our Submission; as in all places where God is said to be a *Spirit*; . . . For the nature of God is incomprehensible; that is to say, we understand nothing of *what he is*, but only *that he is*; and therefore the Attributes we give him, are not to tell one another, *what he is*, nor to signifie our opinion of his Nature, but our

desire to honour him with such names as we conceive most honorable amongst ourselves.

(237; *CW*, III, ii, 383)

Hobbes has, in effect, returned to his earlier emphasis on purpose—rather than representation—as the foundation of meaning. The language of worship is not a representation of God but an instrument we use to fulfil our basic desire to praise our creator. The meaning, then, of religious language is not something predetermined and divine but something we can control and shape to meet the demands of particular social contexts. By exposing the indeterminacy of biblical language Hobbes lead us back to his general argument that whenever an anarchy of meanings exists, the Sovereign alone possesses the legal authority to impose semantic order. Hobbes declares that “whosoever hath a lawful power over any Writing, to make it Law, hath the power also to approve, or disapprove the interpretation of the same” (235; *CW*, III, ii, 380). Yet, as we have seen, the same ambiguity that necessitates the Sovereign’s intervention also limits the extent of his jurisdiction. Religious understanding is divided into public and private domains, with fear and oppression maintaining this separation. Dissent is not engaged and assimilated into the *status quo* but merely pushed out of the public sphere. Hobbes’s experience of the Civil War should have taught him the dangers of such disregard.

In *Leviathan* Hobbes becomes the very image of the Sovereign his own text describes. He settles definitions and imposes a logic on what he sees as the chaos of contemporary political theory. Taken as a whole, *Leviathan* may be seen as an attempt to establish the meaning of a single term—“authority”—which Hobbes defines as the power to represent a pre-existing discourse “owned” by someone else. This is the foundation of his logic, its “primary proposition”. When applied to moral discourse, however, it leads to self-contradiction: the Sovereign’s claim to represent the truth violates the same logic that establishes his authority. If the second half of *Leviathan* is any indication, Hobbes was aware of this inconsistency—hence his unwillingness to assert the *representational* truth of the Sovereign’s biblical definitions (they are “true” solely on the basis of their social utility). So why did Hobbes not address the problems

with his explanation of justice and moral discourse? Perhaps he was afraid that to do so would undermine the political objective of *Leviathan* “to reestablish the foundations of authority” in the face of the Puritan challenge.⁴² If meaning and truth are *created* by a Sovereign who cannot claim to represent all his citizens, then what is to stop the disenfranchised from demanding a role in the process of definition? Hobbes exploits the artificiality of moral language to initiate a logic that must conceal its own origin.

Herzog writes: “Verbal maneuvers don’t resolve substantive questions . . . Hobbes’s politics purchases its crystalline precision by forfeiting engagement with concrete issues. As a result Hobbes fails to justify his conclusions”.⁴³ Yet if we condemn Hobbes for failing to *prove* his argument we misunderstand the nature and value of his endeavor. He has no choice but to fail precisely because he succeeds in placing language and the act of definition at the center of legal authority. *Leviathan* is valuable because it reveals the artificial foundation of moral language upon which legal discourse must be erected. Having revealed this foundation, however, Hobbes tries to conceal it once more with claims of representation—claims that undermine his own effort to justify the institution of Sovereignty. Hobbes’s “failure”, his futile attempt to overcome language, yields his greatest insight: stability and order develop through the inclusion of all in the deliberative processes that create truth, and not through coercion or denial. Rather than disowning our sovereignty over moral language, we should recognize both its liberating force and the responsibilities to others that the come with this freedom.

⁴²*Id.* at 426.

⁴³HERZOG, *supra* note 5, at 63.

Chapter Two

Locke and the Truth of Language

Throughout his intellectual career, John Locke was concerned with the conflict between conscience and law, religion and government. From his earliest essays to his last writings, he sought anxiously for philosophical principles that, if put into practice, could prevent the kind of chaos he witnessed during the Puritan Revolution. While not denying the liberty of conscience, Locke wanted to control the “enthusiasm” that this liberty seemed to encourage. As P.J. Kelly writes, almost all of Locke’s writings “can be seen as theoretical and practical attempts to undermine ‘enthusiasm’”.¹ Religious freedom, he believed, would lead quickly to violence if “the chosen” were allowed to impose their “superior” truths upon others. But while his concern over “enthusiasm” remained constant, his response to it changed dramatically over the course of his life. He first saw “enthusiasm” as something that government had no choice but to actively suppress; “enthusiasm”, he thought, could only be controlled by *enforcing* religious conformity. Later, however, after witnessing the horrific persecutions of dissent following the Restoration, Locke formed the conviction that oppression only breeds more violence and more discontent. He came to believe that “enthusiasts” were best ignored by the law, that is, until they tried to injure the religious freedom of others. Yet Locke’s change of heart did not result simply from his experience of religious warfare. It was also provoked by his philosophical investigations. In attempting to answer the “enthusiast’s” claim to privileged knowledge of moral truth, Locke was forced to ask the basic question whether *any* such knowledge is possible. He came to

¹P.J. Kelly, *John Locke: Authority, Conscience and Religious Toleration*, in A LETTER CONCERNING TOLERATION, IN FOCUS 125, 131 (J. Horton & S. Mendus eds., Routledge, 1991). See also MICHAEL HEYD, ‘BE SOBER AND REASONABLE’: THE CRITIQUE OF ENTHUSIASM IN THE SEVENTEENTH AND EARLY EIGHTEENTH CENTURIES 175-179 (Leiden, New York & Köln: E.J. Brill, 1995).

the uncomfortable conclusion that religious disagreement is inevitable; the divine truth can never be *known* for sure. In trying to dictate the truth, civil governments open themselves up to charges of error and misrepresentation. They could best preserve their authority by staying *within* the bounds of knowledge and staying *out* of matters of religion.

The development of Locke's thought on toleration was a gradual process, a gradual coming-to-terms with the limits of human understanding. In the *Two Tracts on Government*, written in 1660 while he was a student at Oxford, Locke insists, like Hobbes, that the "civil magistrate" in any Christian commonwealth has the right, indeed the *duty*, to control religious practice within the state.² Locke was responding to a pamphlet entitled *The Great Question Concerning Things Indifferent in Religious Worship*, written by Edward Bagshaw, a fellow student at Christ Church College. Bagshaw argues that the magistrate must not attempt to enforce strict conformity in all aspects of Christian ceremony. "Indifferent" matters, such as the proper time of church services, the type of clothing to be worn, the specific prayers to be said, etc., are best left to each individual to decide according to his or her conscience. These matters are "indifferent" to God because they are left undefined in Scripture. Therefore, Bagshaw argues, the magistrate has no divine obligation to ensure that a single "true" *form* of worship is observed. Locke argues just the opposite: since the Bible says nothing about these things, the magistrate, as God's second-in-command, has the responsibility to fill in the gaps. Otherwise, violence would ensue as each sect attempted to impose their own "true" ceremonies on others. According to Locke, a Quaker who refuses to take off his hat in church can be punished rightfully under the law if his magistrate so chooses to make hat-wearing an offense. The unfortunate

²JOHN LOCKE, *TWO TRACTS ON GOVERNMENT* (P. Abrams ed. & trans., Cambridge University Press, 1967).

Quaker has no recourse to “higher authority” because God has left the issue of hat-wearing for the magistrate to decide. He can either comply with the rule or submit to the punishment. As long as the commands of the Scripture are not violated, the power of the magistrate is absolute and must be obeyed.

Although Locke’s stance may seem to be an overreaction to the modest desire of various “dissenters” to worship in a manner of their own choosing, his vehemence may be explained, in part, as a recognition of the important issues at stake in this controversy. The debate over “indifferent things” concerned nothing less than the precedence of civil law over the claims of conscience. As John Coleman writes, the philosophy of the *Two Tracts* is grounded in the assumption that “[t]o limit positive civil law out of deference to private conscience is to open the flood gates to anarchy and to the arbitrary tyranny of the mob”.³ Locke, however, fails to address the central problem: the indeterminacy of the Scripture itself. He views the meaning of the Word as stable and easily accessible, ignoring the potential for divergent yet equally legitimate interpretations. What to the magistrate may appear “indifferent” may to others appear strictly forbidden by the Bible. Taking off one’s hat may seem a perfectly harmless gesture of respect; but to others, it may appear to be a form of idolatry, a practice explicitly forbidden by divine law. Locke presents the distinction between “indifferent” and crucial things as self-evident. The magistrate simply represents, in legal terms, the universal meaning of the Scripture that is accessible to everyone, if only they would reason properly. If we insist upon misreading the Bible, then we have no choice but to suffer.

As if sensing the shortcomings of his argument, Locke turned immediately to the problem of moral knowledge in his *Essays on the Law of Nature*, written in the early 1660s just after the *Two Tracts*. Avoiding any prolonged engagement with the

ambiguities of biblical text, Locke instead turns his attention to other sources of moral law and certainty. He claims that a set of fixed and universal moral codes can be discovered through the proper use of reason, the “light of nature”. These codes are referred to collectively as the “law of nature”, which Locke describes as “the decree of the divine will discernible by the light of nature and indicating what is and what is not in conformity with rational nature, and for this very reason commanding and prohibiting”.⁴ The universal authority of these “decrees” follows necessarily from the fact that they are discovered through an intrinsic human capacity, shared by all, but to different degrees. Locke assumes that “reason” means the same thing for all people, regardless of context; the laws it discovers should therefore be similar across all cultures and nations. But as he himself admits, such uniformity does not exist in the world: different societies have strikingly different understandings of moral law. To salvage his argument, Locke concludes that this diversity must be the product of the undue reverence most people give to the “traditions” of their own ethnic groups, religions and nations. Such deference, he argues, is ill-suited to the discovery of true moral knowledge: “For since the law of nature is everywhere one and the same, but traditions vary, it follows either that there is no law of nature at all, or that it cannot be known by means of tradition”.⁵ The problem with tradition is that it changes from place to place. True knowledge, however, is immutable according to Locke; it is impervious to changes in context. He describes the law of nature as being “innate”, by which he means “nothing else but that there is some sort of truth to the knowledge of which a man can attain by himself and without the help of another, if he makes proper

³JOHN COLMAN, JOHN LOCKE’S MORAL PHILOSOPHY 12 (Edinburgh University Press, 1983).

⁴JOHN LOCKE, ESSAYS ON THE LAW OF NATURE 111 (W. von Leyden ed. & trans., Oxford University Press, 1954).

⁵*Id.* at 131.

use of the faculties he is endowed with by nature”.⁶ The emphasis here is on isolation as a precondition of truth. Existing sources of knowledge must be eschewed in favor of an autonomous investigation. Only then can the true origin of moral laws be found:

what we take over from other people’s talk, if we embrace it only because other have insisted that it is good, may perhaps direct our morals well enough and keep them within the bounds of dutiful action, yet it is not what reason but what men tell us. And I am in no doubt that most persons, content with these second-hand rules of conduct which they derive from tradition, build up their morals after the manner and belief of those among whom they happen to be born and educated, and that they have no other rule of what is right and good than the customs of their society and the common opinion of the people with whom they live. And for this reason they least of all strive to derive the law of nature from its very fountainhead and to investigate on what principles the ground of their duty rests, in what manner it creates obligations, and what its first origin is; for they are, after all, guided by belief and approval, not by the law of nature.⁷

This passage highlights a consistent feature of Locke’s philosophy: his rejection of social discourse as a source of “real” knowledge. Throughout his writings, language (“people’s talk”, education, “common opinion”, etc.) is seen as either an obstacle to be overcome or, at best, as an epiphenomena to be ignored. But while Locke dismisses the value of discourse, in the *Essays on the Law of Nature* he can only assert that some more real or true form of knowledge is possible. Without explaining how the mind can uncover such knowledge, his claim must go unproven.

Almost a decade later, Locke began work on his most influential philosophical text, *An Essay Concerning Human Understanding*. It provides what his earlier writings lacked, a detailed epistemology that can serve as a foundation for his discussion of moral knowledge. According to Locke’s friend James Tyrell, the *Essay*

⁶*Id.* at 123.

⁷*Id.* at 129.

was sparked by a conversation concerning “the Principles of morality and reveal’d Religion”.⁸ Locke himself provides this account:

Were it fit to trouble thee with the history of this *Essay*, I should tell thee, that five or six friends meeting at my chamber, and discoursing on a subject very remote from this, found themselves quickly at a stand, by the difficulties that rose on every side. After we had awhile puzzled ourselves, without coming any nearer to a resolution of those doubts which perplexed us, it came into my thoughts that we took a wrong course; and that before we set ourselves upon inquiries of that nature, it was necessary to examine our own abilities, and see what *objects* our understanding were, or were not, fitted to deal with.⁹

Although Locke describes the subject of morality as being “very remote” from that of epistemology, this passage shows just how connected they are. The problem of uncertainty in moral reasoning raises fundamental questions concerning the nature of human understanding and its limits. These questions must first be addressed before any cogent account of *moral* knowledge can be offered. Only then is it possible to prove that the mind can discover pure truth in isolation from tradition and discourse. Yet even in the *Essay*, Locke’s most rigorous philosophical work, assertion precedes demonstration: language is dismissed *a priori* as a distraction from real knowledge.

Locke begins the *Essay* by warning against thoughtless trust in authority. He writes, “it is not worth while to be concerned what he says or thinks, who says or thinks only as he is directed by another” (“The Epistle to the Reader”, I.8). Such a person is “not following truth, but some other meaner consideration” (*id.*). Above all, Locke tells us to rely on our “own thoughts” when we encounter any discourse, even

⁸Tyrell recorded this note in the margins of his copy of *Essay*, now in the British Museum. See H.R. FOX BOURNE, 1 THE LIFE OF JOHN LOCKE 248-49 (New York, 1876) (2 vols.).

⁹JOHN LOCKE, *The Epistle to the Reader*, 1 AN ESSAY CONCERNING HUMAN UNDERSTANDING 9 (Alexander Campbell Fraser ed., Dover Publications, 1959) (2 vols.) (1706). Hereafter, all citations to the *Essay* will include the book, chapter, section, and volume/page numbers in that order. Unless otherwise noted, all italics are original. The first edition of the *Essay* was written over almost twenty

his own (*id.*). These opening remarks make two claims that will reappear throughout the text: first, that independent, self-determined thought is possible; secondly, that this independence is necessary if one wants to discover truth. Hobbes gave similar advice at the beginning of *Leviathan*: “in Reasoning of all other things, he that takes up conclusions on the trust of Authors. . . loses his labour, and does not know any thing, but only beleeveth” (21, *CW* 3.1.31). For both philosophers, then, cognitive autonomy is required for authentic knowledge. They describe external authority, particularly discursive authority, as a barrier to true understanding. We must rise above the texts that surround us, they say, not be their subjects.

Despite these warnings, the *Essay*, like *Leviathan*, reveals language to be a *source* rather than a simulacrum of knowledge, especially moral knowledge. It becomes clear as the *Essay* progresses that moral truth is the *product* of discourse rather than its precursor. Normative language is seen as the substance of moral knowledge rather than its mere reflection. This “unintentional” message subverts the apparent unity of Locke’s “official” argument that language has meaning only when it *represents* ideas that come before it.¹⁰ As in *Leviathan*, the act of definition—the arrangement of language into fixed relationships—emerges as the real “fountainhead” of any legal discourse, whether sacred or secular. Definitions establish the limits of legitimate or intelligible doctrine. They determine what can and cannot be said with any coherence about justice, authority, virtue, religion, or any other topic of morality. All forms of law, whether “natural” or artificial, originate in this control of language.

years, starting in the early 1670’s and published in 1690. Locke then revised and re-published the *Essay* four times (2nd edition, 1694; 3rd edition, 1695; 4th edition, 1700; 5th edition, 1706).

¹⁰Hans Aarsleff notes that Locke’s critical view of language typifies an attitude shared by European philosophers in the Seventeenth Century: “It is familiar knowledge that many put upon language or words the burden of philosophical imperfection. Hence the success of philosophy must depend on overcoming the ‘cheat of words’ as it was often phrased.” Of Locke, Aarsleff writes “To Locke, unlike Descartes, the obstacle to good sense and knowledge was not merely a verbose enemy, not just some men’s words, but words.” Hans Aarsleff, *Leibniz on Locke on Language*, 1 AMERICAN PHILOSOPHICAL QUARTERLY 165 (1964).

Law must always return to definitions for its justification; it can go no further in its search for origins.

As we have seen in the previous chapter, the metaphysical assumptions inherent in Hobbes' theory of political representation clash with the skeptical attitude towards truth that grounds not only his theory of language but also his critique of religious "enthusiasm". At first, Hobbes describes moral and legal truth as the product of artificial links between normative words and particular descriptions of their meaning. There is no meaning, he says, that exists outside language just waiting to be represented. Rather, the Sovereign *creates* meaning and therefore acts as the final arbiter of truth in moral and legal debates. The Sovereign stands at the limit of language, the limit of knowledge. So far so good. Problems surface, however, when Hobbes attempts to *justify* the Sovereign's authority over language. He feels the need to go beyond the bounds of his own theory and claim that the Sovereign's laws are perfect representations of the collective will. In order for this claim to make any sense—in order for there to be even the *possibility* of such accuracy—Hobbes must assume that a single, perfect, manifestation of the collective will exists prior the Sovereign's re-presentation, prior to language itself. But this is precisely the type of extravagant claim to pre-linguistic, pre-human authority that Hobbes denounces as a dangerous tendency in religious thought.

Like Hobbes, Locke's analysis of language in the *Essay* leads initially to the idea that what we call "truth" is simply a conventional link between a word and its established definition. Definitions create truth; they are not true in themselves. Locke, however, then proceeds to draw a distinction between "real" and merely "verbal" truths, a distinction that re-inscribes the metaphysics of ideal meaning. It implies that a higher form of truth exists, beyond the 'meaningless' tricks we play with words in common life and deliberation. Like Hobbes, Locke feels he must transcend language

to reveal the objective foundation of moral discourse. In doing so, however, he denies the insights of his own text, making it impossible to offer a coherent critique of “enthusiasm” and its claims to divine authority.

1. Knowledge before Language

The first two books of the *Essay* develops Locke’s theory that all human knowledge derives from experience of the external world. There are no innate ideas ‘imprinted’ on the human soul, he says; even moral principles are learned rather than inherited by birth. Locke writes: “*There cannot any one moral rule be proposed whereof a man may not justly demand a reason: which would be perfectly ridiculous and absurd if they were innate; or so much as self-evident. . .*”(1.2.4, I.68).¹¹ Rather than coming to the world with ready-made principles, we acquire our understanding through contact with the physical environment. The mind constructs “[e]ven the most abstruse ideas,” by “repeating and joining together ideas that it had either from objects of sense, or from its own operations about them. . .” (2.12.8, I.217). This emphasis on experience seems to break down any easy separation between the *inner* and *outer*. The contents of the mind are furnished by its interaction with the world (2.1.1-9, I.121-127). Locke seems to be saying that without this interaction, the mind would be indefinable. Yet when he turns to the question of how ideas relate to *words*, he ends up actually

¹¹Throughout the *Essay*, Locke uses the imagery of writing to describe the contents of the mind. In rejecting the idea of “innate” moral principles, for example, Locke writes: “it seeming to me near a contradiction to say, that there are truths imprinted on the soul, which it perceives or understands not: imprinting, if it signify anything, being nothing else but the making certain truths to be perceived” (1.1.5, I.40). He returns to this metaphor later on, this time to describe how moral knowledge is accumulated: “all that are born into the world, being surrounded with bodies that perpetually and diversly affect them, variety of ideas, whether care be taken about it or not, are imprinted on the minds of children” (2.1.6, I.125). Still further on the *Essay*, Locke explains: “it is in the power of words, standing for the several ideas that make that composition, to imprint complex ideas in the mind which were never there before, and so make their names be understood.” (3.4.12, II.39). Locke’s appropriation of the imprinting metaphor suggests that the mind acquires its ideas as words, that ideas are always already in the form of discourse. His reliance on this imagery undermines the division between ideas and language that he attempts to enforce throughout the *Essay*. This slippage also reveals the difficulty of thinking about ideas in non-linguistic terms, a difficulty which Locke acknowledges (4.5.3, II.245).

reinforcing the concept of the mind as an autonomous entity. Although the priority of physical experience remains, the mind is seen generating its own ideas in isolation from any external, discursive, source. Ideas are constructed by the individual rather than absorbed from an existing language.

Locke's use of the word "idea" is notoriously ambiguous. But whenever he is laying the groundwork for his epistemology, he uses it to mean simply a phenomena which the mind perceives, an "object of thought". Locke divides "ideas" into two main categories, "simple" and "complex". Simple ideas are those which *present themselves* to the mind involuntarily. They come in two forms: they are either external phenomena which present themselves through our senses ("*whiteness, hardness, sweetness,*" etc.) or they are mental occurrences which present themselves through "reflection", that is, through our awareness of the various operations our mind performs upon "the ideas it has got" ("*thinking, doubting, believing, reasoning, knowing, willing*" etc.) (2.1.1-4, I. 121-4).¹²

Complex ideas, on the other hand, are combinations of simple ideas that the mind creates *voluntarily*.¹³ Locke divides them into three categories, the most important for our purposes being the category of "modes".¹⁴ "Modes" are "complex ideas which, however compounded, contain not in them the supposition of subsisting by themselves" (2.12.4, I.215). In other words, they are ideas that have no corresponding physical reality. There are two sorts of modes, "simple" and "mixed". *Mixed* modes, Locke says ambiguously, are modes that combine simple ideas of

¹²Sometimes these two forms of simple ideas coincide, such as in the experience of "*pleasure or delight, and its opposite, pain, or uneasiness*"(2.7.1, I. 160). For example, the pain we experience from touching a hot iron is the product of both our physical sensation of extreme heat and our awareness of our mental response to it.

¹³Locke defines complex ideas in this way: "As simple ideas are observed to exist in several combinations united together, so the mind has a power to consider several of them united together as one idea; and that not only as they are united in external objects, but as itself has joined them together. Ideas thus made up of several simple ones put together, I call *complex*. . ." (2.12.1, I.214).

“different kinds”, as opposed to “simple modes” which combine simple ideas only of the “same kind”. Locke explains: “These mixed modes. . .are not looked upon to be characteristical marks of any real beings that have a steady existence, but scattered and independent ideas put together by the mind. . .” (2.22.1., I.381). Under this category of “mixed modes” Locke places our ideas concerning morality and law. And it is in his discussion of mixed modes such as “justice” and “courage” that his attempt to separate language and knowledge falls apart.

Throughout the *Essay*, language appears as an instrument whose only purpose is to convey our private ideas to the world.¹⁵ His explanation of abstract thinking, for example, assumes that communication moves in only one direction:

The use of words then being to stand as outward marks of our internal ideas, and those ideas being taken from particular things, if every particular idea that we take in should have a distinct name, names must be endless. To prevent this, the mind makes the particular ideas received from particular objects to become general; which is done by considering them as they are in the mind such appearances, — separate from all other existences and the circumstances of real existence, as time, place, or any other concomitant ideas. This is called ABSTRACTION, whereby ideas taken from particular beings become general representatives of all of the same kind; and their names, general names, applicable to whatever exists conformable to such abstract ideas.

(2.11.9, I.206-7)

Locke separates the process of abstraction from its subsequent representation in language. First the mind fabricates general names and then we speak them to the world, as signs of our understanding of difference and similarity. We observe

¹⁴The other two categories of modes are “substance” and “relation”. For Locke’s explanation see 2.12.3-8, I.215-217, and generally, 2.23-28, I. 390-485.

¹⁵As Stephen Land writes, “Whenever Locke talks about the *uses* of words he considers only their uses to the speaker: their service in recording thoughts or in making thoughts manifest to others.” See: STEPHEN K. LAND, *THE PHILOSOPHY OF LANGUAGE IN BRITAIN: MAJOR THEORIES FROM HOBBS TO THOMAS REID* 31, 40 (AMS Press, 1986).

phenomena, find their connections, and then invent a language to store and express these ideas. Locke continues:

Thus the same colour being observed to-day in chalk or snow, which the mind yesterday received from milk, it considers that appearance alone, makes it a representative of all of that kind; and having given it the name *whiteness*, it by that sound signifies the same quality wheresoever to be imagined or met with; and thus universals, whether *ideas* or terms, are made.
(2.11.9, I.207)

This is a picture of how knowledge is created, “knowledge” being defined by Locke as “*the perception of the connexion of and agreement, or disagreement and repugnancy of any of our ideas*” (4.1.2., II.167). The mind perceives a link between its ideas of chalk, snow, and milk, and gives this association a name (Locke decides to use the conventional term “whiteness” but any signifier would do). This example conveniently ignores the presence of an *external* language in which the property of “whiteness” has *already* been signified. Here, the connection between the color of chalk and the name “white” is not learned from the language of our linguistic community. It is only *after* the mind compares these objects that any need for a signifier arises. The mind does not receive knowledge through language, but *creates* it in isolation from language. The ‘experience’ that grounds Locke’s epistemology can best be described as a private discovery of physical properties, not a shared encounter with public discourse.

Locke continues to place ideas before language throughout the first two books of the *Essay*. Ideas are the pre-linguistic content of language that language brings into the world through representation. The priority of our ideas remains even when we belong to highly developed linguistic community:

now that languages are made, and abound with words standing for such combinations, an usual way of *getting* these complex

ideas is, by the explication of those terms that stand for them. For, consisting of a company of simple ideas combined, they may, by words standing for those simple ideas, be represented to the mind of one who understands those words, though that complex combination of simple ideas were never offered to his mind by the real existence of things.

(2.22.3, I.382-3)

The “explication” of complex ideas involves breaking them down into their component parts. The end result is a definition: a *verbal* representation of the simple ideas which make up the complex idea. Upon receiving these definitions, the mind opens its internal data-bank of ideas to reproduce the same synthesis that is signified by the general word. Although words for complex ideas can provoke new associations of the simple ideas we already have, they cannot in themselves introduce new ideas to our mind. We merely check our preexisting ideas against the words and combinations we receive from the world: “For words being but empty sounds, any further than they are signs of our ideas, we cannot but assent to them as they correspond to those ideas we have, but no further than that” (1.1.23, I.58).

This model of communication both understates and highlights the importance of language. It suggests that language is always secondary to ideas, always the representation of knowledge rather than knowledge itself. Yet it also suggests that the truth of those ideas Locke calls “modes” depends upon language. The mind constructs modes “without reference to any real archetypes, or standing patterns, existing anywhere”; therefore they “cannot but be *adequate ideas*” (2.31.3, I.504). Modes cannot be wrong in themselves because they are not intended to be perfect or true copies of anything else: “being archetypes without patterns, and so having nothing to represent but themselves, [modes] cannot but be adequate, everything being so to itself” (*id.*). Only when our ideas represent something else can they be considered true or false: “Whenever the mind refers any of its ideas to anything extraneous to them, they are capable to be called true or false” (2.32.4, I.515).

For Locke, language is the means by which ideas are transformed into representations and referred to an external standard. In the case of modes, however, this standard turns out to be a linguistic construction itself, rather than some natural entity. Locke notes that complex ideas are usually:

intended to correspond to the ideas in the mind of some other intelligent being, expressed by the names we apply to them, they may be very deficient, wrong, and inadequate; because they agree not to that which the mind designs to be their archetype and pattern. . . .

(2.31.5, I.505)

Locke illustrates how ideas may be “inadequate” by describing the hypothetical creation of the mixed mode named “courage”. Suppose that a person puts together a complex idea composed of the ideas “danger perceived, absence of disorder or fear, sedate consideration of what was justly to be done, and executing that without disturbance” (2.31.4, I.504). Now suppose that this person gives this complex idea the name “courage”. Locke describes what happens when this individual enters into conversation:

another coming after, and in conversation learning from him the word *courage*, may make an idea, to which he gives the name courage, different from what the first author applied it to, and has in his mind when he uses it. And in this case, if he designs that his idea in thinking should be conformable to the other’s idea, as the name he uses in speaking is conformable in sound to his from whom he learned it, his idea may be very wrong and inadequate: because in this case, making the other man’s idea the pattern of his idea in thinking, as the other man’s word or sound is the pattern of his in speaking, his idea is so far defective and inadequate, as it is distant from the archetype and pattern he refers it to, and intends to express and signify by the name he uses for it. . . .

(*id.*)

Locke attempts to describe “adequacy” as the correspondence between *ideas* rather than names. He again pictures the mind in isolation from its verbal context. Yet by emphasising the ease with which our ideas may diverge or disagree, Locke, in fact,

reveals the necessity of language. The *only* way we can know the “archetype” is through its representation; only through language can we apprehend “the other’s idea” and know whether our own idea corresponds to it.

2. *The Need for Language*

Throughout Books I and II of the *Essay*, Locke tries to ignore the role of language in knowledge acquisition. But as his attention turns from “simple ideas” to the more complex ones involved in moral action, he finds it increasingly difficult to do so. Locke begins to realize that in order to give a complete account of human understanding he will need to take up the question of language. At the end of Book II he writes:

Having thus given an account of the original sorts and extent of our IDEAS. . . the method I at first proposed to myself would now require that I should immediately proceed to show, what use the understanding makes of them, and what KNOWLEDGE we have by them. . . but, upon a nearer approach, I find that there is so close a connexion between ideas and WORDS, and our abstract ideas and general words have so constant a relation one to another, that it is impossible to speak clearly and distinctly of our knowledge, which all consists in propositions, without considering, first, the nature, use, and signification of Language; which, therefore, must be the business of the next Book.

(2.33.19, I.535)

Locke does indeed force himself to consider the link between language and thought in books III and IV. In a chapter entitled “Of Truth in General” Locke warns us that “to form a clear notion of truth, it is very necessary to consider truth of thought, and truth of words, distinctly one from another” (4.5.3, II.245). Yet he also concedes that “it is very difficult to treat of them asunder” not only because “it is unavoidable, in treating of mental propositions, to make use of words” but also because “most men, if not all, in their thinking and reasoning within themselves, make use of words instead of ideas; at least when the subject of their meditation contains in it complex ideas” (*id.*). When

our propositions involve sense-data or images of physical objects, such as “*white or black, sweet or bitter, a triangle or circle,*” language is unnecessary; in these cases “we can and often do frame in our minds the ideas themselves” (*id.*). But when our thoughts involve:

more complex ideas, as of a *man, vitriol, fortitude, glory,* we usually put the name for the idea: because the ideas these names stand for, being for the most part imperfect, confused, and undetermined, we reflect on the names themselves, because they are more clear, certain, and distinct, and readier occur to our thoughts than the pure ideas: as so we make use of words instead of the ideas themselves. . . .
(*id.*)

Locke describes language as invasive; it replaces pure ideas with hollow signs. Yet the *Essay* reveals, to an unintended extent, how language is *necessarily* invasive when our thoughts turn to complex ideas. And it is the fact of this necessity that challenges Locke’s division between ideas and words. The emphasis on experience in Locke’s theory of ideas ends up subverting his own attempt to isolate language from the prior existence of ideas. It turns out that some ideas can only be experienced *as words*.

According to Locke, for an idea to be “pure” it must either have a counterpart in the physical world, available to our senses, or it must exist as a picture in our minds, available to our mental ‘sight’. The “pure” idea is the perfect representation of an original phenomena. Whatever we see or hear is necessarily “pure” in the sense of being immediately present to our mind’s eye. Even when we wear rose-coloured glasses, use a hearing-aide or take hallucinogenic drugs, we are still receiving “pure” ideas because our they are simply “there”, directly before our minds. Locke, however, distinguishes between “pure” and “true” ideas. Although we may have an idea of a centaur in our minds, this idea is not “true” because it is not “*conformable to some real existence*” (2.32.3-5, I. 515). As we have seen, it is not only fanciful ideas that have no “real existence”; all complex ideas of “mixed modes” lack natural

counterparts. For Locke this unreality of mixed modes is an obstacle to their attainment of purity: “the names of mixed modes for the most part *want standards in nature*, whereby men may rectify and adjust their signification; therefore they are very various and doubtful” (3.9.7, I.107). Our ideas of mixed modes only manifest themselves in the world as language; words make mixed modes into sense objects. We may have a picture of “courage” in our minds, but it only has meaning as a picture *of that name*. To “experience” a mixed mode, we must encounter it as a symbol, one that stands for its already established definition, which itself consists of other signs, other symbols. A mixed mode, therefore, cannot be a “pure idea” in Locke’s terms because it is not immediately “present” to the mind but must be reconstructed through a series of discursive regressions.

While necessarily “impure”, mixed modes can nevertheless be “true”, but in a different sense than corresponding to “real existence”. An idea may be considered true, Locke says, when it appears to be “*conformable* to that in other men’s minds, called by the same common name; e.g. when the mind intends or judges its ideas of justice, temperance, religion, to be the same with what other men give those names to” (2.32.5, I. 515). When dealing with complex ideas of mixed modes such as “justice” or “religion” truth requires language; it is an agreement of words and definitions, a discursive relationship. Locke, however, suggests that these “verbal truths” are deficient, lacking the clarity and stability of “real truths”. This is how he explains the distinction between the “real” and the “verbal”:

that being only verbal truth, wherein terms are joined according to the agreement or disagreement of the ideas they stand for; without regarding whether our ideas are such as really have, or are capable of having, an existence in nature. But then it is they contain *real truth*, when these signs are joined, as our ideas agree; and when our ideas are such as we know are capable of having an existence in nature. . . .

(4.5.8, II.248-9)

As we have seen, ideas of mixed modes have no corresponding “reality” beyond language; their existence “in the world” depends upon language. How, then, can the truth of these ideas be anything *but* verbal? And if moral thought is comprised mainly of mixed modes, as Locke insists, does this mean that moral truth is “only verbal” as well? How can we place our trust in a discourse we know to be “unreal”?

Locke seems aware of the subversive consequences of his distinction between real and verbal truth. In his analysis of moral discourse, he reveals the essentially *verbal* basis of moral truths. His preoccupation with exposing the inauthenticity of language leads him to make a series of skeptical statements concerning the “reality” of moral discourse. But as we shall see, this skepticism itself is based upon fairly “unreal” assumptions. In order to deny that the *discourse* of morality is “real”, Locke must posit a standard of reality that can be neither physical nor linguistic. Such a standard can only be found somewhere between the physical world of nature (which has no intrinsic moral order) and the purely artificial world of language (which can only represent a moral order that already exists). This is the mysterious realm of mixed modes—ideas that Locke believes exist prior to language but which can only be approached *through language* because they have no physical existence. Only if we believe in the hidden “reality” of moral *ideas* can we claim that our moral *language* is unreal. Like Plato, Locke asks us to believe in unseen forms which our words, like shadows, can only represent imperfectly.

Locke describes moral discourse as being riddled by the ambiguity and instability of verbal truth: “men’s names of very compound ideas, such as for the most part are moral words, have seldom in two different men the same precise signification” (3.9.6, II.107). This instability results from the supposed invisibility of

moral ideas, the lack of “natural” referents.¹⁶ When we attempt to discover the properties of physical entities, we can appeal to “sensible representations”, to our “pure” ideas of the objects themselves. But

[t]his cannot be thus done in moral ideas: we have no sensible marks that resemble them, whereby we can set them down; we have nothing but words to express them by; which, though when written they remain the same, yet the ideas they stand for may change in the same man; and it is very seldom that they are not different in different persons.

(4.3.19, II.209).

Here again, Locke refuses to consider words as being the *content* of mixed modes; he continues to describe language as only the defective symbol of ideas. When dealing with moral principles, however, Locke finds that he is unable to transcend language and its control of truth. Locke differentiates between our complex ideas of substances and of those of mixed modes, saying that “in substances. . .some remarkable sensible qualities, serving ordinarily to distinguish one sort from another, easily preserve those who take care in the use of their words, from applying them to sort of substances to which they do not at all belong” (2.32.10, I.518). With mixed modes, however, “we are much more uncertain; it being not so easy to determine of several actions, whether they are to be called *justice* or *cruelty*, *liberality* or *prodigality*” (*id.*). The truth of our moral ideas lies exclusively in how they correspond to other’s ideas: “When a man is thought to have a false idea of *justice*, or *gratitude*, or *glory*, it is for no other reason, but that his agrees not with the ideas which each of those names are the signs of in other men” (*id.*). Locke clings to the belief that ideas come before language; his own text, however, continually reveals the precedence language takes in any assessment of

¹⁶J. B. Schneewind observes that “It is a matter of considerable importance to Locke that moral ideas are complex idea of the kind he calls ‘mixed modes’ They are constructed by us, not copied from observation of given complexes. They are not intended to mirror or be adequate to some external reality, as ideas of substances are.” J. B. Schneewind, *Locke’s moral philosophy*, in THE CAMBRIDGE COMPANION TO LOCKE 199, 204 (Cambridge University Press, 1994).

moral truth. We can only know the truth of our moral ideas if we can have access to the ideas of others. Yet Locke has already ruled out such “pure” communication—all we can have access to is the moral *language* of others. The only way for our ideas of mixed modes to be true or false is through a correspondence of *signs*. Before we can compare our ideas we must “change” them into names through the process of “explication”. In Locke’s system, moral truth exists only in translation, *as translation*. It is found in the correspondence of definitions.

3. Law as Definition

Moral categories such as justice and cruelty have no special status in Locke’s epistemology: like other mixed modes their truth depends upon their linguistic expression and their agreement with an already established standard of meaning—the “official” definition. The *Essay* suggests that moral definitions act as a form of law.

This is how Locke describes “virtue and vice”:

Virtue and vice are names pretended and supposed everywhere to stand for actions in their own nature right and wrong. . . But yet, whatever is pretended, this is visible, that these names, virtue and vice, in the particular instances of their application, through the several nations and societies of men in the world, are constantly attributed only to such actions as in each country and society are in reputation or discredit.

(2.28.10, I.476)

The meaning of these terms is not intrinsic, nor is it discovered through individual experience. Rather, it is determined by the way the words “virtue” and “vice” are defined and used within our community. These names are *imposed* upon a varying set of behaviors. Locke continues:

Thus the measure of what is everywhere called and esteemed virtue and vice is this approbation or dislike, praise or blame, which, by a secret and tacit consent, establishes itself in the several societies, tribes, and clubs of men in the world: whereby several actions come to find credit or disgrace

amongst them, according to the judgment, maxims, or fashions of that place.

(*id.*, I.477)

It is significant that Locke describes moral judgments as developing only by “a secret or tacit consent”. The process by which meaning is fixed is left purposefully obscure. No mention is made of how various forms of power (legal, religious, economic etc.) work within a community to create agreement and conformity. Absent, too, is any reference to a moral discourse that either justifies or enforces the “official” moral classifications. Locke once again places language at the periphery; meaning is established silently, outside language. Yet any “official” meaning can have coercive force only if it is signified; only then can members of the community judge whether their actions and ideas are in conformity with the moral law.

Whenever morality is analyzed in the *Essay*, language reasserts its priority despite Locke’s efforts to dismiss its importance. Moral “knowledge”, he argues, derives from our experience of rules:

the conformity or disagreement men’s *voluntary actions* have to a *rule* to which they are referred, and by which they are judged of. . . may be called *moral relation*, as being that which denominates our moral actions. . . .

(2.28.4, I.473)

Judgment involves finding the “relation” between our actions and established moral classifications. Although Locke refuses to say so explicitly, these moral “rules” must be *descriptive* conventions. In other words, moral rules are really explanations of how to use moral words. We figure out how to “denominate” certain actions by referring to the authorised definitions of moral terms. Without language, an understanding of moral law would be impossible. Locke’s explanation of good and evil illustrates the necessity of language even as it ignores the discursive nature of law:

Good and evil, as hath been shown. . . are nothing but pleasure and pain, or that which occasions or procures pleasure or pain to us. *Moral good and evil*, then, is only *the conformity or disagreement of our voluntary actions to some law, whereby good or evil is drawn on us, from the will and power of the lawmaker*; which good and evil, pleasure or pain, attending our observance or breach of the law by the decree of the law-maker, is that we call *reward and punishment*.

(2.28.5, I.474).

The concept of morality or moral action presupposes the existence of a *discourse* that directs and justifies the judicial actions of those in positions of moral authority. God, for example, is justified in punishing us for our sins because he has given us his Word. Similarly, the civil magistrate is justified in punishing our crimes because he has made his laws known to us. Yet here, in Locke's description of "good" and "evil", no such discourse can be found. He deals only with the physical effects of the lawmaker's actions; there is no mention of what makes these actions legitimate. According to Locke, what we call "good" and "evil" depends entirely on the pattern of punishment and reward enacted by the law-maker.

Unlike Hobbes, Locke does not claim that there is a necessary standard of "good" and "evil" to which the law-maker's actions must conform. Hobbes had understood Sovereign power as a power over language: the Sovereign's laws established definitions and controlled meaning. Hobbes, therefore, felt a need to justify these discursive constructions by claiming that they were what Locke would call "real truths". In other words, he had to claim that the Sovereign's definitions corresponded to something beyond language—a pre-existing, ideal form of meaning. Locke, however, has already ruled out the possibility that any mixed modes, including moral ideas, can attain the status of "real truth". The need for "unreal" language is too great to be overcome. Perhaps it is Locke's appreciation for the very necessity of language that explains why he refuses to talk about its role in moral judgments. His discussion of "good" and "evil" is remarkable for the way it focuses on our *reactions*

to the law rather than on the reasons and manner by this law exists in the first place. It is as if Locke is so troubled by the merely “verbal” character of moral truth that he seeks to sidestep the whole question of the law’s origin and justification. To discuss such matters would be to expose the “artificial” foundation of moral law, its origin in language.

Locke’s attempt to separate moral judgments from language falls apart when he changes his focus from *how* we experience law to exactly *what* we experience. He ends up moving closer to Hobbes’s understanding of law-making as a discursive activity. Locke discovers that legal authority is the power to establish definitions, to create meaning that has no prior, non-linguistic being. Locke writes:

What the word *murder*, or *sacrilege*, &c., signifies can never be known from things themselves: there be many of the parts of those complex ideas which are not visible in the action itself; the intention of the mind, the relation of holy things, which make a part of murder or sacrilege, have no necessary connexion with the outward and visible action of him that commits either. . . .

(3.9.7, II.107)

The word “murder” or “sacrilege” invokes a *definition*, a description of the context in which the word is to be used. The meaning of a moral word is tied closely to how it is applied. The same action may be named “murder” or “execution” or “euthanasia” depending upon how one interprets the relationship between the context of the action and the definition one gives to each of these words. Locke notes that the definitions of legal terms are highly variable: the ideas that comprise a particular understanding of “murder”, for example, are united “without any rule or pattern”. It is not surprising, then, that

the signification of the name that stands for such voluntary collections [of ideas] should be often various in the minds of different men, who have scarce any standing rule to regulate themselves and their notions by, in such arbitrary ideas.

(*id.*, I.108)¹⁷

What may seem like “murder” to one person might, in the *same* context, seem like “justice” to another (just ask Paul Hill or, indeed, those who want him executed). Moral words, “having no settled objects in nature, from whence their ideas are taken, as from their original, are apt to be very confused” (3.11.9, II.152). The only way for their meaning to be clarified is by settling their definitions (4.3.20, II.211). Locke writes that “*Justice* is a word in every man’s mouth, but most commonly with a very undetermined, loose signification; which will always be so, unless a man has in his mind a distinct comprehension of the component parts that complex idea consists of” (*Id.*). Moral principles can only establish order if official definitions of such terms as “justice” and “murder” are established and circulated throughout the community. Otherwise there is no stable moral law but only numerous dissenting opinions over how moral words are to be used. Who or what can control use of moral terms and give them legal power?

Locke considers two sources of legal-semantic authority. One is the authority of “common use” or “the rule of propriety” in speech:

Common use regulates the meaning of words pretty well for common conversation; but nobody having an authority to establish the precise signification of words. . .there being scarce any name of any very complex idea. . .which, in common use, has not a great latitude, and which, keeping within the bounds of propriety, may not be made the sign of far different ideas.
(3.9.8, II.108).

Under the heading of “common use” there may actually be many definitions of the same word. For Locke, the possibility of such “latitude” destroys the value of common use as a standard of “true” meaning. He seems to believe that a standard can be useful only if it can compel uniformity, silence debate, and do away with the need

¹⁷Here, as elsewhere in his discussion of law and moral codes, Locke holds firm to his concept of

for dialogue and negotiation. The other source of lexical authority Locke considers is the *belle lettres*: “[t]he proper signification and use of terms is best to be learned from those who in their writings and discourses appear to have had the clearest notions, and applied to them their terms with exactest choice and fitness” (3.11.11, II.154). This assumes, however, that a proper standard of meaning already exists, allowing us to judge whether or not a particular use is correct. As Locke himself points out:

moral words are in most men’s mouth’s little more than bare sounds; or when they have any, it is for the most part but a very loose and undetermined, and, consequently, obscure and confused signification. And even those themselves who have with more attention settled their notions, do yet hardly avoid the inconvenience to have them stand for complex ideas different from those which other, even intelligent and studious men, make them the signs of.

(3.9.9, II.109)

We have returned to Hobbes’s semantic state of nature. Locke is unable to discover a source of semantic authority able to *impose* reliable order upon moral discourse. He can find no way to overcome the indeterminacy of moral words; at the same time, he persists in seeing this indeterminacy as a problem that *must* be overcome. Absolute uniformity is a necessity for Locke; only then can the inherent deficiency of “verbal truths” be to some extent mitigated. There is, however, no recourse to a standard of meaning beyond discourse because moral words constitute a “relation” *within* discourse, between names and definitions.

Locke has already denied that there are innate principles in the mind; this applies to moral knowledge as well. All moral laws require explanation, even the most basic:

But should that most unshaken rule of morality and foundation of all social virtue, “That one should do as he would be done unto,” be proposed to one who never heard it before, but yet is of capacity to understand its meaning; might he not without any absurdity ask a reason why?

"ideas" as the pre-linguistic content of language.

All moral rules can be explained; this shows that their truth “plainly depends upon some other antecedent to them, and from which they must be *deduced*” (*id.*, I.69). Yet this “antecedent” cannot itself precede language; it can only be discovered through language, *as* language. The rationale for justice is itself comprised of terms like ‘property’, ‘ownership’, ‘stability’, all of which require further definition, further descriptions of how they are to be used.

This infinite regression can end only when our inquisitor stops asking sceptical questions, either because we have *proved* that our definitions are true, thereby *demanding* her agreement, or because she chooses to be satisfied with our rationale, thereby giving us her *consent*. If we attempt to prove our definitions, we attempt the impossible. The notion of proof requires a representation of what lies beyond representation, what makes it true. But, as Locke as shown, there is no pre-verbal standard of truth for mixed modes, even for moral principles. For Locke, the “truth” of such ideas lies only in the correspondence between signs and the definitions that we have made.¹⁸ By trying to *prove* our moral definitions we only justify the skepticism of our inquisitor. We must, then, seek her *voluntary* agreement; but she, being a steadfast and true sceptic, will only give her consent once we stop using the *language* of morality to *explain* morality. It is not enough to say something is “virtuous” because it is “good” or that something is “just” because it secures “property”. We must find away to break out of these tautologies and this can only happen when we stop thinking of meaning as what a word *represents* rather than what it *does*. We must

¹⁸Henry Van Leeuwen asserts that Locke's "major conclusion is that the real natures of things are not knowable and that one is therefore limited to a descriptive rather than an explanatory account of what goes on in nature." Van Leeuwen, however, does not discuss the implications of Locke's "major conclusion" which reinforces a belief that language always lacks or, is separated from, true meaning. HENRY G. VAN LEEUWEN, THE PROBLEM OF CERTAINTY IN ENGLISH THOUGHT 1630-1690, at 121 (Martinus Nijhoff, 1963).

explain why classifying certain actions as “virtuous” or “just” is useful to some end. Although our inquisitor may choose to disagree over the moral classification of this “end” itself, at least we have escaped from the idea that moral truth is “merely verbal”. Moral language has “real” effects upon the world, upon society and individuals; choosing among these effects is not simply a matter classifying them *arbitrarily*. Moral language is linked to the world; it is not an isolated, self enclosed system. Locke had come close to suggesting this connection when he asserted that our *reactions* to law determine the meaning of “good” and “evil”. Yet he still failed to grasp the power of words themselves. Moral language is not merely the after-effect of law but the very medium of its force. Punishment and rewards are determined and justified by the *use* of language, by the classification of individuals and conduct.

After raising skeptical arguments against the possibility of “true” moral knowledge, Locke suddenly puts these doubts aside, suggesting that such skepticism is a waste of time. Instead, he returns to his earlier emphasis on the act of definition as the foundation of knowledge. Locke seems to be acknowledging that moral *discourse* serves a purpose, even though it can never be “really” true. In other words, Locke maintains his belief in the priority of ideas but concedes that definitions are useful: they allow us to settle meaning and avoid disputes. “A definition”, he writes, “is the only way whereby the precise meaning of moral words can be known” because “the ideas they stand for, being for the most part such whose components nowhere exist together” (*Id.*, 3.9.18, II. 158). For the moment, at least, Locke appears to have quelled his desire for “real” truth. The only truth we can possibly know is the truth we make ourselves, through definitions. We might as well be satisfied with this state of affairs and get to work explaining why these self-made “truths” are legitimate, i.e. useful.

This implicit recognition of the *practical* value of moral definitions suggests both that Locke is dissatisfied with the notion of meaning-as-representation and that he is aware of its dangers. It is all the more perplexing, then, that he should continue to uphold a distinction between *real* and *verbal* truth. This distinction relegates language to the status of mere imitation and suggests that it lacks some “real” essence which it can never recover. More importantly, it also implies that moral truths, which are known only through language, suffer from the same lack of authenticity. They must carry an element of unreality which can never be removed — the dead weight of language. In fact, it is not language but this spurious distinction between the “real” and the “verbal” that taints our moral principles with a sense of make-believe. Locke, however, ignores the metaphysical basis of his own epistemology and the unnecessary problems it creates. His skepticism towards language is based upon a decidedly non-skeptical belief in ideal form of meaning which verbal truths can never capture.

4. *Representation and Its Legal Consequences*

Throughout the *Essay*, Locke seems to struggle against the insight his text repeatedly offers, that language is not the *representation* but the *content* of moral knowledge, its domain and limit. In a chapter concerning the “Imperfection of Words”, Locke describes language as an obstacle to truth: words, he says, “interpose themselves so much between our understandings, and the truth which it would contemplate and apprehend, that, like the medium through which visible objects pass, the obscurity and disorder do not seldom cast a mist before our eyes, and impose upon our understandings” (3.9.21, II.119). This point is amplified near the end of the *Essay*, in a chapter entitled “Of Trifling Propositions”. The potential for *meaningless* truth is ever-present because language is essentially an arbitrary system of signs:

For it is plain that names of substantial beings, as well as others, as far as they have relative significations affixed to them, may, with great truth, be joined negatively and affirmatively in propositions, as their relative definitions make them fit to be so joined; and propositions consisting of such terms, may, with the same clearness, be deduced from another, as those that convey the most real truths: and all this without any knowledge of the nature or reality of things existing without us. By this method one may make demonstrations and undoubted propositions in words, and yet thereby advance not one jot in the knowledge of the truth of things.

(4.8.9, II.299)

So even “real truths” (those concerning physical substances) are liable to triviality because the names which initiate the process of deduction are imposed arbitrarily upon the world. Locke’s division here between the *artificial* and the *actual* reveals his continuing belief in a form of understanding that transcends language and captures the intrinsic nature of things. A true order exists, somewhere, beyond our words. Yet, as we have seen, this idealism coexists in Locke’s writing with his implicit awareness that our understanding of mixed modes, especially moral concepts, must work within the limits of language.

In the works which followed the *Essay* we can find instances of both Locke’s idealism and his acceptance of language as the limit of knowledge. Sometimes Locke’s faith in a “real order” reasserts itself, unchallenged by any consideration of language and its troubling control over truth. This is the case in one of Locke’s most influential political texts, the second of his *Two Treatises of Government* (1690).¹⁹ Locke asserts that “The state of Nature has a law of Nature to govern it, which obliges every one, and reason, which is that law, teaches all mankind who will but consult it, that being all equal and independent, no one ought to harm another in his life, health, liberty or possessions. . .” (2.2.6, 119). This argument is strikingly similar to one

¹⁹JOHN LOCKE, TWO TREATISES OF GOVERNMENT (W.S. Carpenter ed., Everyman, 1924). All citations will include the book, chapter, section, and page number in that order. Both the *Essay* and the

Locke advanced in *The Essays on the Laws of Nature*. Locke suggests once again that through reason we may discover real or intrinsic moral laws which exist even in the absence of any political institutions. These laws, however, are “natural” only insofar as they are found by an inherent capacity for reason.

As we have seen, in the *Essay*, Locke rejects the concept of innate principles as an unproven assertion. He tries to distinguish his belief in “natural” reason from this concept: “There is a great deal of difference between an innate law, and a law of nature; between something imprinted on our minds in their very original, and something that we, being ignorant of, may attain to the knowledge of, by the use and due application of our natural faculties” (1.2.13, I.78). Yet Locke’s theory still requires us distinguish between “real” reasoning, which leads to “natural” principles, and merely “verbal” reasoning, which leads to meaningless truth. How are we to do so? How are we to know whether our use of reason is “real” or our conclusions “natural” without having access to a public standard of rationality and naturalness? The need for language and definition arises once again, subverting the “official” argument of the *Essay*. The idea of “reason” itself turns out to fall under the heading of “mixed modes”: it is an “idea” that cannot be experienced in any “pure” state but that can only be known through linguistic representation.²⁰ The meaning of “reason” is therefore subject to all the problems that Locke finds with merely “verbal truths”.

The relationship between reason and language is discussed only briefly in the *Two Treatises*. Locke writes:

Two Treatises were first published in 1690. Locke, however, had been working on the *Essay* since the early 1670's.

²⁰W.S. Carpenter writes that “the two conceptions of the state of nature and the law of reason” are “simply figments of the mind and as much creatures of Locke's own fancy as Plato's *Republic* was of his” (*Two Treatises*, Introduction, xiv). My point is that Locke's own epistemology, worked in the *Essay*, suggests that these concepts are *always* “figments of the mind”; that is, they are always “complex ideas of mixed modes” and therefore “invisible” until signified and defined through language.

though it would be beside my present purpose to enter here into the particulars of the law of Nature, or its measures of punishment, yet it is certain there is such a law, and that too as intelligible and plain to a rational creature and a studier of that law as the positive laws of commonwealths, nay, possibly plainer; as much as reason is easier to be understood than the fancies and intricate contrivances of men, following contrary and hidden interests put into words; for truly so are a great part of the municipal laws of countries, which are only so far right as they are founded on the law of Nature, by which they are to be regulated and interpreted.

(2.2.12, 123)

As in the *Essay*, words are described as obstacles to true knowledge. But here, language is not insurmountable; true knowledge can still be separated from discourse. Natural laws, says Locke, are best approached by ignoring the deceptive, easily manipulated, language of positive law. The *Essay* presents a more detailed look at the relationship between reason and language. Early on, Locke writes that “if it were true in matter of fact, that there were certain truths wherein all mankind agreed, it would not prove them innate, if there can be any other way shown how men may come to that universal agreement. . . which I presume may be done” (1.1.3, I.39). Locke thus establishes his goal: to show how stable, universal, principles may develop through reason. Yet Locke is forced to admit that even the proper use of reason can result in merely “verbal truth”. Near the end of Book IV, Locke lists the ways in which our reason can fail to produce true knowledge. He writes, “if at anytime we reason about words which do not stand for any ideas, it is only about those sounds, and nothing else” (4.17.9, II.405). Locke continues to insist that it is possible to make a distinction between words and ideas; this allows us to distinguish between the real and the merely verbal products of reason:

Though the deducing of one proposition from another, or making inferences in *words*, be a great part of reason, and that which it is usually employed about; yet the principle act of ratiocination is *the finding the agreement or disagreement of two ideas one with another, by the intervention of a third*. As a

man, by a yard, finds two houses to be of the same length, which could not be brought together to measure their equality by juxta-position. Words have their consequences, as the signs of such ideas: and things agree or disagree, as really they are; but we observe it only by our ideas.

(4.17.18, II. 409-10)

Even granting that it is possible to reason with ideas and not language, Locke still faces the problem that the “reality” or “truth” of our internal “ideas of mixed modes” can only be known by comparing them to a public standard, a public definition. As he himself admits, when thinking about moral concepts, we must always look to the ideas and beliefs of others to judge our own. This requires language. To reason entirely with ideas and not language means shutting ourselves off other speakers. And while we may indeed deduce private moral truths, we will not necessarily be any closer to a discovery of things “as they really they are”. If we follow Locke’s advice and confine ourselves entirely to our own ideas, we do indeed “overcome” language, but we also run the risk of creating truths that are as “unreal” as if we had reasoned only with words.

In the *Two Treatises*, the assumption that reason can be natural (i.e. non-linguistic) goes unchallenged precisely because the issue of language is left untouched. In the *Essay*, however, Locke’s concepts of reason and language collide. From this conflict, important lessons emerge concerning the idea of “truth” in political theory. The *Essay* unintentionally reveals the subversive, destabilizing, effects of any philosophy that demotes words to the status of mere signs. The notion that meaning exists before language implies that our definitions of moral words, and the practices these definitions initiate, can never be “true” or “real” in themselves. They must always be representations of truth rather than truth itself. This gap between the sign and signified can never be closed because we, like Locke, usually insist on

representation as a precondition of legitimate authority: the law can only justify itself by showing us that it represents something prior to its own language.

The authority of law, in other words, depends upon its ability to show itself as a true symbolization of its pre-symbolic origin. The law can never be authoritative: to demonstrate its “truth” it would have to reveal what lies *before* representation, *through* representation. The law can only be seen through language. Yet Locke, like Hobbes before him, ignores this fact and attempts a hopeless movement beyond discourse. In doing so, both their texts reveal the dangers of basing the legal authority upon claims of ideal representation. Truth is made into something that is necessarily *other*, something that is not language. Those who are interested in defending the truth of law are therefore committed to an inevitably futile search for a lost origin. Seeing that such proof is impossible, the only way to claim authority is to simply assert the truthfulness of law. This authority, however, is extremely tenuous: it depends upon the forceful suppression of doubt or skepticism. Once even the *possibility* of error or misrepresentation is acknowledged, the whole foundation of authority falls apart because proof become necessary. Under such a system of law, difference of opinion is not tolerated.

5. *The Need for Toleration*

In his later life, Locke developed into an eloquent defender of religious toleration. The writings from this period are roughly contemporaneous with publication of the first edition of the *Essay*. It is surprising, then, to find in his *Letters on Toleration* a sophisticated appreciation for the limits of human knowledge, the very same limits Locke refused to accept in the *Essay*. Like Hobbes, Locke seems to have come to the realization that the source of political and religious violence could be found in claims of representational truth. In the *Letters*, Locke acknowledges that “truth” is the

product of convention and socially instituted definitions. He is therefore able to mount an effective and coherent attack on religious absolutism. In the *Essay*, however, Locke is saddled with the metaphysical weight of his own theory of ideas and reason, a theory that encodes a belief in “higher” forms of meaning beyond the merely “verbal”. He only becomes more and more entangled in self-contradiction when he tries to refute claims to “natural” or “divine” truth made by either moral philosophers interested in innate moral principles or religious “enthusiasts” hoping to impose “God’s law”.

At the end of Book I of the *Essay*, Locke concludes his attack on the idea of innate moral principles by showing how easily such a belief can be abused:

it was of no small advantage to those who affected to be masters and teachers, to make this the principle of principles, —that principles must not be questioned. For, once having established this tenet, —that there are innate principles, it put their followers upon a necessity of receiving *some* doctrines as such; which was to take them off from the use of their own reason and judgment, and put them on believing and taking them upon trust without further examination. . . .Nor is it a small power it gives one man over another, to have the authority to be the dictator of principles, and teacher of unquestionable truths. . . .

(1.3.25, I.116)

Throughout Book I, Locke insists that we can and *must* demand practical reasons for the moral rules we are expected to obey. To believe in innate principles, however, is to place some rules beyond question, beyond moral discourse itself. Once we accept that a principle is innate we must also accept that it doesn’t make sense to ask for a reason or explanation for it. As Locke points out, it is an attitude ill-suited to the preservation of liberty. But as much as he may protest, the doctrine of innate ideas reinscribes the very same dichotomies that ground his own philosophy: the “real” versus the merely “verbal”, the natural versus the artificial, ideas versus language.

Locke's discussion of "enthusiasm" also reveals the similarities between his own theory of knowledge and the metaphysical beliefs he wants to dismiss. Locke added the chapter entitled "Of Enthusiasm" to the fourth edition of the *Essay*, published in 1700. Although written after the *Letters on Toleration*, and following their line of argument fairly closely, the chapter suffers from its connection to the problematic discussion of reason and truth in earlier sections of the *Essay*. Locke's distrust of language undermines his attempt here to find a common standard of truth able to control the extravagant claims made by "enthusiasts". Locke begins his critique of "enthusiasm" by emphasizing the need to recognize and adhere to the basic limits of human knowledge. Those who profess themselves "lovers of truth" betray their actual *disregard* for the truth when they assent to "any propositions with greater assurance than the proofs it is built upon will warrant" (4.19.1, II. 429). Such people do not love "truth for truth's sake, but for some other bye-end"; to achieve their hidden goals they assume the "authority of dictating to others." (4.19.2, II. 430). The real lover of truth does not claim an impossible degree of certainty; neither does he attempt to impose his beliefs on others. Rather she acknowledges the limits of truth itself. Given this criteria, however, Locke cannot himself be considered a "lover of truth". As we have seen, his epistemology is grounded upon his conviction that a higher form of truth exists beyond language. The only "real" truth there is, he says, is the truth of our "pure" ideas, removed from the interference of discourse. Locke thus "dictates" an impossible standard of truth for our moral principles, principles which are only known *through* discourse, *as* discourse. In the *Essay*, Locke appears as the disheartened ascetic, withdrawn from the world in despair over what he sees as the "fallen" nature of its language and the merely "verbal" nature of its truths. Even as he criticises those who would silence debate, he condemns the very medium of debate itself.

Locke defines “enthusiasm” as the irrational conviction that God has communicated true or divine knowledge to one's mind. “Enthusiasts” claim to have a “greater familiarity with God” than other people; they “[flatter] themselves with a persuasion of an immediately intercourse with the Deity, and frequent communications with the Divine Spirit” (4.19.5, II. 431). The difference between Locke and the “enthusiast” is that Locke never claims to be able to *reach* “real” moral truth but only to know that it exists; he never claims to have overcome the obstacle of language. The “enthusiast”, on the other hand, claims that the “real” or divine truth has been revealed to him internally, privately. The complications, mediations and distortions of *human* discourse are thus transcended. Locke, therefore, asks the question: “how shall it be known that any proposition in our minds is a truth infused by God; a truth that is revealed to us by him, which he declares to us, and therefore we ought to believe?”(4.19.11, II. 436). This question really asks two things: first, how can we prove that our ideas are from God? and second, how can we know that they are true?

Locke argues that the answers to both questions can be found only through a movement beyond “our private persuasions within ourselves” (4.19.15, II. 440). We must not be satisfied with self-validation but seek proof of our “revelations” in external, objective measures. The prophets of the Bible, he says, “were not left to their own persuasions alone, that those persuasions were from God, but had *outward signs* to convince them of the Author of those revelations” (4.19.15, II. 439). And to convince others, they were also given more “visible signs” to prove “the divine authority” of the “message they were sent with” (*id.*). Without such indications, we cannot command assent; we cannot communicate the reality of our revelation because we cannot produce the signs of reality that accepted within our community. In a similar manner, the truth of our “divine” insights must also be demonstrated, not only

to ourselves but to others; this can only be done, Locke says, through the use of reason, “*our last judge and guide in everything*” (4.19.14, II. 438). Reason is the way the truth is “shown” or “seen” by humankind. The need for reason, however, creates a significant problem for the “enthusiast”; as Locke explains:

if they know it [their revelation] to be a truth, they must know it to so, either by its own self-evidence to natural reason, or by the rational proofs that make it out to be so. If they see and know it to be a truth, either of these two ways they in vain suppose it to be a revelation. For they know it to be true the same that *any other man* naturally many know that it is so, without the help of revelation.

(4.19.11, II. 436, emphasis added).

“Enthusiasts” cannot allow *human* reason to be the final arbiter of *divine* truth; the use of this common measure would necessarily undermine their claim to both exclusive insight and the autonomous authority: “rational grounds from proofs that it is a truth, they must acknowledge to have none; for then it is not received as a revelation, but upon the *ordinary* grounds that other truths are received. . .” (*id.*, emphasis added). Without reason, enthusiasts cannot *show* the truth of their “revelations”; they can only *believe* in its truth. Reason is described a common standard that all “propositions” or insights must adhere to if they are to be *known* as true. It is a check upon claims to private knowledge, a way to “socialize” the “enthusiast”, making him obey shared conventions of discourse. It is here that Locke runs into self-contradiction.

Reason can only act as a restraint upon assertions of private authority if the “true” meaning of reason and rationality is known commonly. But since the *idea* of reason is a mixed mode, the only way this “true” meaning can be settled is if it is defined publicly, through language. Locke, however, wants to shelter the idea of reason from what he sees as the potential for arbitrary definition inherent in language. He argues strenuously that reason is an *intrinsic* standard, whose meaning is known directly, without the need for merely “verbal” descriptions. Reason seems almost like

“enthusiasm” itself; in fact, Locke defines reason as “*natural revelation*, whereby the eternal Father of light and fountain of all knowledge, communicates to mankind that portion of truth which he has laid within the reach of their natural faculties” (4.19.4, II. 431). How, then, are we to respond to the “enthusiast” when he claims that God has granted him greater powers of *reason* than other people possess and that therefore his insights are both “rationally” and divinely “true”? Since our community cannot define reason (because to do so might be to misrepresent its intrinsic meaning), we can have no “objective” authority to correct his subjective use of the term. The “enthusiast” will have an equal claim to “rational” truth as any other member of the community.

Underlying Locke’s discussion of “enthusiasm” in the *Essay* is the belief that the purpose of reason to discover “real” truth; that is, a truth that above the shifts and twists of language. For Locke, to suggest that the meaning of reason must be defined to be known is to suggest that “real” truth is not intrinsic as well. What is considered “real” truth will then depend upon how reason happens to be defined in a particular community. But this is precisely what Locke seeks to avoid. Language is uncertain and malleable; to make the meaning of “real” truth contingent upon its “verbal” definition is therefore absurd. Given his unfavourable opinion of language, Locke is forced to keep “reason” undefined, even as he asserts that it can act as public standard.

In the *Letters on Toleration*²¹, however, Locke discards this belief in an intrinsic, universal standard of truth; he finds that he can no longer ignore the fact of disagreement. Society seems to exist permanently in a semantic “state of nature”; different factions argue endlessly over the meaning of key terms. The crucial decision

²¹Under this title I am grouping the three major tracts Locke composed on religious toleration: the Latin *Epistola de Tolerantia*(1689), *A Second Letter Concerning Toleration* (1690), and *A Third Letter for Toleration* (1692). References to the first letter will be from William Pople’s English translation, reprinted in JOHN LOCKE, A LETTER CONCERNING TOLERATION, *supra* note 1 [hereinafter EPISTOLA]. References to the second and third letters will be from JOHN LOCKE, LETTERS ON TOLERATION (University of Bombay, Education Society’s Press, 1867), hereafter cited as LETTER II and LETTER III.

Locke makes in the *Letters* is to distinguish between civic stability and semantic order. Peace, he says, can coexist with semantic chaos. The magistrate's duty is simply to prevent debates over truth from turning into wars. This can best be done by ensuring that the *limits* of truth and reason are always respected, particularly in religious discourse where they are so often ignored. "Toleration" is precisely such an acknowledgment of limitation; its absence in any society leads to violence: "[i]t is not the diversity of opinions, which cannot be avoided; but the refusal of toleration to those that are of different opinions, which might have been granted, that has produced all the bustles and wars, that have been in the Christian world, upon account of religion" (*Epistola*, 52).

Locke once again argues that the truth of a religious doctrine is incapable of demonstration without "outward signs" of its truth. Without these signs we can have only a *belief* in its truth and not *knowledge*:

To you and me the Christian religion is the true, and that is built, to mention no other articles of it, on this, that Jesus Christ was put to death at Jerusalem, and rose again from the dead. Now do you and I know this? I do not ask with what assurance we believe it, for that in the highest degree no being knowledge, is not what we now inquire after, Can any magistrate demonstrate to himself. . .not only the articles of his church, but the fundamental ones of the Christian religion? For whatever is not capable of demonstration, as such remote matters of fact are not, is not, unless it be self-evident, capable to produce knowledge.

(*Letter III*, 128, ¶6).

In Locke's new conception of civil society, the merely "verbal" nature of religious truths must be accepted rather than overcome. Such acceptance does not lead to disorder but to a permanent stand-off between different religious groups:

whatever privilege or power you claim upon your supposing yours to be the true religion is equally due to another who supposes his to be the true religion upon the same claim, and therefore that is no more to be allowed to you than to him. For

whose is really the true religion, yours or his, being the matter in contest betwixt you, your supposing can no more determine it on your side than his supposing on his. . . .

(*Letter III*, 390, ¶82)

In the absence of “proof”, religious groups can still claim to represent the one true faith but they cannot also claim the authority to “dictate” the truth without risking the boomerang effect:

your supposing yours to be the true religion gives you or your magistrate no more advantage over a Papist, Presbyterian, or Mahometan, or more reason to punish either of them for his religion, than the same supposition in a Papist, Presbyterian, or Mahometan gives any them, or a magistrate of their religion, advantage over you, or reason to punish you for your religion. .

(*Letter III*, 391, ¶83)

As in the *Essay*, Locke’s solution to the problem of “enthusiasm” and “conscience” involves revealing the difference between knowledge and belief, between the “real” truth supplied by visible signs and the “verbal” truth supplied by linguistic representations. But here Locke stays clear of any suggestion that reason can act as a supreme arbiter of truth, judging the conformity of our beliefs to a single, universal standard. It is precisely the *absence* of fixed standards that protects the peace. Language, specifically the act of definition, determines what each group believes to be “rational” and “true”, not the other way around. The uncertainty this creates at the heart of religious discourse is not something to overcome but appreciate; it requires us to have both faith *and* humility.

In the *Essay*, however, Locke finds this uncertainty unsettling. He refuses to accept the control of language over truth and this is where the trouble starts. Rather than embracing the need for dialogue and practical explanation in moral and religious discourse, Locke posits an intrinsic standard of truth, a rational order *beyond* the one established through definitions. Only by representing this “real” order can any moral

or religious description of the world be “true”. This solution, however, creates a significant problem: the authority of the description must then rest upon its ability to *prove* itself as a representation of *something else*, something that is neither physical nor “verbal”. In order to be “intrinsic” and therefore beyond the control of language, reason must remain a private idea; it must not be described publicly for fear of linguistic contamination. The authority of moral principles, then, like the authority of innate truths, depends on the impossibility of “showing” their source because in this case to “show” means to *define*, i.e. to determine an intrinsic meaning through an extrinsic, possible arbitrary, act of language. Yet by concealing the origin of our moral principles we open them up to skeptical doubt.

In both the *Essay* and *Leviathan*, the attempt to assert intrinsic “truth” exposes its very futility—a valuable insight in itself. Yet the persistence of both Hobbes and Locke in making such an assertion, despite all the evidence they themselves gather to prove its impossibility, raises an important question: Is the invocation of a pre-linguistic origin the only way to justify a moral or religious principle? Must normative language always be the shadow of truth rather than the creator of truth? Have we no choice but to think of our laws in paradoxical terms, as the true representations of something beyond representation itself? In the next section I will examine the writings of David Hume, whom I believe offers a way out of such metaphysical puzzles. He, unlike Hobbes and Locke, searches for an origin of authority within, rather than beyond, the moral language of civil communities.

Chapter Three

Hume and the Limits of Knowledge

I have argued that the writings of both Hobbes and Locke reflect an intolerance towards uncertainty, a desire to overcome the harmful latitude they see in language, especially moral language. Furthermore, I have argued that this fear of indeterminacy prevents Hobbes and Locke from offering an effective critique of “enthusiasm”. Like the “enthusiasts” they would condemn, Hobbes and Locke seem to believe that moral principles possess legitimate authority only as “metaphysical” truths— perfect representations of some ideal form of meaning beyond language. The only difference between the “fanatics” and the philosophers is that the philosophers mistrust their language. They discover that it is incapable of recovering its origin, the thing it supposedly represents. Yet since they have invested so much authority in absolute truth—in the ability of language to show that it “captures” a stable ideal— they have no choice but to ignore their own doubts. Only through such “blindness” can they pretend to make an authoritative contribution *through language* to moral and political knowledge. Hobbes demands that we accept the necessary perfection of the Sovereign’s representation while Locke insists that we believe in something called “real truth” which he can’t explain. “Enthusiasts”, on the other hand, are not guilty of such self-contradictions precisely because they leave the question of language untouched. They simply declare their discourse to be divine—to be an unmitigated *revelation* of the God’s ideal order.

I turn now to the writings of David Hume and suggest that he develops a theory of language and moral principles that allows for a persuasive and coherent attack on the claims of “enthusiasm”. He does so by locating the source of meaning within, rather than beyond, the moral language of communities. Like Hobbes and Locke, Hume discovers that our moral principles originate in acts of definition, in the control

we exercise over our language.¹ Yet, unlike his predecessors, he is not disturbed by this discovery and feels no need to deny its force. No ideal foundation can be recovered, he tell us, no ultimate truth witnessed. Hume argues not for “blindness” but for its opposite: a coming-to-terms with the limits our language, a recognition of the impossibility of metaphysical certainty. He thus transforms the constant possibility of doubt into something positive, into a valuable check upon arbitrary and unjustified assertions of authority.

Hume finds the dichotomy between language and “what it represents” not only unnecessary but dangerous. All too often it leads to an unhealthy political environment in which authority depends upon the maintenance of an impossible claim to absolute, undeniable, truth. In such a situation, to allow the expression of doubt is to acknowledge the *possibility* of error, and thus destroy the semblance of absolute truth and the legitimacy based on this semblance. Authority can be maintained only through force, through a silencing of doubt similar to one Hobbes and Locke perform upon themselves. Hume points out that intolerance of all sorts, including religious intolerance, has its foundation in an understanding of truth as an absolute, as a representational relation between language and a pre-existing form of meaning or content. Hume also recognizes that, in the absence of oppression, this understanding is morally corrosive. The impossible criterion for authority it establishes inevitably invites disappointment and mistrust. Moral language is then seen as deficient, characterized by a lack—rather than a presence—of meaning. Hume’s project is to open our eyes, through his philosophy, to the limits we place upon our knowledge when we conceive of language as a system of representation. Hume hopes that this new awareness will lead us away from our obsession with the impossible (i.e. knowledge of the “pure” meaning that supposedly lies behind language), towards an

¹But, as I shall argue, the concept of “definition” that grounds Hume’s moral philosophy differs radically from that used by Hobbes and Locke. For Hume, definitions tell us how to *use* words meaningfully within a particular linguistic community, within a particular context, not what these words signify *in themselves, universally*. For more on Hume’s relation to Hobbes and Locke, see Daniel E. Flage, *Hume’s Hobbism and His Anti-Hobbism*, 18 HUME STUDIES 369 (1993); ANNETTE C. BAIER, *A PROGRESS OF SENTIMENTS: REFLECTIONS ON HUME’S TREATISE* 225-26 (Harvard University Press, 1991).

appreciation for our moral language as a useful instrument designed to achieve a beneficial end. The authority of language should flow from its *effects*, he argues, rather than its truth. By changing our picture of moral discourse in this way, Hume believes we will create a more tolerant atmosphere in which the necessarily destructive conflict between exclusive claims to truth is replaced by a constructive attention to the consequences of our beliefs.

1. Cause and Effect

Hume, like Locke, locates the source of our understanding—all our ideas and impressions—in experience, in our encounter with the world we perceive through our senses. Yet, as Hume’s writing on cause and effect reveals, it is this foundation in experience that prevents absolute certainty in all areas of intellectual endeavor. Hume describes the relation of cause and effect as one of the three “uniting principles” by which we associate our simple ideas and construct complex ones (T 11-13).² He finds that “all reasonings concerning matter of fact seem to be founded on the relation of *Cause and Effect*” (E 26). Our perception of this relation gives rise to our assumptions of order and predictability in the world. It not only gives meaning to the neutral “evidence of our memory and senses”, but is itself constructed *from* this “evidence” (*id.*). Hume explains:

The idea of cause and effect is deriv'd from *experience*, which informs us, that such particular objects, in all past instances, have been constantly conjoin'd with each other: And as an object similar to one of these is suppos'd to be immediately present in its impression, we thence presume on the existence of one similar to its usual attendant.

(T 89-90)

²All citations to Hume’s works from: DAVID HUME, A TREATISE OF HUMAN NATURE (L.A. Selby-Bigge & P.H. Nidditch ed., Oxford University Press, 1978) (2nd ed.) [hereinafter T]; DAVID HUME, ENQUIRIES CONCERNING HUMAN UNDERSTANDING AND CONCERNING THE PRINCIPLES OF MORALS (L.A. Selby-Bigge & P.H. Nidditch eds., Oxford University Press, 1975) (3rd ed.) [hereinafter E]; DAVID HUME, DIALOGUES CONCERNING NATURAL RELIGION (M. Bell ed., Penguin Books, 1990) [hereinafter D]; DAVID HUME, THE NATURAL HISTORY OF RELIGION AND DIALOGUES CONCERNING NATURAL RELIGION (A.W. Colver & J.V. Price eds., Oxford University Press, 1976) [hereinafter NHR]; DAVID HUME, ESSAYS: MORAL, POLITICAL & LITERARY (E.F. Miller ed., Liberty Fund, 1985) (rev. ed.) [hereinafter Essays]. Unless otherwise noted, all italics are original.

It is the repeated experience of the “constant conjunction” of two objects, two phenomena, that gives rise to the inference that one has the “power” to produce the other:

suppose we observe several instances, in which the same objects are always conjoin'd together, we immediately conceive a connexion betwixt them, and begin to draw an inference from one to another. This multiplicity of resembling instances, therefore, constitutes the very essence of power or connexion, and is the source, from which the idea of it arises.

(T 163)

The “essence” is perceived through an encounter with what we take to be its signs, its repeated expression. The notion of cause and effect is fundamentally tied to our perception of time; it arises from our habit or, as Hume would call it, our “custom” of seeing a connection between the past, present, and future. This habit “is the great guide of human life. It is that principle alone which renders our experience useful to us, and makes us expect, for the future, a similar train of events with those which have appeared in the past” (E 44). But herein lies the lack of certainty:

the supposition, *that the future resembles the past*, is not founded on arguments of any kind, but is deriv'd entirely from habit, by which we are determin'd to expect for the future the same train of objects, to which we have been accustom'd.

(T 134)

As Hume points out, there is no reason why the future *must* conform to the past, why trees will not bloom next winter and wither next spring (E 35). The present simply *confirms* the laws of nature we have observed; it can never *prove* them. These laws may always change tomorrow and subvert the previous order. Thus, our understanding of cause and effect is merely a *belief*. As Hume says, “If we be, therefore, engaged by arguments to put trust in past experience, and make it the standard of our future judgment, these arguments must be probable only. . .” (E 35).

It is easy to challenge the implicit claim to permanence made by rules we gather from experience. It is not as easy, however, to show the uncertainty of simple observation, the fault-lines of experience itself. Yet this is precisely what Hume

succeeds in doing by turning his attention from the *temporal* to the *semiotic* structure of cause and effect. He writes:

When we look about us towards external objects, and consider the operation of causes, we are never able, in a single instance, to discover any power or necessary connection; any quality, which binds the effect to the cause, and renders the one an infallible consequence of the other. We only find, that the one does actually, in fact, follow the other.

(E 63)

The emphasis here is on “seeing” rather than revealing. Hume suggests that we can perceive the world only as a collection of *effects* because the *ultimate* cause, the reason for these effects, must always remain hidden from us. The world presents itself only as a collection of signs that all seem to point to some unknowable origin.³

Elsewhere, Hume’s imagery is more dramatic:

We are placed in this world, as in a great theatre, where the true springs and causes of every event, are entirely unknown to us; nor have we either sufficient wisdom to foresee, or power to prevent those ills, with which we are continually threatened. We hang in perpetual suspense betwixt life and death, health and sickness, plenty and want; which are distributed amongst the human species by secret and unknown causes, whose operation is oft unexpected and always unaccountable.

(NHR 33)

Hume stresses the limits of our vision: we can only see the stage, but never peer behind the scenes. Yet his use of a metaphor to describe experience suggests that these limits are self-imposed. Only when we think of the world *as* “a great theatre” and its movements *as* a symbolic performance does it become possible to conceive of a “backstage” that we cannot see. The idea of the “unknowable” arises only from a certain way of seeing the world *as something else*. Only if we think of experience as an *effect* does it become necessary to look for a *cause*.

The particular metaphor we choose to describe experience creates its own limits on our understanding. Hume shows us what limits the metaphor of cause and effect imposes: “Our thoughts and enquiries are, therefore, every moment, employed about this relation: Yet so imperfect are the ideas which we form concerning it, that it is

³See Fred Wilson, *Hume and Derrida on Language and Meaning*, 12 HUME STUDIES 99, 112 (1986).

impossible to give any just definition of cause, except what is drawn from something extraneous and foreign to it" (E 76). *By our own definition*, a cause can never be perceived as itself; it can only be seen through its effects. Without signs of its presence, the cause disappears from our "sight". As Hume writes, "when we say we desire to know the ultimate and operating principle, as something, which resides in the external object, we either contradict ourselves, or talk without a meaning" (T 267). We create "causes" through our way of seeing the world and ordering our experience. It does not make sense to talk of a cause that exists apart from or before our experience of it.

Cause and effect is essentially a language that we make the world speak.⁴ We can never, therefore, prove that this language is absolutely true. To do so we would have to step outside our language and describe, *in other terms*, why experience requires us to think in terms of cause and effect. But the moment we do that, we reveal that our language, our way of seeing, is not intrinsic, not "true" in the sense of being absolutely necessary. And it is precisely this desire to find such a "necessary connexion" between the sign and the thing signified, to step outside our language, that leads philosophers into an hopeless search for the ultimate cause. Hume's writings on religion warn against thinking that this kind of movement beyond is possible. If we choose to use the concept of cause and effect, and the various metaphors for this concept, we must then accept the limitations it places on our knowledge.

In his *Dialogues Concerning Natural Religion*, Hume has the character Philo, who gives voice to the arguments of skeptical philosophy, argue that in all theological debate "the question can never be concerning the *being* but only the *nature* of the deity" (D 52). If we define the Deity as the creator of our world, and therefore, our experience, we must then accept that we can never prove the Deity's existence. To do so would require an impossible vantage point: "To ascertain this reasoning, it were

⁴As Donald Livingston suggests, "when Hume says we have no idea of causal power, he means that we do not have an internal mastery of the concept; that is, we have no image of power. This does not prevent us, however, from having an external grasp of the concept, that is, knowing the public criteria for applying the expression 'causal power' in some linguistic convention". DONALD W. LIVINGSTON, *HUME'S PHILOSOPHY OF COMMON LIFE* 155 (University of Chicago Press, 1984).

requisite, that we had experience of the origin of worlds. . .” (D 60). In other words, we would need to *experience* what is, by definition, prior to and beyond experience. Here again, the concept of an “ultimate cause” requires us to view our experience as an experience of signs only. All we can know are the effects of the Deity, rather than the Deity itself. To think of God as the cause of the world is the same as to think of the signified as the cause of the sign, displaced from the sign but knowable through it. Both ideas rest upon the assumption that an ideal not only exists, but *always* exists, prior to our perception. Philo reveals the consequences of this assumption:

‘How therefore shall we satisfy ourselves concerning the cause of that being whom you suppose the author of nature, or, according to your system of anthropomorphism, the ideal world, into which you trace the material?. . . If the material world rests upon a similar ideal world, this ideal world must rest upon some other; and so on, without end. It were better, therefore, never to look beyond the present material world.’

(D 72).

The very idea of an ultimate cause sets this infinite regression in motion: it transforms everything we perceive into a representation of something else, into an effect. To be truly “ultimate”, then, a cause it must constantly retreat behind the signs of its existence, never appearing to us as itself. For once it appears, we transform it into an effect, a representation of what cannot be seen. According to Hume, those who search for ultimate causes resemble the mythological figure of Tantalus: “for what can be imagin’d more tormenting, than to seek with eagerness, what for ever flies use; and seek for it in a place, where ’tis impossible it can ever exist?” (T 223). Hume emphasises that this eternal lack of “presence” arises only from a certain way of defining our experience. Trying to overcome the constant retreat of meaning, while still relying on the definitions that require its capture, can only lead to frustration. As Philo says:

“When you go one step beyond the mundane system, you only excite an inquisitive humour, which it is impossible ever to satisfy. . . .The first step, which we make, leads us on for ever. It were, therefore, wise in us to limit all our inquiries to the present world, without looking farther. No satisfaction can ever

be attained by these speculations, which so far exceed the narrow bounds of human understanding” (D 72-73).

Throughout his writing, Hume describes the concept of cause and effect as a custom, a habitual way of talking about our world. Underlying this interpretation is the idea that the language we use to understand experience defines not only what we *can* know, but what we *can't*. And like Hobbes and Locke, Hume finds that when using a language that organizes experience into relationships of “representation” and “meaning”, “sign” and “signified”, or “cause” and “effect”, what we can't know is absolute truth. Such a language, in fact, defines itself as that which is always “not truth” but only its representation, sign, or effect. We cannot use this language—this way of seeing—and, at same time, speak sensibly about absolute truth.

Hume, however, is not suggesting that we discard our language of cause and effect, but rather that we learn not to obsess over its apparent deficiencies. Hume reminds us, “One wou'd appear ridiculous, who wou'd say, that 'tis only probable the sun will rise to-morrow, or that all men must dye; tho' 'tis plain we have no further assurance of these facts, than what experience afford us” (T 124). It is natural, Hume says, for us to manufacture rules that give structure and meaning to our experience: “Nature, by an absolute and uncontroulable necessity has determin'd us to judge as well as to breathe and feel” (T 183). What is unnatural, and decidedly peculiar, is any attempt to transgress the limits imposed by the language we and all other members of our community use to describe the world. It can lead only to disappointment, seen most clearly in those philosophers who ignore their own discovery that the mind *constructs* the relation of “cause and effect”:

these philosophers, instead of drawing a just inference from this observation, and concluding, that we have no idea of power or agency, separate from the mind, and belonging to causes; I say, instead of drawing this conclusion they frequently search for the qualities, in which this agency consists, and are displeas'd with every system, which their reason suggests to them, in order to explain it.

(T 223).

These philosophers are guilty of the same “blindness” practiced by Hobbes and Locke. They have seen that we project meaning onto the world; our language, our concepts and metaphors, organize our experience and not the other way around. Yet, despite this insight, they still attempt to prove that this language—the way we interpret the world—is predetermined by objective forces that exist prior to our representation of them. Essentially, they are trying to use language to recover an origin they have already defined to be beyond language. And so their search never ends.

Hume reminds us that in the course of everyday life we are not usually troubled by this desire for unconditional proof; it is only occasioned by a strange distrust of our language and understanding: “in common discourse we readily affirm, that many arguments from causation exceed probability, and may be receiv’d as a superior kind of evidence” (T 124). We look past the basic uncertainty of our conceptual framework (i.e. its status merely as a metaphor) and we assume that the way we speak about the world is a sufficient foundation for judgment and prediction. And experience teaches us that in most cases, it *is* sufficient. We learn to accept what we cannot know, assured by the repeated success of our language, our way of seeing. If we refuse to use this instrument simply on the grounds that it is imperfect or limited then we court self destruction: “All discourse, all action would immediately cease; and men remain in a total lethargy, till the necessities of nature, unsatisfied, put an end to their miserable existence. It is true; so fatal an event is very little to be dreaded. Nature is always too strong for principle” (T 160). It is our implicit acceptance of the uncertainty of our language, combined with our experience of its overall utility, that allows us to proceed with common life. Our language of cause and effect, in other words, maintains its authority by its *usefulness* rather than by its *truth*.

3. Moral Language

Hume’s writings on cause and effect explore how language shapes our experience. The insights he gains from this work inform his analysis of moral principles, leading

to a similar emphasis on the nature of meaning and the limits of certainty. Just as Hume found that causes “appear” only through their effects, he finds that the meanings of moral words “appear” only through the way they are used. It is therefore impossible for moral language to *represent*; it creates rather than calls forth meaning. For Hume, moral judgments, like our understanding of cause and effect, result from a way of talking about the world and organizing our experience to produce meaning. Hume writes: “An action, or sentiment, or character is virtuous or vicious; why? because its view causes a pleasure or uneasiness of a particular kind. In giving a reason, therefore, for the pleasure or uneasiness, we sufficiently explain the vice or virtue” (T 471). Virtue or vice is not intrinsic in the actions so named; they are descriptions we impose according to our subjective reactions.

Hume believes that when we use the terms “virtue” or “vice, “good” or “bad”, our attention is focused on motive for the action rather than its performance. We disapprove, for example, of the person who runs for elective office out of a desire for power; we approve of the person who does so out of a desire to serve the public. The action remains the same, but the different motives determine how we describe it. From this, Hume concludes that before an action can be considered virtuous: “the action must be really virtuous; and this virtue must be deriv’d from some virtuous motive: And consequently the virtuous motive must be different from the regard to the virtue of the action” (T 478). Hume is searching for the basis of our moral classifications, the “first virtuous motive” that prompted us, in each case, to label action as something good (*id.*). While he acknowledges that “a person may perform an action merely out of regard to its moral obligation” (i.e. only because it is generally called virtuous), Hume points out that this is a subsequent rather than original state of affairs. We still need to know to why this action has the name “virtuous” in the first place, that is, why it pleases us.

Hume’s conclusion is that virtuous actions are pleasing either because they appeal to our basic “humanity” or because we think of them as useful in some way:

It appears to be matter of fact, that the circumstance of *utility*, in all subjects, is a source of praise and approbation: That it is constantly appealed to in all moral decisions concerning the merit and demerit of actions: justice, fidelity, honour, allegiance, and chastity: That it is inseparable from all the other social virtues, humanity, generosity, charity, affability, lenity, mercy, and moderation. And, in a word, that it is a foundation of the chief part of morals, which has a reference to mankind and our fellow creatures.

(E 231)

Hume argues that it is the social consequences of actions, their impact on communal life, that produces their *moral* classification.⁵ It is with this emphasis on effects that Hume examines the actions and rules that comprise the meaning of “justice”. In introducing this subject, he writes: “there are some virtues, that produce pleasure and approbation by means of an artifice or contrivance, which arises from the circumstances and necessities of mankind. Of this kind I assert *justice* to be” (T 477). Justice is “artificial” insofar as it is a tool constructed by humankind to help obtain the necessities of life. Yet the activity of constructing such tools, Hume argues, is not artificial: “Mankind is an inventive species; and where an invention is obvious and absolutely necessary, it may as properly be said to be natural as any thing that proceeds immediately from original principles, without the intervention of thought or reflexion. Tho’ the rules of justice be *artificial*, they are not *arbitrary*” (T 484). This passage hearkens back to Hume’s discussion of cause and effect: he is again arguing that it is perfectly natural for human beings to project meaning onto the world in an effort to achieve a useful end. It is the meaning itself that is artificial, but only in the sense that it is fabricated by us to suit our present needs.

Justice is, for Hume, essentially a set of practices designed to create stability of possession in a society faced with a scarcity of desired goods. As Annette Baier notes,

⁵Hume uses the term “moral” broadly. In his essay *Of National Characters*, for example, Hume writes: “Different reasons are assigned for these *national characters*; while some account for them from *moral*, others from *physical* causes. By *moral* causes, I mean all circumstances, which are fitted to work on the mind as motives or reasons, and which render a peculiar set of manners habitual to us. Of this kind are, the nature of the government, the revolutions of public affairs, the plenty or penury in which the people live, etc. . . .” (Essays, 198). Here, “moral” is roughly synonymous with “societal” or “civil”. “Moral” principles, for Hume, always concern social or communal existence; similarly “moral” judgment entails a general perspective: “ ’Tis only when a character is considered in general, without reference to our particular interest, that it causes such a feeling or sentiment, as denominates it *morally* good or evil” (T 474, emphasis added).

“What Hume’s convenors of justice aim to eliminate is not a climate of violence against persons, but a climate of incommodious insecurity of possession of material goods”.⁶ Without stability of possession, society would soon collapse: “As the improvement, therefore, of these goods is the chief advantage of society, so the *instability*, of their possession, along with their *scarcity*, is the chief impediment” (T 488). Society or communal life is itself a human necessity:

’Tis by society alone he [man] is able to supply his defects, and raise himself up to an equality with his fellow-creatures, and even acquire a superiority above them. By society all his infirmities are compensated; and tho’ in that situation his wants multiply every moment upon him, yet his abilities are still more augmented, and leave him in every respect more satisfied and happy, than ’tis possible for him, in his savage and solitary condition ever to become. . . .By the partition of employments, our ability encreases: And by mutual succour we are less expos’d to fortune and accidents. ’Tis by his additional *force*, *ability*, and *security*, that society becomes advantageous.

(T 485)

It is our appreciation for the benefits of society, both for ourselves and for others, that leads us to approve of justice (T 499). The “virtue” of justice, says Hume, “derives its existence entirely from its necessary *use* to the intercourse and social state of mankind” (E 186).⁷ It is its usefulness that grounds its authority: “For what stronger foundation can be desired or conceived for any duty, than to observe, that human society, or even human nature, could not subsist without the establishment of it. . . .” (E 201). Yet how are the rules, practices and therefore the meaning of justice established?

⁶BAIER, *supra* note 1, at 223. Donald Herzog suggests that Hume’s focuses on certain social conditions, like the instability of property, “as though they were endemic to the human condition”. This limits the applicability of his concept of justice to “a particular set of facts—his circumstances of justice”. Hume’s argument as to the nature of justice “will succeed. . . only in those times and places in which the circumstances hold”. DONALD HERZOG, *WITHOUT FOUNDATIONS: JUSTIFICATIONS IN POLITICAL THEORY* 179 (Cornell University Press, 1985). Yet given Hume’s appreciation for the “artificiality” of conventions of justice, it seems unlikely he would argue for a “necessary connexion” between being human and certain social practices and conditions. Hume does argue, however, and rightly so, that the “circumstances of justice” he describes are commonly found in “conjunction” with human society. His point is simply that rules of justice are instruments to help us live in one particular, albeit quite common, set of conditions, namely the conditions of scarcity, competition and communication.

⁷On the artificiality of justice and its supporting rules, see also T 528 & 577.

Hume begins his explanation by asserting that a community can only survive in times of scarcity if a “convention” is “enter’d into by all the members of the society to bestow stability on the possession of those external goods, and leave every one in the peaceable enjoyment of what he may acquire by his fortune and industry” (T 489). Hume wants us to understand justice by perceiving its effects rather than looking for its “ultimate” cause. This is why he describes justice as a convention rather a promise or contract. Conventions *constitute* a way of life, rather than give birth to it; they are *practice* rather than theory. Referring to the rule of property, he writes:

it arises gradually, and acquires force by a slow progression, and by our repeated experience of the inconveniences of transgressing it. . . .this experience assures us still more, that the sense of interest has become common to all our fellows, and gives us a confidence of the future regularity of their conduct: And ’tis only on the expectation of this, that our moderation and abstinence are founded. In like manner are languages gradually establish’d by human conventions without any promise.

(T 490)

It is significant that Hume compares the rise of property with the development of language. In his model of justice, as in his analysis of cause and effect, language appears as an instrument that organizes experience to create a beneficial effect. Conventions give rise to a use of words that joins the language of the society and that allows these practices to be sustained through successive generations. As Hume writes: “After this convention, concerning abstinence from the possessions of others, is enter’d into, and every one has acquir’d a stability in his possessions, there immediately arise the ideas of justice and injustice; as also those of *property*, *right*, and *obligation*” (T 490-1). New words and definitions develop that help create stable possession; they allow objects to be marked and ownership to be enforced. They are the instruments by which the convention gains authority and influences behavior. Conventions “create a new motive”, Hume says, after “experience has taught us, that human affairs wou’d be conducted much more for mutual advantage, were there certain *symbols* or *signs* instituted, by which we might give each other security of our conduct in any particular incident” (T 522). These “signs or symbols”, Hume

suggests, are meaningless when considered alone; only when seen as part of an overall design do they obtain significance.

The language of justice is the “artificial” means by which society is preserved. It constructs and places meaning to achieve a particular effect within a particular context:

the rules of equity or justice depend entirely on the particular state and condition in which men are placed. . . Produce extreme abundance or extreme necessity: Implant in the human breast perfect moderation and humanity, or perfect rapaciousness and malice: By rendering justice totally *useless*, you thereby totally destroy its essence, and suspend its obligation upon mankind.
(E 188)

The language of justice is designed to organize a particular set of material and psychological conditions, or, as Hume says, “the concurrence of certain *qualities* of the human mind with the *situation* of external objects” (T 494). Remove this language from its context and it loses its “essence”, becoming incomprehensible.⁸ Hume suggests that in explaining justice we must be aware that its meaningfulness extends only as far as the form of life of which it is part. He offers several examples showing that the language of justice has no intrinsic meaning:

I suppose a person to have lent me a sum of money, on condition that it be restor'd in a few days; and also suppose, that after the expiration of the term agreed on, he demands the sum: I ask, *What reason or motive have I to restore the money?* It will, perhaps, be said, that my regard to justice, and abhorrence of villainy and knavery, are sufficient reasons for me, if I have the least grain of honesty, or sense of duty and obligation. And this answer, no doubt, is just and satisfactory to man in his civiliz'd state, and when train'd up according to a certain discipline and education. But in his rude and more *natural* condition, if you are pleased to call such a condition natural, this answer wou'd be rejected as perfectly unintelligible and sophistical. For one in that situation wou'd immediately ask you, *Wherein consists this honesty and justice, which you find in restoring a loan, and abstaining from the property of others?*

(T 479-80)

⁸On the connection between the “meaningfulness” of justice and the particular conditions of scarcity, competition and communication, see also E 183-184.

When you remove the assumptions and the habits of speech that usually surround justice, you expose its artificiality. It appears self-referential and thus meaning-less, just as a tool appears merely an object when considered apart from its function. Isolate the discursive practices of justice from their purpose within a larger set of social practices and formations and you find that they suddenly appear nonsensical:

Had I worn this apparel an hour ago, I had merited the severest punishments; but a man, by pronouncing a few magical syllables, has now rendered it fit for my use and service. . . .The same species of reasoning it may be thought, which so successful exposes superstition, is also applicable to justice. . . .But there is this material difference between *superstition* and *justice*, that the former is frivolous, useless, and burdensome; the latter is absolutely requisite to the well-being of mankind and existence of society. . . .Were the interests of society nowise concerned, it is as unintelligible why another's articulating certain sounds implying consent, should change the nature of my actions with regard to a particular object, as why the reciting of liturgy by a priest, in a certain habit and posture, should dedicate a heap of brick and timber, and render it, thenceforth and for ever, sacred.

(E 198-9)

Here again, no "ultimate connexion" or intrinsic necessity can be found to explain why we use words in such apparently freakish ways. Hume emphasizes that "the sense of justice is not founded on reason, or on the discovery of certain connexions and relations of ideas, which are eternal, immutable, and universally obligatory" (T 496). The language of justice is not a *representation* of some autonomous truth. Its meaning lies in its function *within* a particular social formation. This meaning, therefore, cannot be transported along with its language—its supposed symbolic representation—outside its originating context.

The mobility of language, however, creates the false impression that "justice" possesses a stable, universal meaning. In his essay "Of the Standard of Taste", Hume writes:

It is indeed obvious, that writers of all nations and all ages concur in applauding justice, humanity, magnanimity, prudence, veracity; and in blaming the opposite qualities. . . .So far as this unanimity is real, this account may be admitted as

satisfactory: But we must also allow that some part of the seeming harmony in morals may be accounted for from the very nature of language.

(Essays 228).

While the signifiers stay the same, the social contexts which supply their meaning vary tremendously from place to place and age to age. Turning to religious texts, Hume illustrates this dependence of moral meaning on its context (unfortunately, in doing so, he also illustrates a certain xenophobia):

The admirers and followers of the ALCORAN insist on the excellent moral precepts interspersed throughout that wild and absurd performance. But it is to be supposed, that the ARABIC words, which correspond to the ENGLISH, equity, justice, temperance, meekness, charity, were such as, from the constant use of that tongue, must always be taken in a good sense; and it would have argued the greatest ignorance, not of morals, but of language, to have mentioned them with any epithets, besides those of applause and approbation. But would we know, whether the pretended prophet had really attained a just sentiment of morals? Let us attend to his narration; and we shall soon find, that he bestows praise on such instances of treachery, inhumanity, cruelty, revenge, bigotry, as are utterly incompatible with civilized society.⁹

(Essays 229)

Moral signifiers themselves (“equity”, “justice”, “charity”) are free-floating, able to be attached to a wide variety of practices. They are given specific “content” by the particular way in which they are used to describe actions and thoughts. This use of words is a distinctive practice in itself, one that constitutes a community and separates it from others. Although Hume finds the moral-linguistic practices of those who revere the Koran to be strange, he nonetheless implies the need to acknowledge the self-constituting power of other communities—their ability to use moral language in an internally consistent manner that cannot be “disproven” from *within* that

⁹It is interesting to note that elsewhere Hume describes the practices of justice as being similar in all countries of the world. He writes: “The convenience, or rather necessity, which leads to justice is so universal, and everywhere points so much to the same rules, that the habit takes place in all societies; and it is not without some scrutiny, that we are able to ascertain its true origin” (E 203). His point in this passage is not to deny the *artificiality* of justice, but to show that the rules of justice are not *arbitrary*: they become intelligible as soon as we perceive their purpose. Hume does not argue that the words that organize, and that are organized by, the practices of justice must coincide, but simply that these practices will be found in numerous communities, no matter what they are called.

community. This is why, in order to criticize the Koran's use of language, he must describe Islamic society as the "other", wholly separate from "civilized" society.

It is the function of a community's laws to direct and control its use of moral language. Hume offers the example of how "property" is defined:

What is a man's property? Anything which it is lawful for him, and for him alone, to use. *But what rule have we, by which we can distinguish these objects?* Here we must have recourse to statutes, customs, precedents, analogies, and a hundred other circumstances, some of which are constant and inflexible, some variable and arbitrary. But the ultimate point, in which they all professedly terminate, is the interest and happiness of human society. Where this enters not into consideration, nothing can appear more whimsical, unnatural, and even superstitious, than all or most of the laws of justice and of property.

(E 197-8)

The discourse of law establishes and controls the way words like property, contract, and obligation are used—dictating a set of "rituals" or performative uses for words. As Donald Livingston suggests, through the use of language in "ritual acts", the "essential realities of common life" are constituted, including the realities of "contracts, courtesy, marriage, political authority, and the entire hierarchy of status and rank".¹⁰ Again, it is the *purpose* of justice that gives "meaning" to the laws of society, for the definitions these laws establish can easily appear arbitrary on their own.¹¹

Hume's point in momentarily wrenching justice from its explanatory context is to show us how it does not make sense to judge the rules of justice by their "truthfulness". To do so is to perform this same wrenching action, severing the language of justice from its function in attempt to find its essential meaning. But practical meaning cannot be proven true, just as the purpose of a screwdriver cannot be proven true. The idea of *truth* or *absolute certainty* just does not apply. Justice, for Hume, is a practice rather than a theory; it is a use of words rather a representation some *a priori* truth. Yet this is not to say that the rules of justice require no explanation. As Hume notes, in large communities, particular acts of justice may often

¹⁰LIVINGSTON, *supra* note 4, at 333.

¹¹On the apparent arbitrariness of "property", see also T 527.

seem not only arbitrary, but downright harmful: “Taking any single act, my justice may be pernicious in every respect; and ‘tis only upon the supposition, that others are to imitate my example, that I can be induc’d to embrace that virtue; since nothing but this combination can render justice advantageous, or afford me any motives to conform my self to its rules” (T 498). Following the rules of justice is not always easy; there are many situations in which our immediate interests tempt us to break them. We may think that a single breach of the rules will not do any *real* harm. But, according to Hume, it is possible, even likely, that *everyone* will think in this way. Soon, all these little acts of disobedience will add up to the total collapse of justice, and therefore, society. Hume argues that we will only obey the rules of justice if we can be assured that obedience pervades society. As we lose faith in the obedience of others, we also lose faith in the power of justice. It is therefore crucial that the rules of justice be accompanied by some sign that they are generally known, accepted and obeyed. Without such a sign, justice can serve no purpose and becomes nonsensical.

For Hume, what indicates common assent is language itself, the language of moral evaluation. It signals a common understanding that obedience to justice, and to moral codes in general, is required by a community. The difference between socially beneficial and socially harmful actions is “so great and evident”, says Hume, that

language must soon be moulded upon it, and must invent a peculiar set of terms, in order to express those universal sentiments of censure and approbation, which arise from humanity, or from views of general usefulness and its contrary. Virtue and Vice become then known; morals are recognized; certain general ideas are framed of human conduct and behaviour; such measures are expected from men in such situations. This action is determined to be conformable to our abstract rule; that other, contrary. And by such universal principles are the particular sentiments of self-love frequently controlled and limited.

(E 274)

It is our encounter with moral descriptions that gives us a sense of common feeling and judgments. But it is not merely the fact that words like “virtue” and “vice” exist in our language that creates this impression; it is that these words are *used* in a common way to describe certain actions. In explaining how the rules of justice gain influence

over our conduct, Hume writes: “[w]hat farther contributes to encrease their solidity, is the interest of our reputation, after the opinion, *that a merit or demerit attends justice or injustice*, is once firmly establish’d among mankind” (T 501). Hume has already shown that moral terms make implicit demands upon our conduct; they are not only descriptions but *rules* that call for both belief and compliance. Here, Hume adds another reason why moral terms influence the way we act: ignoring their implicit prohibitions can damage our “reputation” in society. Yet one’s reputation can only be damaged if one transgresses a rule that is commonly accepted. Hume, therefore, must be assuming that the way moral terms are used in a community is determined by common opinion, by a general agreement among its members that certain actions must not be performed.

Moral discourse, for Hume, requires finding a common standard:

we every day meet with persons who are in a situation different from us, and who could never converse with us were we to remain constantly in that position and point of view, which is peculiar to ourselves. The intercourse of sentiments, therefore, in society and conversation, makes us form some general unalterable standard, by which we may approve or disapprove of characters and manners.

(E 229)

Our own use of moral terms can only make sense to others, can only communicate, if it conforms to common practice. Such a “standard” is formed through a constant negotiation between members of the community over how moral words should be used, a hammering-out of shared meaning. Baier notes that “[o]nly because we are talkers, testimonial-givers, capable of learning the meaning of terms such as honesty, honour, integrity, fidelity, patience. . . can we be moral evaluators of one another”.¹² Through the process of communication and negotiation a *moral grammar* is constructed, rules for using our moral signifiers. Once we recognize that a certain moral description of our action is “grammatical” in this broader sense, we also acknowledge that the demand this description makes upon our conduct is sanctioned by our community as a whole. In a passage quoted earlier, Hume showed how

¹²BAIER, *supra* note 1, at 191.

explanations of justice which use the vocabulary of justice would seem “unintelligible” to a person in a “more natural condition”, i.e. someone who had never encountered and *used* these words before. But Hume also pointed out that such explanations would be perfectly “just and satisfactory” to a person in a “civiliz’d state”. This “civiliz’d state”, then, is marked by an awareness that particular moral descriptions follow the rules of a more general moral language; an awareness, as well, that this language is used and thus *made* meaningful by other members of our community. By recognizing that moral language is formed by common use, we give it normative force; it becomes an effective instrument of persuasion. We obey the rules of justice, not because they are “true”, but because the moral vocabulary that is usually called up to describe them reminds us that other members of our community recognize the value of these rules, assent to them, and expect us to do the same. As Páll Árdal writes, Hume suggests that “part of the use of evaluative language may be to influence conduct as well as simply comment upon it”.¹³ Even when we consider breaking the rules, we still know that such a transgression is *conventionally* described by terms of disapprobation. This fact, Hume argues, should convince us that the rules of justice are supported by the community and, therefore, will be able to achieve their beneficial effect, not only for the community as a whole, but for ourselves as well.

Hume demonstrates that moral language, like the language of justice, has no intrinsic, stable significance; its content appears only through mediation between members of a community. Hume writes:

When a man denominates another his *enemy*, his *rival*, his *antagonist*, his *adversary*, he is understood to speak the language of self-love, and to express sentiments, peculiar to himself, and arising from his particular circumstances and situation. But when he bestows on any man the epithets of *vicious* or *odious* or *depraved*, he then speaks another language, and expresses sentiments, in which he expects all his audience are to concur with him. He must here, therefore, depart from his private and particular situation, and must choose a point of view, common to him with others. . . .

(E 272)

¹³PÁLL S. ÁRDAL, *PASSION AND VALUE IN HUME’S TREATISE 204* (Edinburgh University Press, 1989).

To speak *meaningfully* about any moral subject, we have to use moral terms in the way that is recognized by others *as meaningful*. As Hume says, we must speak another language from our “own”. Moral language can not be a private language and at the same time communicate effectively, because the conditions of meaning are established by the community of speakers. This is why Hume writes that “[t]he general opinion of mankind has some authority in all cases; but in this of morals ’tis infallible. Nor is it less infallible, because men cannot distinctly explain the principles, on which it is founded” (T 552).¹⁴ Morality is necessarily a communal *practice*, a vocabulary whose meaning only appears through use, rather than representation. The definition of the word “vicious”, for example, is determined by how speakers within the community have agreed to use it—by the conventions they have established for its meaningful use. These conventions, in turn, are determined by considerations of utility and benefit. As social conditions change, the meaning of moral words—the way they are used—also changes to suit new purposes. Hume writes in his essay “Of the Standard of Taste” that moral principles “are in continual flux and revolution. The son embraces a different system from the father” (Essays 246). New meanings are negotiated and new conventions instituted within the community, presumably through the same gradual process that determines the meaning of justice.

3. Hume’s Critique of “Enthusiasm”

It is interesting that nowhere in his discussion of moral principles does Hume acknowledge the possibility that, through fear and intimidation, new ways of *using* moral words may be created and enforced.¹⁵ An oppressive regime, for example, may

¹⁴See also Essays, 486.

¹⁵James Allan points out this omission: “Hume’s model [of justice] deliberately ignores the role played by force, violence and aggression. . . Hume the historian would have been well aware of the part played by force in history. Yet his narration of the escape to justice completely omits it. Why? What is the point of a coherent but explicitly ahistorical account?” James Allan, *Justice, Language and Hume: A Reply to Matthew Kramer*, 17 HUME STUDIES 81, 92 (1992). Allan can find no “point” and suggests that it “hints at a chink in Hume’s theory of justice”. But as I have argued, Hume’s narrative of justice is intended to show us the nature of moral meaning, to show us that it has no fixed existence but is always being created and redefined by the particular way in which moral words are used by the

compel us to give new meaning to the words “justice” and “freedom”. Hume’s silence may perhaps be explained by the fact that unilateral acts of definition are usually grounded in the concept of meaning as something that is represented by language, rather than something that is created through its practice. Definitions that have been imposed autocratically are often accompanied by claims to truth—claims that the new meanings are more perfect representations of some ideal (the image of Hobbes’s Sovereign comes to mind). In revealing the absurdity of such claims, Hume may feel he has provided a useful weapon against any such unilateral control of language. One place where Hume *does* offer a critique of claims to truth made within a social and political context is in his essay “Of Superstition and Enthusiasm”.

Hume’s essay describes the discursive practices that characterize such religious “enthusiasts” as the “*anabaptists* in GERMANY, the *camisars* in FRANCE, the *levellers* and other fanatics in ENGLAND, and the *covenanters* in SCOTLAND” (*Essays*, 77). They are guilty, Hume argues, of ignoring the limits that language imposes upon our understanding, the limits that Hume’s philosophy points out at every opportunity. He describes “enthusiasm” as a state of mind in which

[e]verything mortal and perishable vanishes as unworthy of attention. And a full range is given to the fancy in the invisible regions or world of spirits, where the soul is at liberty to indulge itself in every imagination, which may best suit its present taste and disposition. Hence arise raptures, transports, and surprising flights of fancy; and confidence and presumption still encreasing, these raptures, being altogether unaccountable, and seeming quite beyond the reach of our ordinary faculties, are attributed to the immediate inspiration of that Divine Being, who is the object of devotion.

(*Essays*, 74)

The religious “enthusiast” claims to locate truth and “real” meaning behind or beyond experience. The deity is once again positioned as the “ultimate cause” of experience and the “unaccountable” is once again transformed into a sign of this divine origin. As Hume has argued, by defining experience as the “effect” of an ultimate cause, the “enthusiast” makes it impossible to encounter this cause “as itself”. It will always

community of speakers. The implications of this theory of meaning for political and religious discourse is the subject of this section.

appear only as a sign, a representation of what comes before it. The “enthusiast”, however, overlooks such difficulties:

as enthusiasm arises from a presumptuous pride and confidence, it thinks itself sufficiently qualified to *approach* the Divinity, without any human mediator. Its rapturous devotions are so fervent, that it even imagines itself *actually to approach* him by the way of contemplation and inward converse. . .

(Essays, 76)

Here again, Hume attacks “enthusiasm” for the claims to which it leads, claims to have experienced what necessarily can’t be experienced, that is, the ultimate cause of experience. The “enthusiast” supposedly transcends all forms of “mediation” between the deity and human experience, between cause and effect. Religious ceremony becomes superfluous; no manmade “signs” of the divine cause are needed to “approach” it. Yet it is precisely these “signs” that Hume insists can never be discarded: the ultimate cause, by definition, can only “appear” to us as a sign. And this limitation upon our “sight” necessarily means that absolute certainty is impossible. We can never know for sure if our representation of the Deity is accurate.

By ignoring the impossibility of proof, religious “enthusiasts” are free to claim unilateral authority for their doctrine:

In a little time, the inspired person comes to regard himself as a distinguished favourite of the Divinity; and when this frenzy once takes place, which is the summit of enthusiasm, every whim is consecrated: Human reason, and even morality are rejected as fallacious guides: And the fanatic madman delivers himself over, blindly, and without reserve, to the supposed illapses of the spirit, and to inspiration from above.

(Essays, 74)

“Enthusiasts” place the source of moral meaning and authority beyond the moral discourse established by the community. They claim to have discovered *the* moral truth in its pure form. But, as Hume has shown, the idea of truth does not apply to moral principles: they cannot be determined *a priori*, by a single individual or group within a community. They have no intrinsic meaning that can simply appear to us and demand our recognition. There are no “eternal fitnesses and unfitnesses of things,

which are the same to every rational being that considers them” (T 456). Moral discourse is the necessary process of constructing common meanings through agreement. Yet “enthusiasts” deny the need for mediation:

Enthusiasm being founded on strong spirits, and a presumptuous boldness of character, it naturally begets the most extreme resolutions; especially after it rises to that height as to inspire the deluded fanatic with the opinion of divine illuminations, and with a contempt for the common rules of reason, morality, and prudence.

(Essays, 77)

For the “enthusiast”, established conventions are merely instructions for speaking a language that is not true, that lacks “divine illumination”. Yet, according to Hume’s philosophy, moral meanings can only originate in convention, in common *practice*. For a moral description to have meaning for the community, it must follow the common rules this community has established for how moral words should be used. A use of language that “breaks the rules” can only become meaningful if the community accepts it as such (and this happens, usually, through that gradual process described earlier, in which more and more members of the community become aware of the advantages of using moral terms in a new way). “Enthusiasts”, however, refuse either to speak the language of the community or to wait for their meaning to become “common”. They want only to impose their private meaning, to keep possession and control over the “truth” they have found. Only then can they continue to claim “privileged status” as God’s messengers. And, more importantly, only then can they continue to claim that the meaning they possess is *the* “truth”, a meaning so fundamental and perfect that it requires no mediation, no negotiation, but only submission. “It is thus”, says Hume, “that enthusiasm produces the most cruel disorders in human society” (*id.*). To allow dialogue and debate over their principles would be to subvert their claim to ultimate truth. Meaning, for the “enthusiasts”, is only represented to humankind; it is not constructed by us. And representations can only be either completely true or in some degree false. Since “enthusiasts” are absolutely certain they have found pure truth, they have no need for debate.

Throughout his philosophical writings, Hume's project has been to reveal the impossibility of absolute or "metaphysical" truth. This is not merely an exercise in nihilism, however. Hume's skepticism has implications for how we conduct moral and political disputes within our community. He writes:

The greater part of mankind are naturally apt to be affirmative and dogmatical in their opinions; and while they see objects only on one side, and have no idea of any counter-poising argument, they throw themselves precipitately into the principles, to which they are inclined; nor have they any indulgence for those who entertain opposite sentiments. . . . But could such dogmatical reasoners become sensible of the strange infirmities of human understanding, even in its most perfect state, and when most accurate and cautious in its determinations; such a reflection would naturally inspire them with more modesty and reserve, and diminish their fond opinion of themselves, and their prejudice against antagonists.

(E 161)

It is not only "enthusiasts" who are guilty of ignoring the limits of our language and understanding; most participants in moral and political conflicts appeal to exclusive claims to "truth". But, as Hume argues, moral meaning and "truth" exist only as an agreement between members of a community. We only consider a moral principle or description to be "meaningful" or "truthful" because it follows the conventions established in the community. Individuals or smaller groups within a community can have no unilateral control over meaningfulness. They cannot possess the moral truth alone and they cannot change our conventions by themselves (except through violence). Hume hopes to show us that we have no choice but to enter into dialogue with others if we want to change the way moral meaning is constructed. We have no choice but to redirect our attention away from what we cannot know towards what we can, namely, the practical effects of our beliefs upon the quality of our lives in community:

philosophical decisions are nothing but the reflections of common life, methodized and corrected. But they will never be tempted to go beyond common life, so long as they consider the imperfection of those faculties which they employ, their narrow reach, and their inaccurate operations.

(E 162)

Any philosophy, even religious philosophy, can only work with and upon the material available to it, namely, the experience of the language and practices of human society. It can never, therefore, go beyond this experience to find its ultimate foundation. Hume does not deny the need for certainty; he simply points out that the only certainty we can have is that created by common agreement, common practice. In the *Treatise*, for example, he declares:

The practice of the world goes farther in teaching us the degrees of our duty, than the most subtile philosophy, which was ever yet invented. And this may serve as a convincing proof, that all men have an implicit notion of the foundation of those moral rules concerning natural and civil justice, and are sensible, that they arise merely from human conventions, and from the interest, which we have in the preservation of peace and order.

(T 569)

By giving up the search for absolute certainty as hopeless, we come to appreciate the usefulness, the effectiveness, of our common moral practices.¹⁶ Our language, which allows these practices to become common, regains the legitimacy it lost when we thought we could find a more authentic meaning beyond it. The value of philosophy lies in its paradoxical effect on our understanding of language: by revealing the limits of language, philosophy secures its authority.

4. Conclusion

Hume intends his philosophy to reveal the limits that language imposes upon our knowledge even as it serves as the great instrument of social life. His writing sounds a particular theme again and again: the need to incorporate the lack of certainty into our all discursive practices, whether they relate to morality, politics, religion, or natural science. We must write and speak, theorize and debate, with the knowledge

¹⁶Livingston suggest that Hume's philosophy, especially as presented in the *Treatise*, describes a process by which "philosophical consciousness" passes through "the exacting route of philosophical self-doubt". Hume's *Treatise*, in other words, allows us to work through the problems created by our desire for "autonomy and ultimacy". Those interested in philosophical truth are spurred on by a desire for ultimate principles, a desire that is ultimately frustrated once we encounter the limits of knowledge. But by showing us this limit, Hume's philosophy returns us to "common life" with a better understanding as to its value and legitimacy. See LIVINGSTON, *supra* note 5, at 30.

that meaning is always contingent upon the “artificial” medium of language itself. Meaning is not something we discover, it is something we create. It is not a substance but a practice, a *social* practice, that requires the participation and agreement of other members of the various communities we inhabit.

Hume’s analytical technique obeys his philosophical principles. In describing the development of particular social practices (such as science or law), he consistently refuses to offer the type of narrative that traces these practices back to a *single*, clearly defined, origin. To explain the rise of justice, for example, Hume carefully avoids using the concept of “original contract” which implies that social structures and their rules originate in a single moment of definition, when the Sovereign’s duty, the citizen’s obligation, and the meaning of justice in general are settled all at once. For something like this to occur, these meanings must be known in advance of their enactment in language; only then can the standard, *correct*, representation of these meanings be fixed, in a single moment, for all time to come. The political and moral discourse that follows from an “original contract” understands itself as a representation of the origin, a representation that can be either “true” or “false”, legitimate or corrupt. In its “true” form, this discourse is said to reproduce the first meanings over and over again, maintaining their stable essence even as the material conditions of society change.

Hume, however, has described justice as a convention that “arises gradually, and acquires force by slow progression, and by our repeated experience of the inconveniences of transgressing it” (T 490). Its meaning is constructed by the community as it develops a vocabulary to *perform* a certain set of useful practices. As these practices change to meet new demands, the way the vocabulary of justice is applied must also change, and so, too, the meaning of justice. Language is an instrument, not a representation. Justice has no single source; it evolves concurrently with a way of using words. It is therefore impossible for Hume, or any philosopher, to locate the origin of justice in isolation from the linguistic development

and movement of society.¹⁷ It is also impossible to say that a definition of justice is absolutely true because there is no ideal available to be represented correctly. Language creates, rather than unveils, meaning. Only if we insist on the *tantalizing* belief that language represents something will we face the constant and inevitable disappointment of never reaching or knowing the truth. By not making claims to be *showing* us the truth, Hume is able to reveal the errors of “enthusiasm” without falling into self-contradiction.

The chapters that follow will concern *literary* portrayals of religious “enthusiasm” in nineteenth-century Scottish fiction. The insights that Hobbes, Locke, and Hume offer into the nature of meaning and language in moral discourse prove equally relevant to an analysis of literature. Like the language of moral principles, the language of literature creates meaning; it creates its “object”, so to speak, even as it appears to represent it. Literary language, therefore, imposes similar limits upon our understanding. Absolute certainty is once again forbidden, even when the work of literature concerns events based in “historical fact”. We can have no direct knowledge of the past, precisely because “it” has already disappeared, and must be re-created in a new form through language.

The common subject of the works to be discussed is the religious and political life of the Scottish Covenanters during the seventeenth century. The authors—Walter Scott, James Galt, and James Hogg—all show the Covenanters supplanting the rules of civil justice with their own moral laws based on biblical narratives. Behind the Covenanters’ actions is a belief that divine meaning may be brought into the world

¹⁷Mathew Kramer has suggested that Hume’s explanation of the rise of justice is incoherent, for it requires the existence of a common language in order for the convention of justice to be established among individuals. But it is precisely such a language, sophisticated enough to communicate approbation or disapprobation, that can only develop *after* justice is instituted and a social unit established. See Mathew Kramer, *The Deferral of Hume’s Theory of Justice*, in 2 CANADIAN JOURNAL OF LAW AND JURISPRUDENCE 139 (1989). This argument, I suggest, merely confirms the fact that Hume wants to avoid providing a narrative of theoretical history that attempts to locate a *precise* origin for justice, such as the creation of an original contract. At the same time, he wants to provide a narrative that has *descriptive* force despite this lack of precision. James Allan responds to Kramer’s argument by suggesting that conventions of justice may be established in a pre-verbal state, through non-verbal signs of approval and disapproval. See James Allan, *supra* note 15. See also BAIER, *supra* note 1, at 229 (“The mutually comprehensible expression that plays an essential role in the fundamental (since first) convention must be non-verbal expression.”).

through perfect acts of representation. Like the texts of philosophy looked at so far, these literary texts discredit the “enthusiasts” by pointing out the inherent uncertainty of their claims and of language in general. Yet whether these texts also fall into self-contradiction, like those of Hobbes and Locke, by claiming certainty and truth for their *own* representations, will be the subject of the following chapters. I begin with Walter Scott and his novel *Old Mortality*.

Chapter Four

Narratives of Judgment: “Enthusiasm” in Scott’s *Old Mortality*

“Enthusiasm” is a dramatic form of rebellion. The enthusiast cries out with the voice of God, either alone upon the martyr’s scaffold or in crowded scenes of warfare and terror. The Word is spoken and then a deadly silence falls, as order is restored. In the chapters that follow, I want to examine how this drama is portrayed in Scottish literature, particularly in a cluster of nineteenth-century novels about the Covenanters: *Old Mortality* by Walter Scott, *Ringan Gilhaize* by John Galt and *The Confessions of a Justified Sinner* by James Hogg. While this shift to the novel may be described as a move from “philosophy” to “literature”, the problem of “enthusiasm” cuts across such generic distinctions. Like the writings of Hobbes, Locke and Hume, each of these novels is concerned, at least in part, with the conflict between religious freedom and civil order that developed in the wake of the Protestant Reformation. In Scotland, this conflict reached its violent apex with the revolt of the Covenanters in the late seventeenth century. In their efforts to recreate the personalities and beliefs that dominated this bloody period, Scott, Galt, and Hogg end up offering their readers a “philosophical” look at enthusiasm. These novelists, like the philosophers we have discussed so far, concentrate their attention on how enthusiasts manipulate language to justify and direct their acts of rebellion. Yet their focus is at once more specific and more common: Scott, Galt and Hogg are interested primarily in how the enthusiast uses *narrative* as a source of legal authority.

In these novels, we see Covenanters professing their duty to uphold God’s law, a duty that supersedes all other obligations, either to the State or to their fellow citizens. This duty is presented in self-consciously dramatic terms. Covenanters ‘read’ Scottish history as the reenactment of the Hebrew Testament and they claim a special role in this divine story: they are God’s chosen people, the instruments of His divine judgment,

whose mission is to punish the transgressors of divine law. Echoing the words of the Bible, they justify their acts of violence by drawing symbolic connections between the present and past, life and text. Their violence merely reflects the violence of their divine-legal script.¹ The Covenanters, however, are not the only characters in these novels who rely on narrative to legitimate their violence; all those who judge, condemn, and punish—whether they be magistrate, soldier, or civilian—base their authority to do so on a story already told, on a story that *must* be enacted again.

This reliance on stories and story-telling follows from, and leads to, an obsession with representation and symbolism as sources of authority. It was this obsession that David Hume found so troubling in traditional explanations of normative language and its meaning. For the Covenanters and their foes normative language is “meaningful” only as the transparent medium through which an authorizing “pre-text” is able to present itself again. Any normative description that is unable to claim a precursor is automatically rejected as illegitimate and unauthorized, no matter what its “content” or practical value. Like Hume’s philosophical texts, these novels challenge “enthusiasm”, both explicitly and implicitly, by revealing the impossibility of “pure” re-presentation.² They show how any reenactment of a pre-existing text is actually a *transformation* of both the “text itself” and the circumstances of its “reappearance”.

¹In this way, the violence that pervades these novels may be said to illustrate Robert Cover’s point that legal interpretation and violence are inextricably linked: “Legal interpretation is either played out on the field of pain and death or it is something less (or more) than law.” ROBERT COVER, *Narrative, Violence and the Word*, in *NARRATIVE, VIOLENCE AND THE LAW: THE ESSAYS OF ROBERT COVER* 210 (M. Minow et al. eds., University of Michigan Press, 1992). These novels portray ‘enthusiasm’ as a *legal* phenomenon—as an assertion of the right to interpret the law and to impose the violence that interpretation requires. They are particularly useful, then, in showing the incoherence of any response to ‘enthusiasm’ that merely reproduces its claim to exclusive interpretative authority. What I hope to find in these novels is an alternative to “jurispathic” violence—a description of how civil law can respond to the challenge of religious ‘enthusiasm’ without having to destroy the ‘enthusiast’ and her beliefs. What the works of Hobbes, Locke and Hume have shown is that this hoped-for alternative cannot be based on a metaphysic of representation: only when we discard the notion, inherent in “enthusiasm” itself, that legal authority depends on the replication of an ideal “pre-text” do we create the possibility for a non-violent and coherent response to “enthusiasm”.

²I will use the hyphenated term “re-presentation” to mark any normative description that is either explicitly or implicitly considered a re-production or re-articulation of a previous text—a text whose narrative supposedly serves as the archetype or prefiguration of current events.

Such a transformation is easily perceived on the dramatic stage. In a modern performance of *Othello* or *The Tempest*, for example, Shakespeare's text seems to 'expand' into the present, encompassing its conditions and providing insight into our current state of affairs. At the same time, the complexity of the present is made to "fit" within the symbolic relationships of the play. New meanings from old words are created, even as the "text itself" seems to stay the same. In this process of adaptation we see that the script is not transparent, that it does not simply reveal a stable, pre-determined significance. Rather, its meaning depends on how the performers relate its language to the context of the performance, that is, on how they *choose* to use the archaic text to describe the present day.

The reenactments performed by the Covenanters and their opponents are like those performed by the avant-garde Shakespearean troupe: old narratives are invoked and imposed upon the present, translating each into the other. The only difference is that, by locating themselves in the theatre of law, the Covenanters and their opponents are able to claim the right not only to judge but also to *punish*.³ This right to do violence is contingent upon a claim to truth—a claim that is implicit in any "performance" of law, any reenactment of a legal script. A legal judgement is legitimate only if the actors involved can create and maintain the semblance of doing justice, of uncovering and reproducing the *real* meaning of things. In the theatre of law, it is theatricality itself that must be denied. Reality must seem to be *re-presenting itself* through the lucid medium of legal narratives.

Scott, Hogg, and Galt explore the ways in which the Covenanters and other legal performers create the appearance of doing justice through acts of legal storytelling. Both the Covenanters and their opponents consistently deny their own creativity, their mediations between past and present, text and context, source and re-presentation. They portray themselves instead as obedient servants of the legal word. This denial is a signal of their "enthusiasm"; it is also the foundation of their legal authority. The

³Here again, Cover provides insight: "judges deal pain and death. . .In this they are different from poets, from critics, from artists. It will not do to insist on the violence of strong poetry, and strong poets. Even the violence of weak judges is utterly real—a naive but immediate reality, in need of no interpretation, no critic to reveal it." COVER, *supra* note 1, at 213.

Covenanters, for example, see biblical significance in their revolt against the Stewart government. More importantly, they assert that this biblical meaning is inherent in their struggle. Instead of *giving* biblical significance *to* events, they are simply re-presenting a meaning that is already there, already written into the present. The divine text is replicating itself (albeit symbolically) rather than being superimposed on the present by an over-anxious, unauthorized, interpreter. In passing judgments and punishing offenders, the Covenanters are simply making the miraculous presence of the divine narrative apparent to all.

This concept of justice as the reenactment of an immanent text is grounded in the belief that language can attain a state of transparency in which it merely re-presents what has been already determined—a fixed original—without disfiguring it or transforming it into something new. We encountered this belief in the writings of Hobbes and Locke and we find it here, too, once again being exploited to justify legal authority. This time, however, the mode of presentation is largely ironic. Through repeated images of rhetorical overflow and semantic confusion, these novels suggest that any supposedly pure or true re-presentation of an original meaning is, in fact, an act of discretion, a choice between equally plausible interpretations. These novels show us that semantic ‘transparency’ is purchased at the price of freedom: the possibility of re-interpretation and disagreement, which muddy the waters of meaning, must be eliminated and this can only be done through force. Claims to truth, even those made by the authors themselves, require threats of violence, threats of silencing. By questioning the authority of re-presentation, these literary narratives—which stake claims to truth themselves—have the potential to provide a self-conscious critique of enthusiasm and its discursive underpinnings. It is this kind of critique that Hobbes and Locke, and perhaps even Hume, were unable to offer. In the chapters that follow, I will examine the extent to which Scott, Galt, and Hogg realize this potential in their writings on the Scottish Covenanters.

I begin with Scott and *Old Mortality* (1816).⁴ According to both the Covenanters and Royalists who inhabit this novel, the legitimacy of a judicial sentence depends on its correspondence to the sentences of an original legal text, whether it be the Bible or statute-book. As servants of the law, both Covenanter and Royalist feel duty-bound to reenact the judgments articulated in their source texts because the conditions described by these original passages seem to be repeating themselves in the present. Each party believes that the world is following the narratives of the past, and each claims that this convergence is self-evident. Scott explores how this way of “reading” the world leads to political and religious polarization. Actions are either “right” or “wrong” and individuals are either “guilty” or “innocent”, depending on which text is used as the perceptual and legal template. Once a text is selected, all others become illegitimate as sources of law: for the enthusiast, only one text can stand as the legal archetype of the present.

The hero of *Old Mortality*, like so many of Scott’s protagonists, is a moderate, caught between two conflicting world-views, two conflicting textual allegiances.⁵ But the dilemma that Henry Morton faces is not only that he must choose between Covenanter and Royalist, but that he must also choose between his own “enthusiasm” for authority based in narrative re-presentation and his hard-earned knowledge that such authority can justify acts of tremendous cruelty. Although he rejects blind adherence to the “letter of the law”, Morton never questions the idea that authority

⁴All citations from: WALTER SCOTT, *OLD MORTALITY* (Jane Stevenson & Peter Davidson eds., Oxford University Press, 1993) (1816). Citations will include chapter and page numbers.

⁵As Georg Lukács writes, it the task of Scott’s heroes “to bring the extremes whose struggle fills the novel, whose clash expresses artistically a great crisis in society, into contact with one another”. GEORGE LUKÁCS, *THE HISTORICAL NOVEL* 36 (H. and S. Mitchell eds., Penguin, 1976). Similarly, Judith Wilt writes that “it is the role of the Waverly hero, in action and in language. . .to keep the bridge open between choices, to try to add width and depth, memory and posterity, condition and qualification, to the stripped-down dualities which are always presenting themselves as ‘reality’ to him”. JUDITH WILT, *SECRET LEAVES: THE NOVELS OF WALTER SCOTT* 86 (University of Chicago Press, 1985) George Goodin describes Scott’s heroes as “double victim[s]”, who “criticize not only the established power but also its opposition”. George Goodin, *Walter Scott and the Tradition of the Political Novel*, in *THE ENGLISH NOVEL IN THE NINETEENTH CENTURY: ESSAYS ON THE LITERARY MEDIATION OF HUMAN VALUES* 14, 18 (G. Goodin ed., University of Illinois Press, 1972). Here, however, I am concerned not only with the criticisms Morton offers against both Covenanter and Royalist, but also with the fundamental similarity of viewpoint he shares with them concerning the importance of precedent texts to justifications of legal authority. For a discussion of the position of Scott’s protagonists, see also generally, JOHN PHILIP FARRELL, *REVOLUTION AS TRAGEDY: THE DILEMMA OF THE MODERATE FROM SCOTT TO ARNOLD* (Cornell University Press, 1980).

should flow from the re-presentation of a text. Instead, he constructs his *own* precedent narrative—a history of Scottish civil rights and religious toleration—that competes with the narratives of Covenanter and Royalist and that lends authority to his own moral judgments, his own re-presentations of the *true* law. Morton's self-authored history, in turn, can be read as the precedent for Scott's own literary project: through Morton's judgments against Covenanter and Royalist, Scott creates an authorizing precedent for his own determinations of historical guilt and innocence.

Yet the specter of "enthusiasm" haunts Scott's re-presentation of the past. Even as he tries to condemn the Covenanters and their descriptions of the world, his text turn against itself, undermining the authority of the judgment it passes. The "enthusiasm" of the Covenanters manifests itself in their belief that they are carrying out assigned roles in a miraculous re-production of God's original biblical drama. They claim to be following the divine Script word for word. The novel, however, shows the Covenanters to be hopelessly divided over how to read the Scripture and its significance for the present. Each "enthusiast" has his or her own interpretation and claims that it is the only *true* exegesis of the divine Text. Through images of such interpretive confusion, Scott points out the degree to which the Covenanters' judgments are self-justifying: the Covenanters create their own textual authority, making the Scripture into a mirror of their present, their conflicts and obsessions. This criticism, however, applies equally to Morton's own interpretation of the past: Morton shapes the meaning of Scottish history by reading it as the archetype for his own struggles. In this way, Scott's hero is just as "enthusiastic" as those he condemns. The images of interpretive chaos that reoccur throughout the novel undermine *all* readings of the past and its significance for the present, including the reading offered by Scott's novel. The pliancy of language allows every event to become the echo of some past narrative, thus permitting any interpretation of the present to claim truth—so much so that truth itself ceases to be a useful prerequisite for authority. The violence that the enthusiasts of Scott's novel wreak upon each other is symptom of this futility: only by

silencing other truths and other truth-tellers can ‘enthusiasts’ maintain their legal authority.

1. “‘the will of the dead’”

Throughout *Old Mortality*, descriptions of the world are authorized by the sense of having a *duty* to reproduce an original text. Indeed, the nature of discursive obligations is explored from the very outset of the novel. As part of Scott’s *Tales of My Landlord* project, *Old Mortality* is embedded within the elaborate framing device that is common to all the novels in the series. Once again we find the pompous school-master Jedediah Cleishbotham introducing the text as the creation of his former colleague Peter Pattieson, who died leaving several completed manuscripts scattered among his personal papers. Cleishbotham takes the liberty of presenting these works to the public, reaping the profits of their publication while, at the same time, disclaiming authorship: “I am NOT the writer, redacter, or compiler, of the Tales of my Landlord; nor am I, in one single iota, answerable for their contents, more or less” (“Prolegomenon”, 6). Cleishbotham, in fact, criticizes these texts at every opportunity; they are marked, he says, by “symptoms of inferior taste”—the result, no doubt, of his colleague’s refusal to consult “his betters”, i.e. Cleishbotham himself. The manuscript of *Old Mortality* is a good example of this misguided independence:

A fanciful nicety it was on the part of my deceased friend, who, if thinking wisely, ought rather to have conjured me, by all the tender ties of our friendship and common pursuits, to have carefully revised, altered, and augmented, at my judgment and discretion. But the will of the dead must be scrupulously obeyed, even when we weep over their pertinacity and self-delusion.

(*id.*, 10)

Cleishbotham plays on the double-meaning of the word “will”: what “must be scrupulously obeyed” is not only Pattieson’s desire for artistic autonomy, but also the written documents he leaves behind, the text of this testament. This double-meaning echoes throughout the novel. Again and again we see the dead bequeathing a “will”

that must be honored, texts that must be re-produced “scrupulously”, even if they seem to be the product of “self-delusion” or a misguided “will”.

At the outset of *Old Mortality*, Pattieson himself encounters the texts of the dead and their injunctions. Yet he disobeys these texts and the “will” they express: he refuses to reproduce them word for word. He refuses, in short, to participate in what he considers to be their “delusion”. In his introductory chapter, he describes his meeting with “Old Mortality”, a Cameronian who wanders the length and breadth of Scotland restoring the gravestones of Covenanters who perished during the “Killing Times”. Their meeting takes place in a secluded, half-abandoned cemetery, where the monuments “are half sunk in the ground, and overgrown with moss” (I, 27). ““Death has indeed been here””, Pattieson explains, ““and its traces are before us; but they are softened and deprived of their horror by our distance from the period when they have been first impressed””. Here, again, we are presented with an image of death as the creation of a textual legacy; death leaves behind a set of “traces” and “impressions”. But the passing of the time slowly erases these signs, allowing them to sink quietly into oblivion.

Old Mortality, however, intrudes noisily upon this scene of decay:

‘The clink of a hammer was, on this occasion, distinctly heard. .
.An old man was seated upon the monument of the slaughtered
presbyterians, busily employed in deepening, with his chisel,
the letters of the inscription, which, announcing, in scriptural
language, the promised blessings of futurity to be the lot of the
slain, anathematized the murderers with corresponding
violence.’

(I, 29)

Pattieson’s first meeting with Old Mortality is also the reader’s first encounter with the distinctive rhetorical practices that will mark the Covenanters throughout the novel. The memorial “announces” a judgment, employing biblical text to justify the actions of the slain and condemn their persecutors. The chisel restores the letters of the inscription, an act that the wanderer considers:

‘a sacred duty. . .renewing to the eyes of posterity the decaying
emblems of the zeal and sufferings of their forefathers, and
thereby trimming, as it were, the beacon-light which was to

warn future generations to defend their religion even unto blood.’

(I, 30-31)

The story of the dead Covenanters, itself a repetition of biblical struggles, serves as a model of religious and political behavior for Scottish citizens. Old Mortality preserves these narratives and in doing so, allows the texts of the past to be re-read in the modern day as relevant stories, as sources of justification for political and religious actions. His monuments become the impetus for subsequent re-telling of tradition:

‘The peasantry continued to attach to the tombs of those victims of prelacy an honour which they do not render to more splendid mausoleums; and, when they point them out to their sons, and narrate the fate of the sufferers, usually conclude, by exhorting them to be ready, should times call for it, to resist to the death in the cause of civil and religious liberty, like their brave forefathers.’

(I, 28)

Like Old Mortality, the “peasantry” asserts the continued significance of narrative tradition for the present. For the descendants of the Covenanters, these stories articulate fundamental principles of law and civil liberty—rules that must be obeyed and defended. This belief in the timelessness of these stories is expressed by the legends that spring up after Old Mortality’s death:

‘The common people still regard his memory with great respect; and many are of opinion, that the stones which he repaired will not again require the assistance of the chisel. They even assert, that on the tombs where the manner of the martyrs’ murder is recorded, their names have remained indelibly legible since the death of Old Mortality, while those of the persecutors, sculptured on the same monuments, have been entirely defaced.’

(I, 34)

Old Mortality spent the better part of his life re-tracing the lines he had first written, remaining obedient to the “original” text. The “peasantry”, however, feel no such obligation; they take liberties with his texts, giving supernatural significance to his work and to the struggles it re-presents. According to Pattieson, Old Mortality’s inscriptions had “the circumstantiality of an eye-witness” (I, 32). But after his death,

no one is left to take up his chisel and preserve this testimony. Instead, legends are created; the past moves from history to myth, from written record to oral fable.

Pattieson seems to be making a distinction between writing and orality, between the accuracy of history and the subjectivity of 'tradition'. Yet he immediately breaks this distinction down, denying that Old Mortality's texts have any special claim to truth simply because they are written in stone. Even though the wanderer deepened the same lines year after year, re-inscribing a text rather than creating one, Pattieson argues that he was nonetheless engaged in same mythical construction of the past as the "common people" who adhere to no such written "traces". Pattieson, therefore, feels free to "deface" Old Mortality's texts. "My readers will of course understand," he explains:

'that in embodying into one compressed narrative many of the anecdotes which I had the advantage of deriving from Old Mortality, I have been far from adopting either his style, his opinions, or even his facts, so far as they appear to have been distorted by party prejudice. I have endeavoured to correct or verify them from the most authentic sources of tradition, afforded by the representatives of either party.'

(I, 34).

To gather information about the Covenanters, Pattieson collects oral accounts from "moorland farmers", "traveling merchants", and "country weavers". These provide "many illustrations of the narratives of Old Mortality, much in the taste and spirit of the original" (I, 34-35). While "authentic", these "traditions" cannot be considered *true* re-presentations of the past because, according to Pattieson, they simply reproduce the particular "distort[ions]" of Old Mortality's texts. Pattieson, therefore, collects narratives from the opposite extreme:

'I had more difficulty in finding materials for correcting the tone of partiality which evidently pervaded those stores of traditional learning, in order that I might be enabled to present an unbiased picture of the manners of that unhappy period, and, at the same time, to do justice to the merits of both parties. But I have been enabled to qualify the narratives of Old Mortality and his Cameronian friends, by the reports of more than one descendant of ancient and honourable families, who, themselves decayed into the humble vale of life, yet look

proudly back on the period when their ancestors fought and fell
in behalf of the exiled house of Stewart.’

(I, 35)

Pattieson aims at restoring the true text of history, scraping away the rhetorical excess from narratives of both sides. He justifies his act of disobedience to Old Mortality’s “traditions” with the implicit claim that his final narrative will effect a kind of objective synthesis, whereby the “real past will re-emerge into the present. It is surprising, then, that he should end his introduction with what appears to be a plea for forgetfulness, a turning-away from the past:

Peace to their memory! Let us think of them as the heroine of
our only Scottish tragedy entreats her lord to think of her
departed sire:—

“O rake not up the ashes of our fathers!
Implacable resentment was their crime,
And grievous has the expiation been.”

(I, 36)⁶

Pattieson implies that his narrative will put to rest old disputes and animosities. Rather than raising the texts of the dead and duplicating them, it will offer a new history—‘new’ in the sense that it will be the truth, a text never before reproduced.

Pattieson pictures the act of truth-telling as an act of internment, a silencing of debate, a nullification of other possible stories. Yet it is precisely the danger of this attitude that *Old Mortality* reveals through its depiction of “enthusiasm” and efforts to control it. It is this obsession with revealing the fundamental and immanent significance of things that allows both the Covenanters and the Royalists to justify their acts of terror. What makes “the Killing Times” so deadly is the intolerance each side has for descriptions of the world that depart from the particular text they hold to be the fundamental truth.

2. “severe language and cruel actions”

The plot of *Old Mortality* begins in the aftermath of an act of terrorism and retribution—the murder of Archbishop Sharp on May 3, 1679 by a group of

⁶These lines are taken from Act I of JOHN HOME, *DOUGLAS* (1756).

Covenanters near St. Andrews. For Scott, this event reveals the most dangerous aspect of religious “enthusiasm”, its tendency to justify violence and cruelty as the work the God. In *The Tales of A Grandfather*⁷, Scott provides a detailed account of Sharp’s death, emphasizing the role “enthusiasm” played in encouraging his murderers: “The conspirators were in that mood when our own wishes and thoughts, strongly fostered and cherished, are apt to seem to us like inspiration from above” (LI, 609-10). Scott shows how this belief in divine inspiration manifests itself through biblical exegesis: one of the assassins “affirmed he had felt a preternatural impulse forcing him to return to Fife, when it was his purpose to have gone to the Highlands, and that on going to prayers he had been confirmed by the Scripture text, ‘Go, have not I sent thee?’” (610). Another claims that “he had been long impressed with the idea that some great enemy to the Church was to be cut off, and spoke of some text about Nero, which assuredly does not exist in Scripture” (*id.*). “Enthusiasm” provokes “inspired” interpretations of the Bible: the assassins find echoes of the present in the narrative past, confirming the sanctity of their murderous intent. Yet Scott suggests that these are, in fact, mis-readings: in their hurry to authorize their acts of violence, the Covenanters do violence to the holy Text. As Daniel Whitmore writes, Scott’s Covenanters are

initiates in the art of selective interpretation: passages are wrenched from their historical context in order to accommodate the exigencies of the present. The Covenanters create a text in their own image just as they manufacture their own God.⁸

For Scott, such “enthusiasts” *make* the Bible speak to the present, forcing it to yield itself to the fanatical “impulses” of its readers.

The justness of Archbishop Sharp’s murder was ambiguous, even for many of the Covenanters whose persecution he sanctioned. Ian Cowan writes that although “the assassins may have justified their task as self-appointed executioners”, for others

⁷All citations from: SIR WALTER SCOTT, 2 THE TALES OF A GRANDFATHER (Adam and Charles Black, 1888) (2 vols.). All citations include chapter number.

⁸Daniel Whitmore, *Bibliolatry and the Rule of the Word: A Study of Scott’s Old Mortality*, 65 PHILOLOGICAL QUARTERLY 243 (1986). Whitmore’s article offers an insightful examination of the uses and abuses of legal texts in *Old Mortality*.

of their faith “such action was indefensible”.⁹ At issue here is the nature of legal authority itself. From what source does it flow and how is it confirmed? These unresolved questions reverberate throughout *Old Mortality*. Scott places Sharpe’s killer, John Balfour, as one the central figures his novel (changing his name from John Balfour of Kinloch, to John Balfour of Burley, known simply as “Burley”). This allows Scott to reconstruct and criticize the claims to authority made by one of the most infamous religious “enthusiasts” in Scottish history.

In an early exchange between Henry Morton and Burley, Scott has the enthusiast himself raise the problem of authorization:

‘Think you not it is a sore trial for flesh and blood, to be called upon to execute the righteous judgments of Heaven while we are yet in a body. . . Must they not sometimes even question the truth of that inspiration which they have felt and acted under? Must they not sometimes doubt the origin of that strong impulse with which their prayers for heavenly direction under difficulties have been inwardly answered and confirmed, and confuse, in their disturbed apprehensions, the responses of Truth itself with some strong delusion of the enemy?’

(VI, 73)

Through Burley’s doubts, Scott suggests that the central difficulty with inspiration is its “inward” nature: no matter what the source of the “impulse” is, it still appears, to some extent, to be authored by the self. This is particularly disturbing when the “impulse” demands actions that contravene external forms of law—both the law of the state and the “moral law” of humankind, as Burley calls it (74). This is why “enthusiasts” turn to Scripture: there, instead of their own words, they find the Word of God—an external source of divine insight that, in turn, can be converted into a source of self-understanding, providing an objective meaning for one’s actions. If the movements of the enthusiast’s life can be read into the Scripture, that is, if the stories of the Bible can be seen to prefigure these movements, then the enthusiast can be assured that he is acting with authority.

In Burley’s own nightmare remembrance of Sharp’s murder, we see him quoting biblical text at the moment of execution: “Thou art taken, Judas—thou art taken—

⁹IAN B. COWAN, *THE SCOTTISH COVENANTERS: 1660-1688*, at 95 (Victor Gollancz, 1976).

Cling not to my knees—cling not to my knees—hew him down!—A priest? Ay, a priest of Baal, to be bound and slain, even at the brook of Kishon. . .” (76).¹⁰ By interpolating his victim’s identity into the Bible, Burley is able to cite a divine precedent for his judgment. He implicitly identifies himself as a later-day follower of Elijah who must carry out the heavenly injunctions of the prophet. His authority follows his obligation to a preexisting, divine narrative that is repeating itself symbolically. God’s Law, in the form of this biblical archetype, is reasserting its jurisdiction over the present and Burley has no choice but to follow its commands.

It is this same desire for a justifying ur-text that leads Burley to place himself within another divine narrative—the story of Providence. As he explains to Morton, “my hour is not yet come. . .I would, young man, that the hour were come; it should be as welcome to me as ever wedding to bridegroom. But if my Master has more work for me on earth, I must not do his labour grudgingly” (72-3). Here again, the enthusiast is authorized by his obligations to a preexisting text. But unlike the story of Elijah, the story of Providence has not yet reached its conclusion. Instead, it keeps encompassing the present, giving it meaning. This lack of conclusion, this constant unfolding, produces a paradox: the present seems to write itself into the past, into God’s pre-existing text. The events of today are transformed instantly into dramatizations, into faithful enactment of the divine script. The enthusiast interprets present events as already meaningful, as immanently significant. When confronted with the injustice of Sharp’s murder, Burley responds:

‘Was not the execution itself proof of our warrant? Did not the Lord deliver him into our hands, when we looked out but for one of his inferior tools of persecution? Did we not pray to be resolved how we should act, and was it not borne in on our hearts as if it had been written on them with the point of a diamond, “Ye shall surely take him and slay him?” . . .Then who will say—who dare say, that a mightier arm than ours was not herein revealed?’

(XXI, 236)

¹⁰I Kings 18.40, “And Elijah said unto them, Take the prophets of Baal; let not one of them escape. And they took them: and Elijah brought them down to the brook Kishon, and slew them there”.

As Scott writes in his notes to *Old Mortality*, on the day of Sharp's murder, his killers had in fact been searching for "One Carmichael, sheriff-depute in Fife, who had been active in enforcing penal-measures against non-conformists" (note 5, 462). But in their insistence upon reading events as signs of Providence, they interpret their accidental encounter with Archbishop Sharpe as full of meaning, as part of the divine text which is suddenly emerging into view, presenting itself as the "warrant" for his murder. But only after the murder is successfully completed can the "divine sentence" that authorizes it be confirmed. Central to Burley's self-vindication is the image of the hidden narrative: by speaking the biblical name of his victim and by interpreting the signs surrounding his death, he gives voice to a text that is supposedly already present, already ordering events. Burley claims that he is simply one of God's chosen readers, a privileged reciter of the autochthonous Word that determines the movements of human events.

Throughout *Old Mortality*, we see Burley condemning others to death. He always makes sure to confirm these judicial acts by deciphering their latent Scriptural meaning. To explain, for example, why no quarter is to be given to the Royalists captured at Drumclog, Burley declares that "[i]t is our commission to slay them like Amalek, and utterly destroy all they have, and spare neither man nor woman, infant nor suckling; therefore, hinder me not. . .for this work must not be wrought negligently" (XVII, 202-3).¹¹ The choice of this text is significant, both for its legal symbolism and its historical resonance for Scott. The story of Saul and the Amalekites concerns the need to obey God's Word precisely, that is, "to the letter". Saul "utterly destroyed all the people with the edge of the sword", but he chose to spare both the king of the Amalekites and "the best of the sheep, and of the oxen" so that they could be sacrificed to the Lord.¹² As Samuel tells him, "Hath the LORD as great delight in burnt offerings and sacrifices, as in obeying the voice of the LORD? Behold, to obey is

¹¹I Samuel 15.2-3 "Thus saith the Lord of hosts, I remember that which Alamek did to Israel, how he laid wait for him in the way, when he came up from Egypt. Now go and smite Amalek, and utterly destroy all that they have, and spare them not; but slay both man and woman, infant and suckling, ox and sheep, camel and ass."

¹²I Samuel 15.8.

better than sacrifice, and to hearken than the fat of rams".¹³ For such imprecise performance of God's command, Saul is punished with the loss of his kingship over Israel. In citing this piece of Scripture, Burley claims not only a right to kill Royalists but also an *obligation* to do so. Since the Covenanters' battle with their enemies "postfigures" the battle between the Israelites and the Amalekites, the narrative of Saul's disobedience becomes legally binding. In Burley's hands, the Bible becomes a set of legal precedents, revealing not only the commands of divine law but also the way in which the law should be applied. Divine jurisprudence follows the rule of *stare decisis* in both the determination of sentence and execution of punishment.

According to Scott, Burley's use of this particular Scriptural passage as a license to kill has its own historical precedent. In *The Tales of A Grandfather*, Scott asserts that the story of Saul and Amalekites was used by members of the Presbyterian clergy to justify the "slaughter" of Royalist prisoners after the battle of Philiphaugh in 1645:

The sights and sentiments which attend civil conflict, are of a kind to reconcile the human heart, however generous and human by nature, to severe language and cruel actions. Accordingly, we cannot be surprised to find that some of the clergy. . .directed against such Cavaliers and Episcopalians those texts of Scripture, in which the Jews were, by especial commission, commanded to extirpate the heathen inhabitants of the Promised Land.

One of these preachers enlarged on such a topic after Lesley's victory, and chose his text from the 15th chapter of 1st Samuel, where the prophet rebukes Saul for sparing the king of the Amalekites. . .In his sermon, he said that Heaven demanded the blood of the prisoners taken at Philliphaugh, as devoted by the Divine command to destruction. . . .

(XLIV, 488-9)

By having Burley invoke this particular text, Scott creates a moment of double narrative repetition: Burley claims to reenact a story from the Bible, and in doing so, reenacts a moment from another narrative—the history of Scotland as written by Scott.¹⁴ But rather than confirming his authority, this example of postfiguration

¹³I Samuel 15.22.

¹⁴Although *The Tales of a Grandfather* appeared twelve years after *Old Mortality*, it is more than likely that Scott already knew of this incident at Philliphaugh and the particular historical resonance of this biblical text. As he wrote to Lady Louisa Stewart, describing his research for *Old Mortality*, "I am complete master of the whole history of these strange times both of persecutors & persecuted. . .".

challenges Burley's right to punish. As we have seen, Burley exerts control over others through his ability to determine the latent narrative significance of the present—through his ability to subject *himself* to the divine story that is repeating itself. It is the possibility that the present can have other, perhaps contradictory, postfigurative narratives that Burley must constantly deny. His justification for violence rests upon his supposed lack of choice and the self-evidence of his legal rôle. Yet if numerous narratives can be shown to be 'hidden' in the present, then Burley's justification falls apart. This is what Scott does here: Burley's words recall another story, one that condemns his Scriptural practices as "severe" and "cruel", as an example of "how people's judgment is blinded by their passions" (*The Tales of a Grandfather*, 489). Scott thus suggests that Burley's readings of the past and present are the product of either his ignorance or his calculated refusal to acknowledge competing precedents, competing scripts.

3. "'take not the word'"

Yet Burley is just one "enthusiast" among the many in Scott's novel who justify their actions as faithful re-enactment of the one 'true' text governing the present. And like Burley, these enthusiasts must deny the possibility of other 'readings' in order to defend their authority. For the Covenanters, this presents a particular difficulty, exposing what Scott sees as the fundamental contradiction between their theology and their desire for religious supremacy. Scott brings this contradiction out most clearly in the farcical rhetoric of Reverend Gabriel Kettledrummle and Old Mause. Kettledrummle's shining moment comes when he addresses the victorious Covenanters after the battle of Drumclog:

Occasionally he vindicated with great animation the right of every freeman to worship God according to his own conscience; and presently he charged the guilty and misery of the people on the awful negligence of their rulers, who had not only failed to establish presbytery as the national religion, but

Letter from Sir Walter Scott to Lady Louisa Stewart (Nov. 14, 1816), in 4 THE LETTERS OF SIR WALTER SCOTT 293 (H.J.C. Grierson ed., Constable & Co, 1933) (12 vols.).

had tolerated sectaries of various descriptions, Papists, Prelatists, Erastians, assuming the name of Presbyterians, Independents, Socinians, and Quakers; all of whom Kettledrummle proposed, by one sweeping act, to expel from the land, and thus re-edify in its integrity the beauty of the sanctuary.

(XVIII, 208)

Freedom of conscience should be guaranteed, says Kettledrummle, but only so long as it promotes his own faith. Yet the impossibility of this position can be seen clearly in the profusion of religious groups which Kettledrummle opposes. It is impossible to control the individual conscience while acknowledging it as a legitimate source of knowledge. Sects proliferate uncontrollably, each having the authority to identify themselves—to “assum[e]” new names that conceal what Kettledrummle believes to be their ‘true’ identity. Although he attempts to re-impose semantic by renaming them “Papists, Prelatists, Erastians” he acknowledges that the only way for the Word to be restored to its original ‘integrity’ is through jurispatic force. The language of others must be expelled for it cannot be disciplined.

Freedom of conscience subverts discursive control, allowing each individual to describe the world with authority. The whole notion of a hierarchy of interpreters becomes obsolete, as seen in Kettledrummle’s ineffectual attempts to silence Old Mause. Like Kettledrummle, Old Mause has an impressive store of pejorative terms with which to identify the Covenanters’ opponents. As she tells Bothwell, one of the Royalist Dragoons:

‘Philistines ye are, and Edomites--leopards are ye, and foxes--evening wolves, that gnaw not the bones till the morrow--wicked dogs, that compass about the chosen--piercing serpents ye are, and allied both in name and nature with the great Red Dragon; Revelations, twalfth chapter, third and fourth verses.’

(VIII, 105).

Old Mause employs the Word skillfully, combining post- and pre-figurative tropes: the Dragoons simultaneously repeat the biblical past of Philistines and Edomites and presage the biblical future of Revelations and apocalypse. This rhetorical talent presents a direct threat to Kettledrummle’s authority, which is based upon his supposedly special qualification to interpret the biblical significance of the present.

Mause persists in usurping his verbal prerogative by speaking out in the voice of “a powerful preacher” “against the backslidings, defections, defalcations, and declinings of the land” (110; XIV, 175). As her son proclaims: “Fiend hae me. . .if I dinna think our mither preaches as weel as the minister!” (176). Kettledrummle portrays her eloquence as a theft: “peace, and take not the word out of the mouth of a servant of the altar. . .” (175). Old Mause does indeed ‘steal’ the language of authority; she takes it and makes it her own, offering her own re-presentation of the divine significance of current events.

Although Old Mause speaks in the same idiom as Kettledrummle, her rhetorical exuberance nevertheless highlights the potential for diverse ‘readings’. She is a figure of the rhetorical freedom that the Covenanters must deny in order to maintain their right to judge and punish. Despite all attempts to silence her and push her away, she returns again and again into the midst of the Covenanters’ legal proceedings, fracturing the letter of their law and exposing the discretion involved in their acts of scriptural reconstruction. She is living proof that many figurative meanings may be given to the present. Thus she unwittingly subverts the Covenanters’ claim to be servants to the self-evident Word. There is no single script that must be followed and reenacted; instead, the enthusiast must choose between numerous divine texts. Yet this proliferation of pre-texts presents a problem: there can be only one meaning and one interpreter because there can be only one judge and one victim. Through Old Mause, Scott suggests that the Covenanters’ claim to authority rests upon a radical abridgment of the stories that could be told about the present.

This reductiveness can be seen in rhetoric of the more fanatical Covenanters in Scott’s novel. Preaching after the victory at Drumclog, the young minister Ephraim Macbriar offers this description of the dead bodies that cover the battlefield:

‘this is not the savour of myrrh, of frankincense, or of sweet herbs, that is steaming in your nostrils; but these bloody trunks are the carcasses. . .of the mighty men of war that came against Jacob in the day of his deliverance. . .verily, I say unto you, that not when the ancient Temple was in its first glory was there

offered sacrifice more acceptable than what which you have
this day presented. . . .’

(210).

In Macbriar’s version of events, the Covenanters have not killed their fellow man but severed biblical figures into symbolic fragments. They have transformed textual entities into sacrificial material, not destroyed lives. Such translations of identity are crucial to the maintenance of their legal authority. Only by ignoring their victims’ own stories, the surplus of their identity, can the Covenanters claim to describe them truthfully.

Once again Scott undermines the Covenanters’ judgments by introducing a figure of verbal excess into their very midst, one whose wild words do not re-present an immanent text but obscure and complicate its supposed self-evidence. Like Old Mause, Habakkuk Mucklewrath refuses to be silenced. He interrupts the war council of the Covenanters to offer this command:

‘I say take the infants and dash them against the stones; take the daughters and the mothers of the house and hurl them from the battlements of their trust, that the dogs may fatten on their blood as they did on that of Jezabel, the spouse of Ahab, and that their carcasses may be dung to the face of the field even in the portion of their fathers!’”

(XXII, 243)

Mucklewrath speaks the same language as Macbriar and Burley, embracing human destruction by translating the present into past texts. And like Burley, Mucklewrath authorizes this desire for blood by a claim to divine inspiration, received through an echoing of biblical text:

‘Am I not Habakkuk Mucklewrath, whose name is changed to Magor-Missabib, because I am made a terror unto myself and unto all that are around me? —I heard it—When did I hear it?—Was it not in the Tower of the Bass, that overhangeth the wide wild sea? . . .—Where did I see it? —Was it not from the high peaks of Dunbarton. . .?—What did I see?—Dead corpses and wounded horses, the rushing together of battle, and garments rolled in blood.—What heard I?—The voice that cried, Slay, slay—smite, slay utterly—let not your eye have pity! slay utterly, old and young, the maiden, the child, and the woman whose head is grey—Defile the house and fill the courts with the slain!’

Like all of Scott's religious "enthusiasts", Mucklewrath uses the Scripture to pronounce a death sentence upon his enemies. Yet here, Scott shows us the Covenanters' judicial discourse interrogating itself, questioning its own veracity even as it proceeds towards judgment. Although the questions Mucklewrath puts to himself are rhetorical, they nevertheless suggest an absence of certainty, a reluctance to describe and define categorically. Like Burley, he seems to be torn between disbelief and self-affirmation; he can't quite bring himself to deny the possibility of error and mis-reading. Even his own identity remains undefined, suspended between the secular and the religious, the immediate and the figurative—between his given name and his divine appellation. It is especially significant that Mucklewrath should choose "Magor-Missabib" as his biblical prefigurement. In the Hebrew Testament, "Magor-Missabib" is the name God gives to Pashur, who imprisoned Jeremiah for giving divine prophesy.¹⁶ Thus Mucklewrath positions himself unwittingly as an enemy of the Word rather than as its righteous servant, as someone who was punished for denying the language of God. Indeed, like Pashur, Mucklewrath is at war with the Word: the very language he would use to judge others ends up condemning him. It defies his control, subverting his claim to truth with double meanings.

Despite the incoherence of Mucklewrath's Scriptural reading, the judgment it inspires is affirmed by numerous Covenanters: "'We receive the command; as he hath said, so will we do'" (245). Scott's "enthusiasts" are all too ready to reenact the brutal sentences of their source texts. For them, the Word is a weapon of silence; as Mucklewrath tells Henry Morton at his 'trial' before the Covenanters: "'the word that thou hast spurned shall become a rock to crush and to bruise thee. . .'" (XXXIII, 343). The Scripture, the legal Text, is used to erase resistant identities; they are remade in

¹⁵Jeremiah 20.3-4: "And it came to pass on the morrow, that Pashur brought forth Jeremiah out of the stocks. Then said Jeremiah unto him, The LORD hath not called thy name Pashur, but Magor-missabib. For thus saith the LORD, Behold, I will make thee a terror to thyself, and to all thy friends. . .". Ezekiel 9.5-7: "And to the others he said in mine hearing, Go ye after him through the city, and smite: let not your eye spare, neither have ye pity: Slay utterly old *and* young, both maids, and little children, and women. . .Defile the house, and fill the courts with the slain."

¹⁶Jeremiah 20.1-2.

its image, re-presented in its language. In order to judge and punish Morton with authority, Mucklewrath must destroy all traces of non-scriptural identity and re-present his victim in completely figurative terms: “. . . he is a ram caught in the thicket, whose blood shall be a drink-offering to redeem vengeance from the church, and the place shall from henceforth be called Jehovah-Jireh, for the sacrifice is provided. Up then, and bind the victim with cords to the horns of the altar!” (*id.*).

Morton defends himself by reasserting his voice, his own reading of the Word:

“Gentlemen,’ said Morton, ‘if you mean to bear me down by clamour, and take my life without hearing me, it is perhaps a thing in your power; but you will sin before God. . . .’” (344). Macbriar, however, restores silence, enveloping Morton within the divine narrative of Providence:

‘Peace,’ said Macbriar, somewhat disconcerted; ‘it is not for thee to instruct tender professors, or to construe Covenant obligations. . . . it is our judgment, that we are not free to let you pass from us safe and in life, since Providence hath given you into our hands at the moment that we prayed with godly Joshua, saying, “What shall we say when Israel turneth their backs before their enemies?”’

(345)

Scott’s portrait of the Covenanters’ intolerance for other ‘voices’ reveals the naked power-play at the root of *any* system of jurisprudence in which authority is based on a claim of re-presentation. In such a system, it is simply the *power* to re-present—to re-inscribe oneself and others in the legal text—that permits one to authorize and justify actions. Only through force can others be prevented from re-presenting themselves, through other ‘readings’ and other scripts. Only after Morton is bound and disarmed can “a dead and stern silence” occur (346). Morton breaks this silence by reciting passages from the Book of Common Prayer, a text used by the Church of England but outlawed by the Covenanters. Macbriar and Mucklewrath immediately interpret this as a sign from God, confirming the justice of Morton’s death sentence: “There lacked but this. . . . to root out my carnal reluctance to see his blood spilt. . . . let him go down to Tophet, with the ill-mumbled mass which he calls a prayer-book, in his right hand!” (347). This exchange is emblematic of the discursive struggle involved in

“enthusiasm”. Scott’s “enthusiasts” must wage war against other texts and exterminate other readings because they challenge the very foundation of their authority.

4. “*We are both fanatics*”

The Covenanters are not the only enthusiasts in *Old Mortality*. The Royalists, too, have a canon of texts which they uphold as the single source of legal authority. Their battle with the Covenanters is an effort to reassert the supremacy of civil texts over the divine. As he so often does, Scott replicates the larger discursive conflicts at work in his novel through comic disputes between minor characters. Lady Bellenden’s clash with Old Mause over the wappen-schaw encapsulates the fight between the Royalists and Covenanters over the legal status of their respective texts. Old Mause describes the wappen-schaw as “an unlawfu’ cause”, while Lady Bellenden responds:

“Unlawfu’!. . . ‘the cause to which you are called by your lawful leddy and mistress—by the command of the king—by the writ of the privy council—by the order of the lord-lieutenant—by the warrant of the sheriff?’” (VII, 87). The summons to attend the military exercises is backed by every form of written law available in the civil canon; yet Old Mause denies its legitimacy for it contradicts the Scripture’s injunction against idolatry, set down in the prefigurative story of Nebuchadnezzar (*id.*). Lady Bellenden refuses to accept her servant’s hierarchy of texts, and can only give her an ultimatum: “either Cuddie must attend musters when he’s lawfully warned by the ground officer, or the sooner he and you flit and quit my bounds the better. . .” (88). This exchange reveals the dangerous consequences of basing authority exclusively on re-presentation. For both Lady Bellenden and Old Mause, the legitimacy of an action depends entirely upon its symbolic connection to a source text, on how well it represents the Law. Each one claims to give a faithful performance of the Law and each therefore feels justified in what they do. There can be no debate between them because each is “right”. Their conflict, then, can only be resolved through force. Lady Bellenden must expel Old Mause from her grounds like the Royalists must expel and

exterminate the Covenanters from Scotland. Order can only be reestablished by removing those who profess allegiances to other texts, by banishing other representations of the law.

Like the Covenanters, the Royalists behave as if nothing else were required to justify their actions than an ability to cite the legal texts which these actions re-enact. Bothwell, for example, uses the Covenanters' theatrical language of command and performance to explain his authority:

'You ask me for my right to examine you, sir (to Henry); my cockade and my broadsword are my commission. . .and if you want to know more about it, you may look at the act of council empowering his majesty's officers and soldiers to search for, examine, and apprehend suspicious persons. . . .

(VIII, 101)

Bothwell asserts his symbolic connection to the discourse of civil law, to the legal scripts created by government. Through these scripts the government "empowers" its servants—it prefigures their actions. The emblems that adorn Bothwell's uniform are signals of his dramatic rôle: they mark him out as one of the government's chosen actors, as one who has been granted special privilege and responsibility to reenact the scripts of the law. As Bothwell's commander, the infamous, Claverhouse declares "my shoulder-knot is as legal a badge of authority as the mace of the Justiciary. . . ." (XIII, 161). Scott portrays Claverhouse as the battle-hardened soldier, inured to the cruel punishments, summary executions, and tortures that he must perform: "habit, duty, and necessity" he tells Morton, "reconcile men to every thing" (XXXIV, 352). Like Burley, Claverhouse denies the possibility of choice; he describes himself as an instrument of the law: "I *must* do my duty to church and state", he explains to Lady Bellenden, even if this means executing Morton on her "very door-stane" (XIII, 162). He dismisses her objection that "[t]he shedding of this young man's blood will not call back the lives that were dear to me" as "stark madness" (*id.*). And indeed, such humane reasoning does not fit the 'logic' of re-presentation; the legal script must be performed, to its very letter, no matter what the cost.

Like Burley, Claverhouse professes a “sacred duty” to enact his legal texts (165).¹⁷ Scott makes similarity between the two men explicit: “you are very right”, Claverhouse tells Morton, “—we are both fanatics, but there is some distinction between the fanaticism of honour and that of dark and sullen superstition” (XXXV, 355-6).¹⁸ Morton disagrees and points out the similar effects of each man’s fanaticism: “you both shed blood without mercy or remorse” (356). In reply, Claverhouse asks Morton whether there isn’t a difference between spilling the blood of a Royalist and taking the life of a Covenanter: “some distinction, in short, between spilling a flask of generous wine, and dashing down a can full of base muddy ale?” (*id.*) Like the most violent enthusiast, uses language to dehumanize his victims and thus to defend his violence.

We soon learn that Claverhouse’s attitude towards his victims is shaped by his special reverence for the writings of the French medieval historian Froissart:

‘His chapters inspire me with more enthusiasm than even poetry itself. And the noble canon, with what true chivalrous feeling he confines his beautiful expressions of sorrow to the death of the gallant and high-bred knight, of whom it was a pity to see the fall, such was his loyalty to his king, pure faith to his religion, hardihood towards his enemy, and fidelity to his lady-love! . . . truly, for sweeping from the face of the earth some few hundreds of villain churls, who are born but to plough it, the high-born and inquisitive historian has marvelous little sympathy,—as little, or less, perhaps, than John Grahame of Claverhouse.’

(357)

Like a murderous Don Quixote, Claverhouse lets his reading shape his world-view and self-conception. He does not consider his victims as human beings but as dramatic persona; his violence is not barbaric but romantic. He sees himself as

¹⁷Compare Claverhouse’s explanation of his “sacred duty” to Peter Pattieson’s description of Old Mortality: “He considered himself as fulfilling a sacred duty. . .” (I, 30). For both “enthusiasts”, the Law is “set in stone” and must be faithfully “renew[ed] to the eyes of posterity”, either by the sword or the chisel.

¹⁸Francis Hart describes “the meeting of extremes in Claverhouse and Burley” as “the central paradox in a complex and clearly managed structure of degrees and kinds of fanaticism.” FRANCIS R. HART, *SCOTT’S NOVELS: THE PLOTTING OF HISTORIC SURVIVAL* 70 (University Press of Virginia, 1966). Hart, however, does not implicate Henry Morton, Scott’s hero, in the this “structure” of fanaticism. As I shall argue, Morton’s apparently moderate ideas concerning the “law of humanity” are grounded on the same ‘fanatic’ concept of authority that ‘justifies’ the violence of Claverhouse and Burley.

engaged in a great project of remaking the present into an image of his favorite text. Thus the theatrical, aesthetic component of the Covenanter's "enthusiasm" can also be found in Claverhouse's own performance of the Law. Like the "churls" he hopes to "sweep from the face of the earth", Claverhouse lives to reenact, to post-figure, the narratives of the past.

The similarities between Claverhouse and Covenanters run still deeper. Like his 'enthusiastic' counterparts, he describes the law as self-evident. Its meaning, in terms of the actions it demands, is unequivocal; it requires only faithful performance. This claim is central to his self-justification: it eliminates the potential for more humane yet equally valid readings of the legal script. While it is not exactly accurate to say, with Bruce Beiderwell, that Claverhouse acts only from the "sense of the power he possesses, not from a concept of law that supports that power", it is true that the "concept of law" he *does* employ masks the control he exercises over his source text, over the law itself.¹⁹ And it is the deceptive power and destructiveness of this "concept of law", shared by all the enthusiasts in the novel, that *Old Mortality* exposes. When asked by Lady Bellenden whether there is a law against the type of "recusancy" that Cuddie Headrigg displayed when he chose not to appear at the wappen-schaw, Claverhouse responds simply: "I think I could find one" (XII, 145). Claverhouse bends the text of the law to his own desires, confident in his ability to make it prefigure and thus authorize any judgment he wishes. Such power, however, undermines the law's claim to any 'real', intrinsic, meaning. As Jenny Dennison tells her mistress, "these are not days to ask what's right or what's wrang; if he [Morton] were as innocent as the new-born infant, they would find some way of making him guilty" (X, 122).²⁰ Through his cynical manipulations of the law, Claverhouse makes the idea that any normative description is fundamentally "true" or necessary seem absurd.

¹⁹BRUCE BEIDERWELL, *POWER AND PUNISHMENT IN SCOTT'S NOVELS* 31-32 (University of Georgia Press, 1992).

²⁰Scott will, of course, return to this image of the Law 'making' guilt in *The Heart of Midlothian*.

It is ironic, then, that Morton should describe Claverhouse as representing if not justice then at least a certain amount of honesty. Before his military trial begins, he declares that

‘in a time when justice is, in all its branches, so completely corrupted, I would rather lose my life by open military violence, than be conjured out of it by the hocus-pocus of some arbitrary lawyer, who lends the knowledge he has of the statutes made for our protection, to wrest them to our destruction.’

(129)

But as we have seen, Claverhouse does indeed act like an “arbitrary lawyer”, using the language of the law to disguise his “open military violence” as an act of justice. When Morton faces this violence directly, he retreats from his earlier skepticism and seeks the protection of law he has just spurned: “I desire to know what right he has to detain me without a legal warrant. Were he a civil officer of the law I should know my duty was submission” (XIII, 161). This self-contradiction is emblematic of Morton’s role within the novel. Scott uses him to point out the short-comings and deceits involved in ‘enthusiastic’ applications of the law. But while Morton provides devastating critiques of Covenanter and Royalist discourse, he does not offer a real alternative to their concept of legal authority. Instead, he simply presents a more moderate version of their ‘enthusiastic’ jurisprudence: “his enthusiasm”, as Scott writes, “was unsullied by fanatic zeal, and unleavened by the sourness of puritanical spirit” (155). Each of the leading characters in *Old Mortality* is an “enthusiast”: each places ultimate importance on the reproduction of past texts. The only difference between them lies in which text they take to be the true source of law.

Morton substitutes his own “charter” in place of the statutes exploited by Claverhouse. As he explains to Cuddie Headrigg

‘The charter that I speak of. . . is common to the meanest Scotchman. It is that freedom from stripes and bondage which was claimed, as you read in Scripture, by the Apostle Paul himself, and which every man who is freeborn, is called upon to defend, for his own sake and that of his countrymen.’

(XIV, 173)

Like other “enthusiasts”, Morton claims an obligation to reenact the struggles of past narratives, including the stories of the Bible.²¹ The “charter” he describes is not so much a set of rights as it is a set of responsibilities; and these duties are timeless and universal. They are evident to anyone who reads human history. As Morton tells Claverhouse: “I presume you are, from education, taught to understand the rights upon which you seem disposed to trample; and I am willing you should be aware there are yet Scotsmen who can assert the liberties of Scotland” (XII, 161). Morton refers to his own version of history in order to challenge the narratives that Claverhouse uses to authorize his violence. Morton re-tells the story of the past in order to find a justifying precedent for his current political viewpoint. In this way, his discursive struggles are an image of Scott’s own literary project, which Georg Lukács described as a grand effort to “brin[g] the past to life as the prehistory of the present”.²² Yet in their overriding concern for precedent, both Morton and, indeed, Scott ally themselves with the very “enthusiasts” they seek to overcome.

As we have seen, Morton does not shy away from using the Scripture as a legal source-text. He is quite willing to read divine significance in human conflicts. But Morton is quick to distance himself from Burley’s biblical hermeneutics:

‘I revere the Scriptures as deeply as you or any Christian can do. I look into them with humble hope of extracting a rule of conduct and a law of salvation. But I expect to find this by an examination of their general tenor, and of the spirit which they uniformly breathe, and not by wresting particular passages from their context, or by the application of Scriptural phrases to circumstances and events with which they have often very slender relation.’

(XXI, 230).

Morton condemns Burley’s discursive practices by describing an alternative way of reading the source-text—one, however, that is not radically different from the method

²¹Harry Shaw rightly points out that here, Morton “is performing the same kind of operation the extreme Covenanters perform with scripture, although in a more liberal and humane spirit. . .”. HARRY SHAW, *THE FORMS OF HISTORICAL FICTION: SIR WALTER SCOTT AND HIS SUCCESSORS* 198 (Cornell University Press, 1983). Shaw describes Morton as one of Scott’s “Conjunctive hero[es]”, one who allows him “to examine the nature of and the justification for the Covenanters’ rebellion, but also to disown it”. *Id.* at 195. My interest, however, is in the ultimate failure of Scott’s effort to “disown” the Covenanters and their discursive practices.

²²LUCÁKS, *supra* note 5, at 57.

he criticizes. Morton's search for a unifying "spirit" of the text assumes that each story and each passage in the Scripture re-presents, in some figurative form, the first principles of divine Law. For him, this is where their 'true' meaning lies. So rather than breaking free from the "enthusiast's" obsession with symbolism, Morton affirms its validity.

In response to Morton's critique, Burley points out the focus on symbolism in Morton's own interpretations of the Law:

'You are of the opinion that the justice of an execution consists, not in the extent of the sufferer's crime, or in his having merited punishment, or in the wholesome and salutary effect which that example is likely to produce upon other evildoers, but hold that it rests solely in the robe or the judge, the height of the bench, and the voice of the doomster? Is not punishment justly inflicted, whether on the scaffold or the moor?'
(235).

Although Burley's comments are hypocritical (for he, like Morton, equates justice with postfiguration), they nevertheless reveal the problems with a jurisprudence that bases authority upon precedent. The consequences of a judgment become secondary to its figurative connection to previous texts. Burley perceives the fundamental similarity between the way he and Morton justify their rebellion. To persuade Morton, Burley quickly translates his Covenanting rhetoric into "the worldly language" by which Morton explains himself (230). Burley's ability to jump back and forth between different rhetorics suggests that the difference between their two positions is more about style than substance. Fundamentally, they agree that the authority of judgment lies in its correspondence to previous texts. They disagree only about what set of words should be used to create this justifying link.

Burley proves a master at manipulating Morton's devotion to the past and its stories. He plays on Morton's desire to reenact the narrative of his father's life as a defender of religious freedom. To Morton, Burley appears to have stepped directly out of the past, out of the stories he was told as young child. Burley exploits his figurative identity, reminding Morton of his father's debt of honor: "A thousand recollections thronged on the mind of Morton at once. His father, whose memory he idolized, had

often enlarged upon his obligations to this man. . .” (V, 65). Once again, the past makes demands upon the recipients of its narrative traces. Having sheltered Burley from the Dragoons, Morton feels he has “re[paid] a debt due to the comrade of [his] father” and thus settled his score with the past (VI, 75). Burley, however, rejects this reading and offers his own explanation of the debt that Morton owes. His father’s legacy requires Morton to join the Covenanters: “Yet is the seal of the covenant upon your forehead, and the son of the righteous, who resisted to blood where the banner was spread on the mountains, shall not be utterly lost. . .” (VI, 74). The father’s past is said to imprint itself on the son’s present, predetermining its outcome like the narrative of Providence. There can be no closure or settlement with the past because its “meaning”—its mandate—is forever binding. The past is not a script that can be performed once and put away; it requires the ceaseless enactment of its fundamental laws. There is no ‘end’ to the narratives of the past, no satisfying ‘telos’ for their drama; there is only the constant struggle to uphold the law. Burley’s message is clear: Morton’s father devoted his life to this struggle and if Morton wants to fulfill his father’s legacy, then he too must wage constant war against those who would transgress the law and depart from the script.

Although Morton refuses to obey the command of history immediately, he acknowledges the force of Burley’s interpretation:

‘Was not the cause of freedom, civil and religious, that for which my father fought; and shall I do well to remain inactive, or to take the part of an oppressive government, if there should appear any rational prospect of redressing the insufferable wrongs to which my miserable countrymen are subjected?’

(78)

The “cause” remains compelling, yet Morton wonders whether Burley and his fellow Covenanters are actually adherents of the civil and religious law of freedom: “who shall warrant me that these people, rendered wild by persecution, would not, in the hour of victory, be as cruel and as intolerant as those by whom they are now hunted down?” The Covenanters, in other words, might seek to impose narrative closure; they might justify a violent transgression of the law by citing their own, radically-

particular scripts. Instead of following the fundamental Word—the “spirit” of the Text—they might choose to read selectively, to reenact only the most violent passages of their source narratives.

Morton is Scott’s archetypal moderate, caught between his allegiance to the law and his aversion to its consequences. The only solution he can see is to escape Scotland; but even here, Morton craves the sanction of the past and its traces. He decides, like the Covenanters and Royalists, to read the past selectively—to reenact only that part of his father’s life that prefigures his desire. Scott portrays this decision through the image of Morton’s gold chain, his only material inheritance from his father. The chain was given to Morton’s father to honor his service at the battle of Lutzen, fighting under Gustavus Adolphus, the Protestant King of Sweden (81). Morton plans to break the chain and sell off most of its links to help finance his own military adventures in Europe: “I will keep a few links. . .to remind me of him by whom it was won, and the place where he won it. . .the rest shall furnish me the means of following the same career in which my father obtained that mark of distinction” (81-82). The gold chain symbolizes the narrative of his father’s life. Morton wants to break this narrative into discrete events, keeping some (to serve as a justifying ‘link’ to the past) while discarding the rest. Morton, however, is unable to break the chain; before he gets a chance, his own “enthusiasm” for other texts draws him back into the Scottish conflict. He cannot stand idly by while others, such as Bothwell and Claverhouse, break the chain of Scottish history to justify their acts of cruelty.

5. “*the faithful page of history*”

Morton does eventually escape Scotland or rather he is *sent* away, exiled to Holland by the Privy Council. He is thus absent during ‘the Killing Times’, the years immediately following Bothwell Bridge when the violence of the government reached its height. Morton’s enthusiasm goes unchallenged; he avoids having to pay a severe price for his allegiance to outlawed texts. With the Glorious Revolution, he returns to

find that those who have suffered most during his absence are the “enthusiasts” on each side—those who refused to accept anything less than the complete enactment of their readings of the law. Claverhouse is now the outlaw, stirring up revolt against the “newly-established order of things” (XXXVII, 374). And Burley, like other Cameronians, remains intransigent, sinking further into insanity while doing all he can to subvert the political settlement. He even goes so far as to make a pact with his former enemy and now fellow outlaw, ‘bloody Clavers’ himself (XLII, 432-3).

The only characters to come out of the Killing Times relatively unscathed are those who either profess no allegiance to specific texts or who give up this allegiance at crucial moments. Cuddie Headrigg, who once, in a telling malapropism, replaced “non-conformity” with “non-enormity” (VII, 90), ends up a contented farmer with a large, healthy family (never mind the fact that in the year of Morton’s supposed return, Scotland was suffering near famine, brought on by successive years of poor harvests). Throughout the novel, Cuddie describes the “enthusiast’s” adherence to texts as quixotic. As he tells his mother: “‘what ken I if the cause is gude or no, mither’ . . . ‘for a’ ye bleeze out sae muckle doctrine about it? It’s clean beyond my comprehension a’thegither. I see nae muckle difference atween the twa ways o’t as a’ the folk pretend.’” Cuddie repeatedly begs his mother to be silent, to stop imposing her dangerous language upon others. For his prudence, Scott rewards him with peace and quiet. His farm lies adjacent to the spot upon which the battle of Bothwell Bridge was fought: “The opposite field, once the scene of slaughter and conflict, now lay as placid and quiet as the surface of a summer lake” (XXXVII, 377). The linguistic and physical violence of enthusiasm have been pushed from the Scottish heartland to the margins of the country, to the hellish recesses of Burley’s cave and to the ‘wild’ regions of the Highlands where Claverhouse still roams.²³

²³Scott writes of Claverhouse’s campaign that “the usual state of the Highlands was so unruly, that their being more or less disturbed was not supposed greatly to affect the general tranquility of the country, so long as their disorders were confined within their own frontiers.” Cairns Craig offers an insightful discussion of how Scott’s historical narratives often exemplify the rejection of the ‘fanatic’ or the ‘savage’ in geographic terms. They also suggest, Cairns argues, the futility or self-contradiction inherent in this rejection: “the progressive forces of history may continually push back the boundary at which the civilised and the savage have to confront one another, but the savage. . .has been bred *within* the civilised world itself. It does not come from without but is generated within civilisation. . .”.

Another survivor is tavern owner Neil Blane, who Scott describes as “a good humored, shrewd, selfish sort of fellow, indifferent alike to the disputes about church and state, and only anxious to secure the good-will of customers of every description” (IV, 53). Like Cuddie, his prudence allows his “to keep his little vessel pretty steady amid the contending tides of faction” (*id.*). He comes through the Killing Times “increased as well in purse and is in corpulence” (XLI, 420). But perhaps the most striking survivor of the violence is a self-confessed enthusiast, Elizabeth Maclure, who forsakes her allegiance to the Covenant at a crucial moment to protect Lord Evandale, one of its enemies. As she tells Morton, she was condemned by her fellow “enthusiasts” for this act of sympathy: “I gat ill-will about it amang some o’ our ain folk. They said I should hae been to him what Jael was to Sisera—But weel I wot I had nae divine command to shed blood, and to save it was baith like a woman and a Christian. . .” (XLII, 428).²⁴ Maclure breaks the discursive rules of her religious community, refusing to read herself into the violent narratives of the Hebrew Testament. Like other “enthusiasts” she seeks a rule for her conduct; and she is ready to ‘post-figure’, that is, to reenact the commands of the divine legal text.²⁵ But *unlike* other “enthusiasts”, she is unwilling to do violence to the Text in order to discover its command. She consults diverse sources of law and identity rather than limiting herself to a single passage. Through the depiction of such survivors, Scott presents both the practical and moral advantages of avoiding categorical readings of the past and

CAIRNS CRAIG, *OUT OF HISTORY: NARRATIVE PARADIGMS IN SCOTTISH AND ENGLISH CULTURE* 45 (Polygon, 1996).

²⁴Judges 4: Sisera was commander of the army of Jabin who “cruelly oppressed the Israelites for twenty years”. After being routed by the Israelites at Kishon, Sisera fled on foot to the tent of Jael. She first promised him shelter and food. But while he slept, she killed him with an iron rod, driving it through his temple.

²⁵Harry Shaw describes Maclure in this way: “even her goodness coexists, in schizophrenic fashion, with beliefs concerning the church every bit as unyielding as those possessed by the Covenanters who would have killed Morton for being an ‘Erastian.’”. SHAW, *supra* note 21, at 202. It could be argued, however, that Maclure’s humane actions exemplify an even more “unyielding” form of religious observance than her fellow Covenanters. Unlike them, she steadfastly maintains the legal distinction between specific divine commands and general Christian responsibilities. In other words, she doesn’t confuse her own interpretations of the Bible with divine revelation; she doesn’t make the later ‘yield’ to the former.

present.²⁶ While not denying the relevance of past texts to current conflicts, these survivors steadfastly refuse to exploit them to condemn others. They refuse to proclaim absolute understanding because such claims quickly lead to unnecessary and unprofitable violence, authorizing severe judgments and punishments.

Scott loads the concluding sections of his novel with descriptions of those who carefully avoid giving the last word, who leave the meaning of the past open to debate. Even the closure offered by the formal “Conclusion” is undercut by the comic exchange between Peter Pattieson and Martha Buskbody. Despite Pattieson’s desire “to wave the task of a concluding chapter”, Buskbody demands a ““formal”” ending, i.e. the type of forced summing-up found in her favorite romantic novels. Her comments foreground the artificiality of closure and suggest that such teleological movements belong only to fictional story-telling rather than ‘real’ history. Scott began his novel with Pattieson’s confident assertion that he could give an “unbiased picture” of the past. Scott ends his novel by questioning narrative itself as a suitable framework for the presentation or re-presentation of ‘truth’. In a novel that emphasized how much law depends upon narrative, such questioning is particularly subversive.²⁷ It suggests that judgments based on narrative—on the interpolation of identity within past texts—are more about art than reality. It is an art that does violence, for the final word can only be pronounced by silencing other stories.

²⁶George Goodin has argued that *Old Mortality* “criticizes political neutrality” by linking it closely with self-interest and greed. But while it is true that Neil Blane can group together with Old Milnwood and Basil Oliphant in terms of his love of money, he is the only one among them to survive the ‘Killing Times’. As Goodin himself admits, “His neutrality consists not of withholding support from either side but of giving it to both sides. . .”. Thus he belongs with other survivors, such as Cuddie Headrigg and Bessy Maclure, who like him, have refused to sacrifice their lives, their sanity and their common humanity for the sake of a textual allegiance. Goodin, *supra* note 5, at 23.

²⁷James Kerr describes the subversive impact of the final chapter in these terms: “Miss Buskbody is finally a parody not only of the romantic reader, but of Scott’s own effort to compose a fiction of restoration. . . .The ‘Conclusion’ is an expression of Scott’s recognition of the inevitable failure of fiction as an instrument for containing the destructive forces of the past.” JAMES KERR, *FICTION AGAINST HISTORY: SCOTT AS STORYTELLER* 14 (Cambridge University Press, 1989). This, perhaps, over-states the genuineness of Scott’s “recognition”. The ‘Conclusion’ represents instead Scott’s effort to defend his harsh judgments of the Covenanters from direct criticism. It allows these judgments to stand while simultaneously providing them with ironic cover. In other words, I suggest that this “Conclusion” is distinguishable from the type of uncompromising deconstruction of ‘truth’ that James Hogg performs in the final section of his *Confessions of a Justified Sinner*. The judgments offered by *Old Mortality* claim implicitly to transcend the ‘Romantic’ framework in which they are articulated. Scott’s contemporaries picked up on this claim to ‘truth’; hence the intensity of their reactions to his text.

Despite Scott's clever attempt to back away from his text's claim to truth, many of his contemporaries insisted upon reading *Old Mortality* as an effort to give the final word on the Covenanters. They saw it as a categorical indictment of the Covenanters as religious extremists "whose intolerance and narrow-minded bigotry" (quoting Pattieson) were "at least as conspicuous as their devotional zeal" (I, 28). Judging by Scott's response to these criticisms, his contemporaries were perhaps right not to take his modesty at face value. Rather than emphasizing the subjectivity of his fiction, Scott answers his critics much like the "enthusiasts" he portrays, by asserting the purity of his re-presentation of the past. Immediately after the publication of *Old Mortality* in December of 1816, the Reverend Thomas McCrie wrote an extended review of the novel for *The Edinburgh Christian Instructor*. In it, he denounces Scott for his inaccurate and irreverent treatment of the Covenanters:

The good people of Scotland, who inherit any portion of the spirit of their fathers, will no doubt be amazed to see those whom they have been accustomed to revere as patriots, and to venerate as confessors and martyrs for truth, now held up to derision as mad enthusiasts, and reviled as hypocritical and murderous ruffians.

(103)²⁸

McCrie accuses Scott not only of going against established tradition but also of departing from the "faithful page of history" and thus violating the sacred rule of historical writing that "the truth of history must be observed" at all times. As Ina Ferris points out, McCrie "explicitly present[s] his critique as a legal charge".²⁹ He accuses Scott, she says, of breaking down the distinction between fiction and history.³⁰ Yet McCrie's "charge" concerns not only generic transgressions but, more

²⁸All citations from 14 THE EDINBURGH CHRISTIAN INSTRUCTOR 41-73, 100-140, 170-201 (1817). The review appeared in the January, February and March issues.

²⁹INA FERRIS, THE ACHIEVEMENT OF LITERARY AUTHORITY. GENDER, HISTORY, AND THE WAVERLEY NOVELS 149 (Cornell University Press, 1991). Ferris writes that McCrie "structures his case on the notion of genre as territory". *Id.* The focus of her analysis is on the relationship between Scott's text and the laws of "generic propriety" that McCrie and other critics attempt to impose on Scott's work, i.e. the strict separation between the domains of history and fiction. My focus here, however, is on how Scott, in his response, presents his novel as the mirror-image of the judicial-discursive practices it describes. In other words, I'm concerned not with Scott's transgression of nineteenth-century 'laws' of genre, but in the way he conceives of his text as an *enactment* of law, as a judgment upon the Covenanters authorized by its conformity to past texts, past narrative judgments.

³⁰*Id.*

specifically, *judicial* misconduct. He accuses Scott of having *misjudged* the Covenanters, of having departed from “true” precedent in reaching his decision against them. Such departures matter little in literary works that declare themselves openly to be fictions; such writing carries no legal weight. But according to McCrie, Scott’s text does something different—it claims the authority of true history in order to pass sentence against the Covenanters. It uses a fictional story to exile the Covenanters to an outlaw position within the “true” narrative of Scottish history.

McCrie argues that Scott conducts his ‘trial’ of the Covenanters in a highly prejudicial manner, refusing to allow evidence and testimony into the proceedings that would have exonerated their “enthusiasm”:

Let them have been as fanatical, and violent, and rancorous in their political hatred, as the author represents them, still common justice, not to speak of candour, required that the reader should have been put in possession of those facts which were of an excusatory nature, or which would enable him to judge how far these vices were inherent in the Presbyterian character, and to what degree they were to be imputed to the oppression and cruelty with which they have been treated.

(55)

The “jury” in this case never received a complete picture of the past; the full text of history has been severed into small pieces and only the most incriminating passages have been re-presented for consideration. McCrie charges Scott not only with tampering with the evidence but also with making false accusations:

With respect to the ludicrous perversions of Scripture by the Covenanters, they are the pure fictions of the author of the Tales. . .with the exception of a few phrases which have been gathered from the books of the Covenanters, and inserted as best served the author’s purpose, the whole representation is fanciful and false.

(121-2)

McCrie turns Morton’s critique of Burley’s biblical hermeneutics against Scott: just as Burley purposefully misreads the Bible, Scott rips pieces of the Covenanter’s writings out of their context. His supposed reproduction of the Covenanter’s rhetoric is actually a forgery and therefore unauthorized by any obligation to previous texts. He must be held accountable for the blasphemous passages of his novel: “The author is

guilty of wantonly abusing scripture, not in a few, but in numerous instances through his work, without his being able to justify himself by an appeal to the practice of the Covenanters” (126). Scott departs from precedent and thus becomes guilty of exploiting divine law, using the sanctity of the Scripture to make the discursive ‘crimes’ of the Covenanters seem even more heinous. In McCrie’s opinion, *Old Mortality* is simultaneously an act of perjury and judicial prejudice: in bearing false witness against the Covenanters, Scott “fixes” the trial he is responsible for overseeing, the trial he conducts through his narrative. He not only violates the law of historical writing, but abuses his judicial power as a writer of history to exonerate his own misconduct and misrepresentations.

In response to McCrie’s criticisms, Scott (along with William Erskine and William Gifford) published a review of *Old Mortality* in the *Quarterly Review*.³¹ It, too, is marked by legal rhetoric as Scott defends himself against the charge of perjury. He cites other historical texts to “prove” his innocence, to show that he has presented the past truthfully:

. . .that the temper of the victors of Drumclog was cruel and sanguinary, is too evident from the report of their historian, Mr. Howie, of Lockgoin; a character scarcely less interesting or peculiar, than *Old Mortality*, and who, not many years since, collected, with great assiduity, both from manuscripts and traditions, all that could be recovered concerning the champions of the Covenant.

(459)

Like all “enthusiasts” in his novel, Scott justifies his judgments against others by claiming to merely re-present an already authoritative judgment, a pre-existing sentence. He has written “in strict conformity with historical truth” (460). Not only were the radical Covenanters (or “ultra-covenanters” as Scott calls them) “cruel and sanguinary”, but they also covered their “enthusiastic nonsense” with “the veil of religion” (475). So it was *they* who were guilty of judicial impropriety, of abusing the divine legal Text, and not he. The “ultra-covenanters” took every opportunity to find

³¹All citations from 16 THE QUARTERLY REVIEW 430 (1816-17). The review appeared in the January 1817 issue.

“pretexts for the severities inflicted on non-conformists without exception” (476). Along with these “absurd” readings of the Bible, they also “imagined themselves the direct and inspired executioners of the vengeance of heaven. Nor did they lack the usual incentives of enthusiasm” (478). According to historical accounts, and as evidenced by their own writings, the “ultra-Covenanters” claimed to have “the gift of prophecy, though they seldom foretold any thing to the purpose” (*id.*). Scott’s “satire” of the Covenanters’ is therefore justified by his duty to re-present the testimony of the Covenanters themselves and the judgments already handed down by previous historians.

Thus the debate between McCrie and Scott replicates the discursive conflicts portrayed in *Old Mortality*; each side argues not only that the other departed from the true “page of history” but also that each willfully “abused” the texts of the past to condemn the innocent and exonerate the guilty. And with each side citing their own precedents, there can be no compromise between them, no synthesis of their judgments. For to admit the possibility for other legitimate re-presentations of the past is to make oneself guilty of having passed judgment without sufficient cause, despite the presence of reasonable doubt. To avoid condemning themselves, both McCrie and Scott, like the Covenanters and Royalists before them, must attempt to obliterate rather than reconcile other re-presentations.

6. “*enchanted with finding the memory*”

In 1830, fourteen years after the publication of *Old Mortality*, Scott added his own introduction for the ‘Magnum Opus’ edition of the novel. It can be read as another, more subtle, response to the charges leveled against his work by critics such as Dr. McCrie.³² Here, Scott takes a different approach to his defense: rather than proclaiming the ultimate truth of his text and making counter-charges against his accusers, Scott questions the very need for these judicial proceedings in the first place,

³²McCrie was not the only reader to attack *Old Mortality* for its departures from ‘true’ history. See Ferris for a summary of the critical response to Scott’s novel. FERRIS, *supra* note 29, at 141-142.

for these constant battles over truth. He explores both the value and danger of “tradition” and its relationship to historical fact. This broadening of the debate suggests that Scott is no longer willing to re-enact the “enthusiasm” of his characters, no longer willing to engage in the type of ‘silencing’ necessary to authorize judgments whose only authority lies in their supposed representational truth.

Scott gives historical reality to the character of Old Mortality, first by describing his own encounter with him near Dunnottar Castle and then by reproducing specific documents that authenticate the “religious wanderer’s” existence, including a list of his debts, found in his pocket-book at the time of his death, and an “exact copy of the account of his funeral expenses” (Introduction, 19). These documents, sent to Scott from his friend Joseph Train, reveal that Old Mortality was “very poor in his old age” and that he survived on a very meager subsistence while traveling the countryside pursuing his religious mission. They also foreground the disparity between the mundane details of everyday life and the high-flying, spiritual conception of life expressed by the wanderer’s devotion to his “sacred duty”. The figures and accounts reveal, as it were, the cold-hard facts of day to day, ‘authentic’ existence. Through his ‘enthusiastic’ devotion to the traditions of the Covenanters, Old Mortality transcends these worldly concerns, finding another source of value and self-worth in his life beside material success. As Mr. Train writes to Scott, “Old Mortality was not one of those religious devotees, who, although one eye is seemingly turned towards heaven, keep the other steadfastly fixed on some sublunary object” (17). Yet Scott’s portrayal of this devotion is not entirely favorable. In order to pursue his mission, Old Mortality left behind a wife and family: “As his enthusiasm increased, his journeys into Galloway [to attend Cameronian conventicles and erect monuments to slain Covenanters] became more frequent; and he gradually neglected even the common prudential duty of providing for his offspring” (*id.*). The wanderer devotes himself entirely to narrative tradition, to its preservation and extension, so much so that he ignores all ties of humanity, rejecting even his sons’ and daughters’ pleas for him to

return home (18). So while tradition can elevate the poor and humble, it can also be dangerous, causing individuals to neglect their natural duties.

Scott's introduction includes another image of devotion to tradition; one, however, that is decidedly positive. Scott's tells of how his friend Rev. Mr. Walker, the minister of Dunnottar, happened to meet an Old Cameronian farmer on day, while hopelessly lost during his travels in southern Scotland. The farmer asks Mr. Walker whether he knows of the "shrine of the Whig Martyrs" that lies in the Dunnottar churchyard, "for one of my near relations lies buried there, and there is, I believe a monument over his grave. I would give half of what I am aught, to know if it is still in existence." (Introduction, 14-15). Once Mr. Walker confirms the survival of this monument, the farmer, in fact, gives up the rest of his day's work digging peat ("a work of paramount necessity which will hardly brook interruption") in order to guide the minister to the nearest road. "Mr. Walker", Scott writes,

was able to requite him amply, in his opinion, by reciting the epitaph, which he remembered by heart. The old man was enchanted with finding the memory of his grandfather or great-grandfather faithfully recorded amongst the names of brother sufferers; and rejecting all other offers of recompense, only requested, after he had guided Mr. Walker to a safe and dry road, that he would let him have a written copy of the inscription.

(15)

The value of Old Mortality's project lies not so much in its "historical truth" but rather in the way it preserves personal traditions and allows them to be shared. The re-telling and re-inscription of Old Mortality's texts unites two strangers from two distant communities who speak almost a different language (the reason Mr. Walker was lost in the first place was because he could "only procure unintelligible directions in the southern brogue, which differs widely from that of the Mearns" (14)). Like Old Mortality, the farmer is devoted to the past and its religious "traditions"; he is likewise willing to sacrifice material concerns for the sake of this devotion. Yet his devotion, unlike that of Old Mortality, confirms and strengthens his "natural" ties to his family and to other persons. He is not an "enthusiast" like those in Scott's novel because he

refuses to let his reverence for past texts get in the way of his social obligations. He straddles the mundane world of the present and ideal world of the past rather than leaving one or the other behind.

This exchange between the northern minister and southern farmer suggests that reverence for “tradition” can have both an emotional and practical value to society, as long as it does not transgress other forms of social connection and humane duty. In the image of Mr. Walker, Scott provides a counterpoint not only to the discursive aggression of his characters, but also to his own compulsion to re-write the past. Unlike Peter Pattieson, Walker is willing to participate in the re-telling and preservation of a history that is not his own, that belongs to a “foreign” community. Rather than condemning “distortions” of the truth, he allows them to stand uncorrected—out of respect for the value these traditions have for other people and out of an appreciation for the social benefits these acts of story-telling can confer. What Scott seems to be saying is that any effort to erase competing stories, in order to provide a more “real” history, is both to ignore the social function of tradition and to replicate the most serious error of “enthusiasm”—that of making an exclusive claim to truth. Enthusiasts justify their anti-social behavior by making such a claim. They act as though the only criterion by which their utterances should be judged is their correspondence to the “real” meaning of things and not their effect on the world, on the community of fellow speakers. In his review of *Old Mortality*, McCrie had argued for the social importance of the Covenanter’s tradition, but he failed to see the wider implications of his position. In demanding an acknowledgment of the subjective value of these particular traditions, McCrie forgot to acknowledge the value of respecting subjectivity in general. In other words, while arguing implicitly for the value of story-telling, he attempted to silence other people’s stories. Unfortunately, the kind of tolerance and forbearance that Mr. Walker displays is seen only rarely in *Old Mortality*, either among its characters, its author, or its critics.

Chapter Five

Gathering Traditions: Galt's *Ringan Gilhaize*

In his *Literary Life*, Scott's contemporary and fellow novelist John Galt writes of feeling "hugely provoked" by *Old Mortality*, especially by the fact that its author, "a descendant of Scott of Harden, who was fined in those days forty thousand pounds Scots for being a Presbyterian, or rather for countenancing his lady for being so, should have been so forgetful of what was due to the spirit of that epoch, as to throw it into what I felt was ridicule."¹ It seems that Scott's effort to disconnect the fanatical past from the "enlightened" present were noticed not only by his critics, such as Thomas McCrie, but by his fellow writers.² Galt implies that the Covenanting period is not simply past, not simply a series of strange events to be fossilized and put away. Rather, it connects with and influences current life; it has a continued presence, one that deserves to be acknowledged rather than denied. Galt feels this presence through his own family history: "The fact is," he admits, "that I am not myself quite a disinterested person on the subject of the Covenant. . . a collateral ancestor of mine, namely, John Galt of Gateside, was banished, in 1684, to Carolina, for refusing to call the affair of Bothwell Bridge a rebellion."³ Galt's comments suggest an appreciation for subjective accounts of the past—for narrative traditions that offer the past as lived experience rather than as impersonal artifact. Such stories do not pretend to stand apart from the viewpoint of the story-teller or to offer the "meaning" of the past from some impossible, omniscient viewpoint.

In *Ringan Gilhaize* Galt creates just such a subjective history, one that implicitly acknowledges the absence of that objective ideal which *Old Mortality* seeks to present. Yet while it admits its limitations, it also claims authority, an ability to

¹JOHN GALT, 1 THE LITERARY LIFE AND MISCELLANIES OF JOHN GALT 254 (William Blackwood, 1834) (3 vols.).

²See P.H. SCOTT, JOHN GALT 79-80 (Scottish Academic Press, 1985).

³GALT, *supra* note 1, at 254.

correct mistaken accounts of the past. The novel, Galt says, “was certainly suggested by Sir Walter Scott’s *Old Mortality*”, which “treated the defenders of the Presbyterian Church with too much levity, and not according to my impressions derived from the history of that time”.⁴ If Galt is to be believed, then in *Ringan Gilhaize* he has rendered a more truthful account of the past while simultaneously avoiding untenable assertions of objectivity or “transparency”. Galt’s confidence begs the question: while such expressly personal narratives may indeed offer a more “authentic” account of historical events, can they also claim to be more “truthful” and therefore more authoritative? Judging by his defence of *Ringan Gilhaize* in the *Literary Life*, Galt seems to think they can. Responding to what he sees as a common error in criticism of his novel—that of equating the opinions it expresses with his own—Galt writes:

It happens that at this time a notice of the work is lying before me, in which the error here adverted to is very prominent. For example, it says that I make my heroes ‘perform acts not at all in keeping with their characters; for instance, Ringhan Gilhaize, at the battle of Killiecrankie, snaps his carabine from behind a fence, at Claverhouse, then hammers his flint and tries again, and it burns priming, and the reader almost cries, murder.’ Now, when this judgment was pronounced, I do say the book must have been read inattentively, for, if the critic had not been in the error of ascribing the sentiments of Ringhan Gilhaize to me, he would have seen that the hero was under a vow, and acting as the persecuted Covenanter. Moreover, the incident, as described in the book, is historically true. I went myself to Rinrory-house to gather traditions.⁵

(251-2)

Galt simultaneously foregrounds the subjective viewpoint of his text and asserts its objective accuracy. What is interesting here is how Galt asserts that “traditions”—local narratives passed from generation to generation—can “prove” the *historical* truth of his novel. As we shall see, the relationship between “tradition” and “history”, between local narratives and national accounts, will figure prominently in Galt’s work. Further on in his *Literary Life*, Galt appeals to historical, rather than traditional, sources: those, he says, who feel his portrayal of Archbishop Sharpe (the

⁴*Id.*

⁵*Id.* at 251-2.

head of the Church in Scotland during the Reformation) was exaggerated and outrageous “cannot have read Woodrow’s History of the Persecution, which is drawn up with surprising candour. . .for I have rather softened than hardened the character of that political priest”.⁶ For Galt, already-constructed narratives, whether oral or written, personal or public, traditional or historical, can offer a more secure account of what “really happened” than texts like *Old Mortality* that *fabricate* an account of the past to vindicate present-day ideologies. While the narratives of tradition, especially, are often distorted by “local” political or religious prejudices, they nevertheless carry authority precisely because they have been passed down from generation to generation. Galt suggests that one has a duty to respect the narratives that a community has evolved over the years to explain its past, just as one must respect the family stories that individuals rely on for a sense of self and place. Stories that have survived the ravages of time deserve belief.

In *Ringan Gilhaize*, Galt foregrounds the process by which narrative traditions are passed along and preserved. The novel is remarkable for the way accounts of the past are always seen as re-tellings, as products of numerous narrative transactions. The story is presented as a Covenanter’s autobiography, offering his perspective on the meaning of 150 years of Scottish religious history. It begins with this Covenanter, Ringan Gilhaize, re-telling his grandfather’s stories from the Reformation. It then moves to Ringan’s recollection of his own childhood during the Restoration— a childhood that was shaped by his father’s religious zeal and the extravagant rhetoric in which he conveyed the events of the outside world to the family. The novel concludes with Ringan’s supposedly direct account of his role in Presbyterian uprisings in Scotland prior to the Glorious Revolution. Yet even here, narrative exchange continues: Ringan interprets the events of his life as biblical postfigurations, as re-enactments of Old Testament stories.

⁶*Id.* at 253. See ROBERT WODROW, THE HISTORY OF THE SUFFERINGS OF THE CHURCH OF SCOTLAND FROM THE RESTORATION TO THE REVOLUTION (A. Fullarton & Co., 1829) (4 vols.) (1721). Galt relied upon several eighteenth-century pro-Covenanter histories to provide him with historical detail and examples of Covenanting rhetoric. See Patricia J. Wilson, *Ringan Gilhaize: the product of an informing vision* 8 SCOTTISH LITERARY JOURNAL 52, 52-54 (1981).

Galt's novel is an act of re-telling itself, a reworking of the history Scott offered in *Old Mortality*. Galt depicts a Covenanter implicitly rewriting Scott's text, vindicating the rebellion while silencing Henry Morton's "enlightened" critiques. Rather than simply pushing the Covenanters to the margins of an "objective" account of the past, Galt places them squarely at the center of the past's construction, letting them shape its meaning. In doing so, he reminds us that the past is never simply "available" to our understanding but is always perceived through the inescapably-creative medium of language. Ringan's narrative reveals the extent to which the past *is* language, the product of rhetorical decision-making. We see how Ringan's experiences, commitments and values shape our encounter with the past. And even if we choose to believe that an objective truth exists beyond this rhetoric, we can never "get past" Ringan's language to "see" the truth "itself". This is how Galt describes his method:

I have supposed a Covenanter relating the adventures of his grandfather. . . There was here, if I may be allowed the expression, a transfusion of character that could only be rightly understood by showing how a Reformer himself acted and felt in the opinion of a Covenanter. To enable the reader to estimate the invention put forth in the work, and to judge of the manner in which the Covenanter performed his task, I made him give his autobiography, in which was kept out of view every thing that might recall the separate existence of John Galt.⁷

Whereas Peter Pattieson had claimed to contain the infection of bias by quarantining his Covenanter source texts within an "objective" narrative frame, Galt allows it to spread throughout his novel by removing the ideological filter of a nineteenth-century narrator. Galt's use of the term "transfusion" is especially *a propos*, for in his text we find a *fusion* of narratives across time, a blending of "traditions" that prevents us from distinguishing original from duplication, story from re-telling.

Galt, however, is anxious to separate Gilhaize's rhetoric from his own understanding of the past: "The sentiments which it breathes," he says, "are not mine, nor the austerity that it enforces, nor all the colour of piety with which the enthusiasm

⁷Galt, *supra* note 1, at 250-51.

of the hero is tinged.”⁸ Galt is no lover of “enthusiasm” or its unilateral claims to moral authority. While he is concerned with offering a corrective to Scott’s supposed history, he is equally concerned with pointing out the dangers that arise when anyone, whether persecutor or persecuted, ignores the control they exercise over “historical truth” through their particular use of language. In *Ringan Gilhaize* we find the same manipulations of narrative that characterized religious “enthusiasm” in *Old Mortality*—the same use of biblical text and revelation to justify acts of violence. But having problematized the distinction between “pure” re-telling (duplication) and “impure” rhetoric (distortion), Galt is able to subvert “enthusiasm” through its own discourse. “Enthusiasts” claim to re-enact God’s law as it *re-presents itself* through a repetition of deep narrative structures. Galt does not deny that authority flows such claims, but he shows that the meaning of these structures, the source narratives, is itself the product of rhetorical selection. Traditions may indeed provide a secure understanding of the past, but when they are used to judge and punish others the effects of the interpretive decisions they encode must be acknowledged and judged themselves.

There is a fundamental split in Galt’s novel between re-telling and re-presentation, between making the past speak through a narrative form and letting it “speak for itself” *as* a narrative. Galt consistently reveals that what appear or claim to be “re-presentations” are, in fact, re-tellings—repetitions of already *restructured*, and thus “distorted”, accounts of the past. But he never quite rules out the possibility of “pure” re-presentation. While the rhetoric of “enthusiasm” pervades his novel, every now and then we hear another voice, the voice of civil law and civil authority. Ringan and his ancestors frequently argue for the existence of a “divine right of resistance”, the right of any subject to fight oppression. David Hume’s writings on “enthusiasm” echo in Galt’s novel as they do in Scott’s. But here they are relevant not only for their similar description of “enthusiasm” as an abuse of language but also for their similar account of its political significance: Hume writes that “*superstition is an enemy to*

⁸*Id.* at 251.

civil liberty, and enthusiasm a friend to it. . .enthusiasm, being the infirmity of bold and ambitious tempers, is naturally accompanied with a spirit of liberty."⁹ According to Hume, the "enthusiasm's" claim to personal autonomy gains practical expression through political discourse. Galt foregrounds this exchange between the religious and the political. Ringan's narrative is structured by his desire to show how the "divine right of resistance" was a continuous part of Scottish political life down through the centuries, right from the moment of independence. Thus the Covenanter's struggle is once again constructed as a repetition or postfiguration; but this time it is not biblical texts that are being re-enacted but the stories and documents comprising Scottish political history. I will argue that Galt wants us to view these repetitions not as the product of his *re-telling* but as the pure *re-presentation* of Scotland's past, its "real" narrative.

We are led back to our original question: can such a narrative as *Ringan Gilhaize*, so laden with the enthusiast's rhetoric and constructions of meaning, make an authoritative claim to political or legal truth? In other words, can it offer a valid argument for the continued existence of a "right of resistance" in Scottish history? Or have its manipulations of language become so intrusive as to make the idea of objective history seem farcical? On a deeper level, can *any* text offer a "transparent" window on the past? and if not, must the authority that derives from narrative always depend upon the denial of rhetoric, on an impossible claim to purity?

1. "*the sough afore the storm*":

From the beginning of Ringan's narrative, the interaction between religious and political discourse occupies the foreground, as does the ambiguous relationship between telling and re-telling. Ringan writes of how, as a boy, he would sit in rapt attention as his grandfather described his adventures during the Reformation. These

⁹DAVID HUME, *ESSAYS: MORAL, POLITICAL & LITERARY* 78 (E.F. Miller ed., Liberty Fund, 1985) (rev. ed.)

narratives are a source of political consciousness, a consciousness that expresses itself through intensely religious language:

it was by him, and from the stories he was wont to tell of what the government did, when drunken with the sorceries of the gorgeous Roman harlot, and rampaging with the wrath of Moloch and of Belial, it trampled on the hearts and thought to devour the souls of the subjects, that I first was taught to feel, know, and understand, the divine right of resistance.¹⁰

(1)

Political “rights” and civil institutions are placed within a Scriptural framework: resistance is described as “divine” while state oppression is identified as the repetition of biblical horrors. This passage introduces the aporia at the heart of the text—the difficulty of distinguishing between source and duplicate, between the grandfather’s telling and the grandson’s re-telling. The text does not simply complicate our distinctions between “events” and their narrative rendering. It challenges our faith that such distinctions are even possible. The “source” is always-already a narrative, a signification with form and direction, rather than a non-linguistic “event”. This priority of narrative prevents us from drawing a clear line between the original and its re-rendering; the original, in a sense, is permanently lost in rhetoric.

In *Ringan Gilhaize*, storytelling is portrayed as having the utmost political, legal, and religious importance. In Ringan’s world (as in the world described by Hobbes, Locke and Hume) those who control truth are those who establish a definition. But in this case, to define is to narrate, to give meaning to the past. From the very first sentence of the novel, we are made aware of how telling and re-telling conditions our understanding of the past. Ringan begins his autobiography with this declaration:

It is a thing past all contesting, that, in the Reformation, there was a spirit of far greater carnality among the champions of the cause, than among those who in later times so courageously, under the Lord, upheld the unspotted banners of the Covenant. This I speak of from the remembrance of many aged persons, who either themselves bore a part in that war with the worshippers of the Beast and his Image, or who had heard their fathers tell of the heart and mind wherewith it was carried on.

¹⁰All citations from JOHN GALT, *RINGAN GILHAIZE OR THE COVENANTERS* (Patricia J. Wilson ed., Scottish Academic Press, 1984) (1823).

(1)

Ringan's judgment of the past is shaped by his encounter with a series of narratives, both "original" stories and re-tellings. Yet there is a significant ambiguity in his relationship to them: To what extent is Ringan's judgment an interpretation of these stories and to what extent is it their product? In other words, who has assigned the label of "carnality" to the past? who is pronouncing judgment? Ringan or his sources? No definitive answer can be given. This indeterminacy is especially prevalent in the first volume of the novel where Ringan re-tells his grandfather's stories. Yet it can be found even when Ringan recounts his own experiences. He always claims to be re-telling or re-enacting someone else's script, whether his ancestor's or God's. John MacQueen has argued that "Galt successfully distinguishes between the style of grandfather and grandson".¹¹ MacQueen suggests that we can clearly discern Ringan's "presence" in the text, embellishing his ancestor's stories. But the confusion here between source and reproduction actually *conceals* Ringan's presence. The moral judgments that the text pronounces are essentially anonymous, allowing Ringan to give moral significance to the past while claiming that it is already "there". He can both create and merely re-present.

From the very first sentence of the novel, the issue of moral authority occupies center stage: can moral judgments of past guilt or innocence make a legitimate claim to authority if they show themselves to rely on anything other than exact duplicates of previous accounts of past events? Unlike Galt, Ringan seems to think they cannot. Like the character of Old Mortality, Ringan feels a "sacred duty" to re-inscribe rather than revise the texts of the past. Throughout his narrative he authorizes his judgments by asserting his faithfulness to a past that is already meaningful, already interpreted. He realizes, however, that the value of a re-inscription depends on the value of its original. Like a civil judge, Ringan is concerned with authenticating his precedents, with showing that his grandfather's stories were not themselves fabrications but re-

¹¹John MacQueen, *Ringan Gilhaize and Particular Providence*, in JOHN GALT 1779-1979, at 107, 111 (C. A. Whatley ed., The Ramsay Head Press, 1979).

presentations of the past. Michael Gilhaize's adventures involve mainly fact-finding and evidence gathering. For example, his first assignment under the Protestant Earl of Glencairn is to travel to St. Andrews, the center of the Catholic Church in Scotland, and "by hook or crook", to "gain a knowledge of what the Archbishop is at this time plotting" against the reformed noblemen and clergy (6). Ringan relates how his grandfather was able to work his way into St. Andrews Castle, "the very chief sanctuary of papistry in all Scotland" (14). Again and again, Ringan emphasises that his ancestor encountered historical events—the political and religious conflicts recorded in historical texts—directly, without mediation. He "saw and heard all that passed" (18). The burning of Walter Mill at St. Andrews is a prime example. A day before Mill's trial, his grandfather is sent with the seneschal of the Castle to ask the heretic to repent:

they went out of the room, and traversing a narrow dark passage with many windings, came to the foot of a turnpike stair which led up into the sea-tower, so called because it stood farthestmost of all the castle in the sea, and in the chamber thereof they found Master Mill alone. . . .

(16)

We see Michael Gilhaize moving further and further into Reformation history, into direct contact with individuals and events that will later be described to those "outside history" (to borrow Cairns Craig's phrase).¹² Ringan's ancestor is firmly "inside" history, moving through its "dark passages"; he is able to traverse the same "windings" that keep others at a distance. The authority of the grandfather's narratives is so great that Ringan is hesitant to add anything to their account:

It's far from my hand and intent, to write a history of the tribulations which ensued from the day of the uproar and first outbreaking of the wrath of the people against the images of the Romish idolatry; and therefore I shall proceed, with all expedient brevity, to relate what farther, in those times, fell under the eye of my grandfather. . . .

(75)

¹²See CAIRNS CRAIG, *OUT OF HISTORY: NARRATIVE PARADIGMS IN SCOTTISH AND ENGLISH CULTURE* (Edinburgh, Polygon, 1996).

Ringan implies that he lacks the authority to offer an omniscient account of the past; his narrative can only legitimately duplicate that which his grandfather “saw and heard” directly. Only in this way can it offer the pure, unalloyed experience of the past. Luckily, his grandfather “saw and heard” many of the major events of Reformation history. But can the “dark passages” of history be traversed so easily? Can any narrative, even the grandfather’s stories themselves, be completely “true” to what was “seen”? Or is the passage from “event” to “story” always already a dislocation, a movement “out of history”?

Despite Ringan’s desire to recapture the original truth, signs of such dislocation appear in his text. This is how he describes a gathering of “the Reformed” in support of Protestant ministers facing persecution:

. . .and though no banner was seen there, nor sword on the thighs of men of might, nor spears in the grasp of warriors, nor crested helmet, nor aught of the panoply of battle, yet the eye of faith beheld more than all these, for the hills and heights of Scotland were to its dazzled vision covered that day with the mustered armies of the dreadful God:—the angels of his wrath in their burning chariots; the archangels of his omnipotence, calm in their armour of storms and flaming fires, and the Rider on the white horse, were all there.

(69)

The text is foregrounding its power to mediate, to add meaning and shape to the past. It is also revealing that the “eyes” through which we are “seeing” are not wholly impartial. As an act of faith, they transfigure events, placing them within a biblical framework. But through whose “eyes of faith” are we “seeing” here? Are they the grandfather’s? If so, then it seems that the “vision” that grounds the narrative is not so pure or immediate as Ringan would have us believe. How are we to trust the grandfather as a witness to history? Or are these Ringan’s “eyes of faith”? Is he taking rhetorical liberties with his source texts? If so, then how can he claim the authority of pure duplication? Once again, no definite answers can be given; but the questions raised by this passage remind us that the past itself is the captive of narrative rather than its master. Whosoever controls the re-presentation of the past, controls what it means.

Ringan Gilhaize presents narrative as a never-ending “passage” to the past, one that offers a connection to the past yet always prevents us from completing our journey. In the midst of our narrative encounter with past events, we are displaced from it. In the “passage” above, we find a clear distinction being made between an apparently “pure” account of events and a rhetorically-charged interpretation, between “what happened” and what it means. Yet by highlighting the ease with which the idiom of narrative can be changed, the text undermines the idea that any such pure “capturing” of events is possible. To record “what happened” is to select an idiom, a way of presenting “the facts”—a choice which necessarily *restricts* what those who are displaced the past and/or from historical events can “see”. If Ringan were to omit the biblical rhetoric from his account, then we, his readers, would be denied that specific experience which this rhetoric creates. The same would be true if Ringan had chosen to use figurative language exclusively. To narrate is both to draw one’s audience closer to the past and, at the same time, to displace them from it.

The further one gets from “history”, that is, from the events that “worthy” of the name “historical”, the more one becomes a passive recipient of narrative. *Ringan Gilhaize* employs a *topos* common to Scottish novels of the nineteenth century, which, Cairns Craig argues, “so often have to construct their narratives by focusing on some moment of historical dynamism — a dynamism which intrudes upon a Scottish community that is seen as being at a distance from historical events and therefore from the possibility of narrative itself”.¹³ Throughout *Ringan Gilhaize*, Galt highlights this connection between narrative and physical dislocation from the site where “history” is happening. Even the grandfather, usually at the center of history, cannot avoid moments of isolation. Finding himself in the town of Kilwinning, in the far west of Scotland, Michael Gilhaize hears rumors coming from Edinburgh of an imminent Protestant uprising. The news is incomplete but nonetheless troubling: “the more he inquired concerning the tidings, the more reason he got to be alarmed” (53).

¹³CRAIG, *supra* note 12, at 34.

“[A]lmost sick with a surfeit of anxieties”, he is approached by James Coom, the village smith:

‘Thir said news! The drouth of cauld iron will be slockened in men’s blood ere we hear the end o’t.’

‘Deed,’ replied my grandfather, ‘it’s very alarming; Lucky, here, has just been telling me that there’s like to be a straemash among the Reformers. Surely they’ll ne’er daur to rebel.’

‘If a’ tales be true, that’s no to do,’ said the smith. . . .’

‘But what’s said?’ inquired my grandfather. . . .’

‘Naebody can weel tell,’ was his response, ‘a’ that’s come this length is but the sough afore the storm. . . .’

(53)

Here, in Kilwinning, far removed from where history is happening, narratives have real affective power. Yet their power results from the uncertainty they generate rather than from the insights they provide. The inhabitants are aware of their distance from history; they therefore interpret the “tales” which come to them as only the partial signs of a reality they cannot witness themselves. They realize that “pure” knowledge is lost in the passage from Edinburgh to Kilwinning, from “event” to “story”. Yet they also know that they cannot simply dismiss historical occurrences as an illusion: even in these hinterlands, these occurrences have very real and very deadly consequences. The grandfather’s anxiety is the product of his sudden inability to distinguish between fact and fiction, between truth and rhetoric. Indeed, his success in serving the Protestant cause has so far depended on his ability to see past false “signs”, to distinguish between what seems “very like a proof” and proof itself.¹⁴ In Kilwinning, however, the Grandfather is blinded, unable to discern “signs” from their meaning. He therefore has no choice but to accord some measure of reality to whatever narratives he hears. For those who can only receive narratives of history, rhetoric acquires the authority of truth.

The novel continually portrays the power of narrative accounts to “kindle” the emotions of those who are removed from historical events.¹⁵ The most striking examples involve Ringan’s own reactions to the stories of his grandfather. Like the

¹⁴See, e.g., GALT, *supra* note 10, at 34.

¹⁵See, for example, GALT, *supra* note 10, at 49, 91, 131-132.

residents of Kilwinning, Ringan is displaced from the history he hears about and this distance gives effect to his grandfather's rhetoric:

Verily it was an awful thing to see that patriarchal man overcome by the recollections of his youth; and the manner in which he spoke of the papistical cruelties was as the pouring of the energy of a new life into the very soul, instigating thoughts and resolutions of an implacable enmity against those ruthless adversaries to the hopes and redemption of the world, insomuch that, while yet a child, I was often worked upon by what he said, and felt my young heart so kindled with the live coals of his godly enthusiasm, that he himself has stopped in the eloquence of his discourse, wondering at my fervour.

(22)

The young child understands these dramatic performances as offering a direct connection to the "life" of the past; they extend this life into a new age, forming a unity of past and present. They're are no "dark passages with many windings" to traverse in order to get to the truth; the past is simply "poured" from narrator to audience, without spillage. The grandfather's "recital", says Ringan, "kindled my young mind to flame up with no less ardour than his" (4). Indeed these stories were even more influential than the words of John Knox:

though I often heard him speak of the riddling wherewith that mighty husbandman of the Reformation, John Knox, riddled the truths of the gospel from the errors of papistry, I am bound to say, that his own exceeding venerable appearance, and the visions of past events, which the eloquence of his traditions called up to my young fancy, worked deeper and more thoroughly into my nature, than the reasons and motives which guided and governed many of his other disciples.

(136-7)

We see the rhetoric of the grandfather shaping the political commitments of the grandson, who receives this eloquence uncritically, as the whole truth. These commitments become Ringan's own, influencing his telling and re-telling of the past.

As readers, we, too, are the displaced spectators of history. By foregrounding moments of narrative exchange, the novel raises our awareness of the limits which this dislocation imposes upon our ability to judge truth from rhetoric. Yet, unlike the residents of Kilwinning, our distance from the past and the events of history is so

great that we can maintain our critical detachment from the narratives we receive. We are in no danger from Ringan's re-tellings and we therefore can afford not to commit to a particular meaning or rhetoric. But as becomes more and more apparent, neither Ringan nor his ancestors can afford such indifference. For them, history is both distant *and* dangerous, hidden yet always ready to invade their lives and unfold violently before their eyes.

2. "*like visions of the visible scene*"

In the second volume of *Ringan Gilhaize*, we make the transition from the stories of Ringan's grandfather to those of his father, and finally to those of his own experience. We move, in other words, from the context of re-telling to that of telling. Even as we seem to be getting closer to the source, however, Galt reminds us that any immediate encounter with the past is impossible: what we encounter in Ringan's narrative is the constant retreat of the past. Even as we make our way through layers of rhetoric, the past remains a re-telling, already structured by previous narratives. Galt is concerned here, as elsewhere, to highlight the effects of narrative upon the members of the Gilhaize family and upon their own re-tellings of the past. Ringan's father, like his son, is highly susceptible to the "kindling" power of the stories he hears. As a child in the west of Scotland, Sawners Gilhaize lived through the "lowering time of the Spanish armada", and "heard of the ward and watch, and the beacons ready on the hills" (137). All these signs of an impending invasion worked upon his mind:

his imagination was kindled with some dreadful conceit of the armada, and he thought it could be nothing less than some awful and horrible creature sent from the shores of perdition to devour the whole land. The image he had thus framed in his fears haunted him continually; and night after night he could not sleep for thinking of its talons of brass, and wings of thunder, and nostrils of flaming fire, and iron teeth with which it was to grind and gnash the bodies and bones of all protestants, in so much, that his parents were concerned for the health of his mind, and wist not what to do to appease the terrors of his visions.

(137)

The violent conflicts that are the stuff of history are lurking offshore, just out of sight yet still terrifying; and it is this invisibility that allows Sawners to construct his own extravagant interpretation. It is impossible for his parents to challenge these “visions” because the truth itself remains hidden. Only when history comes crashing ashore, can the young child’s fears be answered:

it happened that, one morning about the end of July, a cry arose, that a huge galley of the armada was driven on the rocks at Pencorse; all the shire of Ayr hastened to the spot to behold and witness her shipwreck and overthrow. . . .his mother, the calm and pious Elspa Ruet, resolved to take him thither likewise, and to give him the evidence of his eyes, that the dreadful armada was but a navy of vessels like the ship which was cast upon the shore. By this prudent thought of her, when he arrived at the spot his apprehensions were soothed;. . . .”

(138)

Yet such a witnessing is not always possible; historical events do not often present themselves for inspection. It usually remains beyond the horizon, glimpsed only through narratives which give it shape and meaning. Ringan writes that his father “had ever after a strange habitude of forming wild and wonderful images of every danger, whereof the scope and nature was not very clearly discerned, and which continued with him till the end of his days” (*id.*). This is how Galt has Ringan introduce his new source, once again undermining our confidence in the “purity” of his sources. Once again we are shown how “enthusiasm”—itself the product of storytelling and story-listening—shapes the way historical events are understood by those to whom Ringan turns in order to learn about the past. “[T]idings” that for others are merely “startling” are for Sawners Gilhaize “enormit[ies] that fired his blood and spirit with the fierceness of a furnace” (*id.*). When history is out of view, Ringan’s father takes language and imagery of the grandfather’s “godly enthusiasm” and uses it to “see”.

Sawners, however, is not always “outside history”. He happens to be at St. Giles Church in Edinburgh during the famous riot of 1637, when Janet Geddes (a friend of the Gilhaize family) hurled her stool at the Dean of Edinburgh to prevent him from reading the new liturgy ordered by Charles I. Ringan’s father thus becomes source of

information for those on the outskirts, who are unable to witness history in the making:

Next morning a sough and rumour of that solemn venting of Christian indignation which had been manifested at Edinburgh, having reached our country-side, and the neighbours hearing of my father's return, many of them came at night to our house to hear the news. . .well do I mind every thing as if had happened but yestreen.

(140)

Galt has set up another situation of narrative exchange and it shows again how the "meaning" of a past event is determined by the rhetoric used to supposedly re-present it. When Sawners informs his audience that the King "hasna restit wi' putting the prelates upon us", problems of understanding ensue:

"What's te prelates, Robin Fullarton?" said auld Nanse Snoddie, turning around to John's son, who was standing behind his father.

"They're the red dragons o' unrighteousness," replied the sincere laddie with greate vehemence.

"Gude guides us!" cried Nanse with the voice of terrour; "and has the King daur't to send sic accursed things to devour God's people?"

(141)

It seems the rhetoric of "enthusiasm" is able to "kindle" the imagination of both young and old. This comic aside makes a serious point: for those who, either out of ignorance or dislocation, cannot "see" for themselves, the past *is* language. No "event" is available to correct mistaken placements of meaning. The "truth" for Nanse Snoddie is what she is told. This passage also shows how ways of seeing and talking about the past are inherited from generation to generation. Young Robin Fullarton learns and then reproduces the idiom of his father and his community.

Ringan himself is well-taught in the rhetoric of "enthusiasm". Listening to his father's "rehearsal" of the "consternation and sorrow and rage and lamentations of what he had witnessed in Edinburgh", Ringan falls into a hysterical fit:

I, who was the ninth of his ten children, and then not passing nine years old, was thrilled with an unspeakable fear; and all the dreadful things, which I had heard my grandfather tell of the tribulations of his time, came upon my spirit like

visions of the visible scene, and I began to weep with an exceeding sorrow, insomuch that my father was amazed, and caressed me, and thanked Heaven that one so young in his house felt as a protestant child should feel in an epoch of such calamity.

(140)

The father's narrative sparks the remembrance of earlier stories, which combine to give Ringan the sense that he is actually witnessing the events of history himself. He has internalized the rhetoric of his forefathers to such an extent that their interpretations and transformations have become part of his own lived experience. Ringan is taught to value such "visions" of a past he did not actually witness. In his family, ignoring the difference between narrative and experience is taken as a sign of faith. Galt is radically undermining any claims to objective truth his text can make: Ringan's understanding of the past is seen as the product of his uncritical attitude towards what he supposes are pure re-presentations, an attitude he inherits along with this religious beliefs. Ringan seems profoundly unaware of the power that the "local" rhetoric of tradition exercises over his world-view. His description of his education betrays this naiveté:

. . .the worthy Mr Swinton, having observed in me a curiosity towards books of history and piety, had taken great pains to instruct me in the rights and truths of religion, and to make it manifest alike to the ears and eyes of my understanding, that no human authority could, or ought to dictate in matters of faith, because it could not discern the secrets of the breast, neither know what was acceptable to Heaven in conduct or in worship.

(158)

But as Galt has taken pains to show us, Ringan's faith has indeed been *dictated* to him quite literally. He has been taught to "see" the past and historical events through a specific idiom, as a set of meaningful narratives. As we move towards Ringan's "direct" account of events, we "witness" Ringan transfiguring his present, interpreting it as a repetition or re-enactment of past stories. Yet we also find him persisting in his belief that the structure he gives to his experience is not assembled but discovered.

Ringan denies or ignores his own role as the *author* of his own personal narrative, as the creator of its meaning. He understands his life to be predestined, to be

the continuing performance of a narrative that has already been written by his forefathers and by God. His grandfather, he says, “would lay his hands upon my head, and say, the Lord had not gifted me with such zeal without having a task in store for my riper years” (22). Ringan declares that “his words of prophesy, as shall hereafter appear, have greatly and wonderfully come to pass” (*id.*). Here, Ringan portrays the movement his own life as the fulfillment of a fore-telling; elsewhere he describes Scottish history in these same terms. Mr. Swinton’s last sermon as minister of the Gilhaize’s parish is given prescient importance:

His discourse was from the fifth chapter of the Lamentations of Jeremiah. . . and with the tongue of a prophet, and the voice of an apostle, he foretold, as things already written in the chronicles of the kingdom, many of those sufferings which afterwards came to pass.

(167).

The Bible appears as an already completed chronicle of Scotland’s history, a symbolic order that re-manifests itself in present. Yet like all prophecies, the grandfather’s words and Swinton’s sermon can only be known as such in retrospect, from the point of view of one who stands at the end of the narrative of life. Only those who claim to re-present the past can assign it prefigurative significance.

Ringan, however, claims repeatedly to experience his *present* as already meaning-full, as already fixed within a story whose conclusion he has “seen”. Like his forefathers, Ringan wanders in and out of the bloody conflicts of Scottish history, both witnessing them and receiving them as narrative. He is, for example, a central figure in the Pentland Rising in 1666. On the eve of that terrible defeat at Rullion Green, Ringan has a vision:

a light broke in upon the darkness of my soul, and amidst high and holy experiences of consolation mingled with awe and solemn wonder, I beheld, as it were a bright and shining hand draw aside the curtain of time, and disclose the blessings of truth and liberty that were ordained to rise from the fate of the oppressors, who, in the pride and panoply of arbitrary power, had so thrown down the temple of God, and lad waste His vineyard. . . I had a foretaste in that hour of the fulfillment of my grandfather’s prophecy concerning the tasks that were in store for myself in the deliverance of my native land. So that,

although I rose from the rock whereon I was sitting, in the clear conviction that our array would be scattered like chaff before the wind, I yet had a blessed persuasion that the event would prove in the end a link in the chain, or a cog in the wheel, of the hidden enginery with which Providence works good out of evil.

(191)

The direction of both national history and his life are made visible, allowing him to “see” the significance of current events and his subjective experience in terms of their contribution to a larger narrative. He is able to read the complete text of history—beginning, middle, and end—as if it were already written. Rather than leading to passivity, this vision spurs him to use “the means under Him which, in all human undertakings, are required to bring whatsoever is ordained to pass” (184). Ringan must do all in his power to perform the part he has been assigned in the interwoven drama of his life and the Scottish nation. He therefore condemns his fellow Covenanters for their futile beliefs:

there were also divers heated and fanatical spirits, whom, because our undertaking had been for religious ends, nothing could persuade that Providence would not interfere in some signal manner for their deliverance, yea, even to the overthrow of the enemy; and Mr Whamle, a minister, one of these, getting upon the top of the rock where I had sat the night before, began to preach of the mighty things that the Lord did for the children of Israel in the valley of Aijalon, where he not only threw down great stones from the heavens, but enabled Joshua to command the sun and moon to stand still,—which to any composed mind was melancholious to hear.

(192)

Although history is already written, the worldly work of enacting this story still needs to be done. As his name suggests, Mr. Whamle has inverted the order of meaning and revelation.¹⁶ He interprets the Rising as a repetition of biblical text; yet events reveal their significance only after the story of history is known, either through experience or through a miraculous “vision”. Ringan’s critique of these “heated” fanatics betrays his own “enthusiasm”, his own “whamelling” of experience and meaning: whereas his comrades merely *hope* that life will imitate sacred text, Ringan claims to *know* that

¹⁶Galt is presumably playing on the word “whammel”, a variant of the Scots “whumml”, meaning “to capsize” or “to upturn, invert, turn upside down”. See SCOTTISH NATIONAL DICTIONARY. Cf. GALT, *supra* note 10, at 349.

such a repetition will not occur. He condemns others for their lack of vision, for their inability to “read” the real narrative significance of events in the present. As we shall see, all of Ringan’s acts of judgement and punishment are based upon this “enthusiastic” claim to *read* rather than *write* the meaning of his life and history.

3. “*the avenging pen of history*”

In recollecting the events of his life, Ringan consistently presents himself as one who merely performed the part demanded of him by the script of history. He can thus use the justification of one who enforces rather than creates the law. Ringan, in other words, claims authority by denying authorship: he is the amanuensis of history, its copyist rather than its maker. His life is a re-presentation of history’s text—the text he is able to read even as he experiences its unfolding. The real author of history is God; He alone is responsible for its form, pattern and direction—its structures of meaning. God’s authorship of is confirmed by the connection Ringan continually “finds” between the divine Word—expressed in the narratives of the Bible—and the movements of his own life.

In moments of confusion, Ringan turns to the Bible for guidance, for an explanation of how best to enact the drama of his historically-significant life. Ringan consults the Word, for example, after the Highland Host destroys his property with the government’s sanction:

I opened the book, and would have read a portion, but the passage which caught my eye was, the beginning of the sixth chapter of Jeremiah, “O ye children of Benjamin, gather yourselves to flee out of the midst of Jerusalem, and blow the trumpet in Tekoa, and set up a sign of fire in Beth-haccerem: for evil appeareth out of the north, and great destruction.” And I thought it was a voice calling me to arm, and to raise the banner against the oppressor. . . .

(240-1)

The Bible is seen as a set of figurative commands, a symbolic pattern which repeats itself in the present through the re-enactments of the faithful. The script justifies the performance, in this case, the decision to take up arms. Ringan turns to the Bible with

increasing frequency as the choices he must make become more and more difficult. In a sense, Ringan hopes to find that he has no choice, to confirm that the narrative of his life is already written. Near the end of the novel, when the government has killed almost his entire family, Ringan must decide whether to send his only remaining son to join the Cameronians. For the boy this means certain death: the Cameronians are small in number, disorganized and beaten down by months of wandering the countryside, hungry and pursued. Ringan looks to the Bible:

I opened it, and the twenty-second chapter of Genesis met my eye, and I was awed and trembled, and my heart was melted with sadness and an agonising grief. For the command to Abraham to sacrifice Isaac his only son, whom he so loved, on the mountains in the land of Moriah, required of me to part with my son, and to send him with the Cameronians. . . .

(275).

Ringan opens the Book three more times in an effort to find a contradictory symbolic direction, but to no avail; he interprets each passage he discovers as a confirmation of God's commandment. These scenes capture the ambiguity explored throughout the novel between reading and creating meaning, between re-presentation and interpretation. To Ringan, the direction of his life appears fixed, impervious to his desires. He can only re-trace and re-inscribe its lines. Yet his attitude is based upon a fundamental denial of his own interpretive practices: Ringan refuses to acknowledge that it is *his* decision to regard the Bible as the book of his life; to consider his life as being linked to previous texts; to understand his experience as already possessing a hidden form which must be followed once the archetype presents itself. It is *he* who insists upon perceiving his life as a narrative whose events have already been determined but whose enactment has yet to be performed. Ringan's "way of seeing" creates the meaning he finds, the meaning which "meets his eye".

Despite the sacrifices that the divine script demands of him, Ringan finds a certain comfort in the *telos* it provides, a *telos* which manifests itself not only through his readings of the Bible but also through his visions and intuitions of pattern. He assumes that he is moving towards a fulfillment that will justify his sufferings. Yet

with the growing success of Viscount Dundee (Claverhouse) against the Presbyterian government of William and Mary, Ringan sees this “high predestination” threatened: “I heard of his passing from Stirling into the Highlands, and the wonders he was working for the Jacobite cause there, as if nothing had yet been achieved toward the fulfillment of my avenging vow” (315). Hiding in Edinburgh, Ringan is “out of history”, not able to witness it yet still menaced by its movements in the Highlands.¹⁷ Once again, his dislocation “kindles” his imagination: “my dreams were of flames kindling around me, through which I saw behind the proud and exulting visage of Dundee”. These fears, however, are calmed by another form of witnessing; once again, the script of his life presents itself:

the haste and frenzy of this alarm suddenly changed: I felt I was a chosen instrument; I thought that the ruin which had fallen on me and mine was assuredly some great mystery of Providence: I remembered the prophecy of my grandfather, that a task was in store for me, though I knew not what it was. . .

(316)

His sense of narrative progress thus recovered, Ringan moves confidently towards the site of history’s occurrence, joining the Cameronian forces against Dundee at the Battle of Killcrankie. On the battlefield, more narrative visions provide assurance: “I thought of the sight, which Elisha the prophet gave to the young man at Dothan, of the mountains covered with horses and chariots of fire, for his defence against the host of the King of Syria; and I went forward with the confidence of assured victory” (318). Ringan himself has become one of those “heated and fanatical spirits” who see biblical meaning in events before the fact. And as at Rullion Green, victory does not come.

With Claverhouse alive and triumphant, the meaning of Ringan’s sufferings seems shattered: “My grief was unspeakable. . . I threw myself on the ground—and all the sufferings of which I have written returned upon me—and I started up and I cried aloud the blasphemy of the fool, ‘There is no God.’” (320). Ringan denies the author

¹⁷In this sense, Galt has reversed the geo-political hierarchy of historical occurrence that Cairns Craig notes is a common feature of Scottish fiction. See CRAIG, *supra* note 13 and accompanying text. Here “history” is happening in the “province”, in the hinterland, while the “capital”, the center, remains displaced from history, the recipient of reports.

of his life and of history and so, too, any pattern or purpose. Yet when he encounters Claverhouse on the battlefield Ringan receives a vision, a return of the divine Word into his experience: "I heard, as it were, thunders in the heavens, and the voice of an oracle crying in the ears of my soul, 'The victory of this day is given into thy hands!'" (320). As he fires his gun, it appears "as if all the angels of brightness, and the martyrs in their vestments of glory, were assembled. . .to witness the event" (321). With the enemy slain Ringan exclaims:

'I have delivered my native land!' But in the same instant I remembered to whom the glory was due, and falling again on my knees, I raised my hands and bowed my head as I said, 'Not mine, O Lord, by thine is the victory!'

(*id.*)

God's authorship is once again confirmed. In executing Claverhouse, Ringan executes his divine command, joining the narrative of his life and the narrative of Scottish history. In this moment of completion his own narrative concludes. His re-enactment of God's script, his re-presentation of the divine story, has come to its "end", its purpose and its culmination.

This convergence of execution and conclusion is emblematic of how the act of retribution and the act of storytelling intermingle throughout the novel. Both performances involve hardships. The pain of describing the death of his wife and daughters weighs heavily: "I said my soul was iron, and my heart converted to stone. O that they were indeed so! But sorrowing is a vain thing, and my task must not stand still" (263). This pause in the narrative comes just before Ringan find his wife and daughters murdered by Clavers' Dragoons, just before he pleads to God "make me an instrument to work out the purposes of they dreadful justice" (264). Ringan's "task" in writing is the same as his role in life, to do justice—a duty which requires objectivity:

it is needful that I should now clothe my thoughts with sobriety, and restrain the ire of the pen of grief and revenge.—Not revenge! No; let the word be here—justice. . . .Let me not, . . .hurry on, nor forget that I am but an historian, and that it befits not the juridical pen of the character to dwell upon my own woes, when I have to tell of the sufferings of others.

(239-40).

For Ringan, re-presenting the past is a form of judgement, a legal condemnation of the wrongs committed by Clavers and the Stuart monarchy. Yet in performing this judgement, Ringan also claims to be doing justice *to* the past, to be re-presenting it truthfully and in its entirety. The history of the Covenanters “speaks for itself”, clearly naming the guilty and the innocent. As he writes, Ringan feels the past “pressing upon my tablets for registration” (275). He is neither judge nor jury, but witness and stenographer—testifying to what he saw and recording it word for word. All that is required for a verdict is a full account of the evidence. Ringan, therefore, emphasises the breadth of his narrative vision: “I have not taken up the avenging pen of history, and dipped it in the blood of martyrs, to record only my own particular woes and wrongs” (161-2). In the drama of composition, Ringan casts himself as the “impartial historian” who attempts to narrate with “the equanimity of one that writes but of indifferent things”—things not connected to his “own” past (249, 217). Any subjective focus on his feelings of anger and grief would detract from the authority of the judgement imbedded within history. History, the record of political and religious conflicts of a nation, must be its own author; it must pronounce its own sentence.

Galt, however, has Ringan “perjure” himself when the testimony he must give becomes too painful to maintain the guise of detachment. In announcing his intention to describe Claverhouse and his cruelties towards the Covenanters, Ringan pleads for understanding:

herein, courteous reader, should aught of a fiercer feeling than belongs to the sacred sternness of truth and justice escape from my historical pen, thou wilt surely pardon the same, if there be any of the gracious ruth of Christian gentleness in thy bosom; for now I have to tell of things that have made the annals of the land as red as crimson, and filled my house with the blackness of ashes and universal death.

(245)

Yet even as he acknowledges his own investment and interest in his narrative, Ringan also claims re-present the past more truthfully than certain “discreet historians” (i.e. Scott) who have attempted to justify or “extenuate” the “implacable rage with which Claverhouse persecuted the Covenanters” (246). It is more truthful to admit the

subjectivity of one's text than to claim a false objectivity. Ringan's "impartial", "historical" viewpoint is overcome by his desire for personal retribution:

I shall leave all generalities, and proceed with the events of my own case; and, in doing so, I shall endeavour what is in me to inscribe the particulars with a steady hand; for I dare no longer now trust myself with looking to the right or to the left of the field of my matter. I shall, however, try to narrate things just as they happened. . . .

(254)

Earlier in his narrative, Ringan had described a similar shift in viewpoint as a move from the "public highway of history" to the "footpath" of private emotions (126). As the narrative moves closer to its consummation, we are being displaced from "history" to memoir; transported from a supposedly pure and universal account to an explicitly subjective and rhetorical rendition. Ringan describes his project in new terms: "my task now is of vengeance and justice, not of sorrowing, and I must more sternly grasp the iron pen" (254). His narrative is a legal weapon; it both condemns and bears witness. In testifying to the past he is also constructing its meaning, the judgement it pronounces. The mask of impartiality has fallen and Ringan has finally confessed that his narrative is not a simple re-presentation of the past. "Doing justice", in other words, is not a matter of simply re-presenting a story that is already "there". In any legal narrative, in any testimony that claims the authority of truth, both "vengeance" and "justice", rhetoric and re-presentation, combine seamlessly.

4. "*the divine right of resistance*"

Ringan Gilhaize is an exploration of the relationship between telling, re-telling and re-presentation—and the issues of legal authority and moral judgement bound up in this relation. It is also an exploration of religious "enthusiasm", which is shown to involve a particular way of understanding both past personal experience and history. Ringan's "enthusiasm" is marked by his assertion that in narrating the past he is merely duplicating it; an assertion, in effect, that the past is already a text with meaning, pattern and *telos*. This claim is undermined by the moments of narrative exchange in

the novel—moments when the narrative past and its supposed reproduction mingle ambiguously. These moments show us that the past does not simply speak for itself but must be *made* to speak through a particular idiom. In any supposed act of re-presentation, we are, in fact, *making* sense of the past. Like Hume's *Treatise*, *Ringan Gilhaize* challenges the idea that "meaning" precedes articulation. Yet it frames the question of meaning in terms of the relationship between past and narrative. By emphasizing the unity of creation and re-presentation, Galt's text, like Hume's, subverts claims to authority based on the "transparency" of language.

The novel questions the religious "enthusiast's" dual claim to be able to *witness* the past and re-*present* it. As Margaret Elphinstone writes: "the ironic tension of the narrative lies in the difference between Ringan's partisan account and an implied historical truth, which Galt is fully aware can never be stated categorically".¹⁸ Yet in justifying the political principles of the Covenanters, Galt himself reads the past as a pre-inscribed text. He, too, sees a deep structure in the past, an inherent meaning which speaks for itself in the "pure" language of historical truth. In a postscript to his novel, Galt compares the moral character of the English and Scottish and declares that whereas "The English are a justice-loving people, according to charter and statute; the Scotch are a wrong-resenting race, according to right and feeling" (324). History shows, in other words, that the Scottish are more jealous of their right to resist oppression, even when it means rebellion against established powers. To prove his point, Galt appends a translation of the Declaration of Arbroath, written in 1320, which proclaims the right of the Scots to resist all forms of tyranny. "The Scottish nobles," he explains, "declared, that they considered even their great and glorious Robert Bruce to be on his good behaviour" (324). If Bruce or any other king injure the rights of Scottish subjects by consenting to English rule, the nobles promise to "immediately endeavour to expel him, as our enemy" (326). They declare that "it is

¹⁸Margaret Elphinstone, *John Galt's Ringan Gilhaize: A Historical Novel*, in *SELECTED ESSAYS ON SCOTTISH LANGUAGE AND LITERATURE 177, 177* (S.R. McKenna ed., The Edwin Mellen Press, 1992).

not glory, it is not riches, neither it is honour, but it is libertie alone that we fight and contend for” (*Id.*).

Galt’s aim in reproducing this text is to reveal the pattern in Scottish history, to make us understand the true meaning of Covenanter’s struggle. Like Ringan’s personal narrative, Galt’s novel ends with a “revelation”. What is revealed is the original document, the source narrative of Scottish history. It is a text which the novel “quotes” at various junctures, allowing it to show itself as a constant presence just underneath the surface of Ringan’s rhetorical account of the past. Galt has Ringan recite the Declaration to justify the Covenanter’s disobedience:

the cause of truth, and the right of communion with the Lord, was not to be given up: “It is not for glory,” we said in the words of those brave Scottish barons that redeemed, with King Robert the Bruce, their native land from the thralldom of the English Edward, “nor is it for riches, neither is it for honour, but it is for liberty alone we contend, which no true man will lose but with his life;” and therefore it was that we would not yield obedience to tyranny. . .but sought, in despite of decrees and statutes, to hear THE WORD where we believed it was best spoken.

(244)

Once again, authority flows from the re-presentation of an original text whose relevance to is supposedly self-evident. The Declaration of Arbroath clearly shows, according to Galt and his narrator, that the Covenanters have a pre-existing right to worship where they choose (never mind that the Scottish Nobles of 1320 were what Ringan would have called “Papists”, whose concept of “libertie” did not include religious toleration!). Their resistance, Galt suggests, should be understood as a faithful, and therefore legally justified, re-enactment of historical struggles, rather than a re-interpretation.

The Declaration of Arbroath is offered as the archetype that gives Scottish history its structure. In *Ringan Gilhaize*, we see history continually recalling its source, re-articulating its underlying meaning. The characters speak not only in the language of the Bible but in the language of the Declaration as well. John Knox, for example, informs Queen Mary of the “mutual contract” existing between herself and

her subjects: “They are bound to obey you, and that not but in God; ye are bound to keep laws to them—ye crave of them service, they crave of you protection and defence. . . .”(105). Ringan himself explains the right of resistance to his accusers:

‘. . . it is the duty of subjects to know the laws of the land; and your Lordship likewise knows, that God has given laws to all rulers as well as subjects, and both may and ought to know His laws. Now if I, knowing both the laws of God and the laws of the land, find one contrary to the other, undoubtedly God’s laws ought to hae the preference in my obedience.’

(258)

Here, Ringan is in a court of law, being prosecuted for treason; he therefore uses the idiom of civil government to justify his actions. He taps into a different narrative stream, one whose linguistic waters flow back to the founding of the Scottish nation. His testimony invokes this pre-existing discourse, reproducing rather than transfiguring its text. Throughout his novel, Galt maintains a implicit distinction between the rhetorical transformations of “enthusiasm” and the pure re-presentations of political discourse. The rhetoric of “enthusiasm” translates the past into a new idiom, giving it additional meaning, while the discourse of law and government preserves meaning, transmitting it whole and unaltered.

A meeting of Covenanters after the riot in St. Giles Church provides Galt with a perfect situation in which to contrast the two discourses. This is how one Covenanter, Nahum Chapelrig describes the significance of the King’s interference in the forms of worship:

‘. . . though the virgin bride of protestanism be for a season thrown on her back, she shall not be overcome, but will so strive and warsle aneath the foul grips of that rampant Arminian, the English high-priest Laud, that he shall himself be cast into the mire, and choket wi’ the stoure of his own bakiefu’s of abominations, wherewith he would overwhelm and bury the Evangil. . . .’

(142)

The conflict of history are recast in disturbing language, full of violent sexual imagery. One gets the sense of being carried away by metaphors, further displaced from the “event itself” and its intrinsic meaning. We have been transported, once

again, “out of history” and into the dramatic production of a disturbed mind. In the midst of this performance, Ebenezer Muir, who Ringan describes as a “very aged, time-bent, and venerable man”, prepares to speak and immediately “every one was hushed” (*id.*). His words are a sober counterpoint to Nahum’s rhetoric:

‘ . . . I’m now an auld man, and may be removed before the woes come to pass; but it requires not the e’e of prophecy to spae bloodshed, and suffering, and many afflictions in your fortunes. Nevertheless, friens, be of good cheer, for the Lord will prosper in his own cause. Neither king, nor priest, nor any human authority, has the right to interfere between you and your God; and allegiance ends where persecution beings. Never, therefore, in the trials awaiting you, forget, that the right to resist in matters of conscience is the foundation-stone of religious liberty. . . .’

(143)

There is no creative shift of metaphor, no rhetorical displacement from the original text of history. Muir’s is the impersonal voice of the past speaking out amidst the noise and confusion of “enthusiasm”. The “e’e of prophecy” gives way to language that is faithful to past text. These moments of historical revelation recur throughout the novel—moments when the “real” language of history emerges from beneath layers of Covenanting rhetoric. When Ringan, or Knox, or Muir argue for the “right of resistance”, the past seems suddenly to “speak for itself”, that is, in its *own* terms—terms that were laid down by the Declaration of Arbroath. In these moments, Galt’s novel, like the narrative it depicts being told, declares its own truth; it presents itself as a re-presentation of an inherent meaning.

Galt began his novel with epigraph taken a poem entitled *The Sabbath*, written by James Grahame (1765-1811). It suggests that truth and rhetoric can coexist, that truth can be discovered through rhetorical re-tellings:

Their constancy in torture and in death,—
These on Tradition’s tongue still live, these shall
On History’s honest page be pictured bright
To latest times.¹⁹

¹⁹These lines appear on the title page of each of the three volumes which comprised the first edition of *Ringan Gilhaize*. See GALT, *supra* note 10, at 328-9.

Both the “honest page” of History and the “tongue” of Tradition capture the same meaning. The truth of the past is not confined to a particular idiom. Galt *concludes* his novel, however, with a document that claims implicitly to reveal the *authentic* language of Scottish history, the only one in which its true meaning can be found and re-presented. Like Gilhaize’s revelation, the postscript transforms the narrative that precedes it, allowing us to distinguish its moments of truth from its moments of falsehood. It reveals the rhetoric of “enthusiasm” as a distortion of history’s true language, a fabrication rather than a reproduction of meaning.

It turns out, therefore, that Galt’s response to *Old Mortality*, and his subsequent critique of “enthusiasm”, encode the same concept of language that David Hume found so troubling, the idea that language can attain a “pure” state in which it represents rather than creates (meaning, the past, truth, etc.). Like Hobbes, Locke and Scott, Galt is seduced by the authorizing potential of this idea and is thus led into self-contradiction. He challenges “enthusiasm” by appropriating its basic assumption. In the next chapter, we shall see how James Hogg approaches “enthusiasm” in his own writing. Like Hume’s *Treatise*, Hogg’s fiction suggests that if truth is posited as that which is only seen *through* language in a theoretical state of “transparency”, then truth must always elude our grasp, leading us onwards in a dispiriting quest to witness what we can only imagine, to find what we can only create.

Chapter Six

The Specter of Enthusiasm: Hogg and Historical Judgment

I want to return briefly to Paul Hill and his brutal act of violence outside the Ladies Center in Pensacola, Florida. When asked by a *New York Times* reporter whether he had any doubts about killing Dr. Britton and his body guard, Hill described his feelings in the moments immediately before he opened fire:

‘I thought maybe I would feel, y’know, a lot of resolution and that kind of thing, but my stomach felt like literally a bottomless pit . . . It was an act of will not to begin to think why I shouldn’t be doing what I was doing, but I knew—I mean, the thing that kept me going through it was that I knew that if that man got into that abortion clinic, he would kill 25 to 30 people. And I’d determined that he had done that for the last time. He wasn’t going to make it in’.¹

Hill, unlike Ringan Gilhaize, did not hear any “thunders in the heavens” or voices of “oracles” crying out for him to pull the trigger. No miraculous vision appeared of “the martyrs in their vestments of glory”.² Instead, Hill, like Balfour of Burley, was alone with his doubts, facing another human being whose life he felt bound to take. As Burley admits, “it is a sore trial for flesh and blood, to be called upon to execute the righteous judgments of Heaven while we are yet in the body”.³ Even God’s chosen executioners may “sometimes doubt the origin of that strong impulse with which their prayers for heavenly direction. . . have been inwardly answered and confirmed”.⁴ How did Paul Hill overcome his doubts? His first step was to “remind” himself that he was not confronting simply a man, but a murderer. From this rediscovery of his victim’s moral identity, Hill confirmed his *duty* to kill Dr. Britton. In one sense, his actions

¹Tom Kuntz, *From Thought to Deed: In the Mind of a Killer Who Says He Served God*, N.Y. TIMES, Sept. 24, 1995, at E14.

²JOHN GALT, RINGAN GILHAIZE 320, 321 (Patricia J. Wilson ed., Scottish Academic Press, 1984).

³WALTER SCOTT, OLD MORTALITY 73 (Jane Stevenson & Peter Davidson eds., Oxford University Press, 1993).

⁴*Id.*

were no longer his to control, but God's; he became an instrument of divine law, signifying the hidden identity of his victim with the deadly imprimatur of divine justice.

Like the various “enthusiasts” of *Old Mortality* and *Ringan Gilhaize*, Hill's justification for violence rests fundamentally on a narrative claim of re-presentation, though one stripped of biblical imagery. Hill's explanation suggests that Dr. Britton's past deeds fixed his identity as a murderer, sealing his eventual judgment. In the moments before this judgment was carried out, this identity re-presented itself to his executioner's consciousness. In this chapter, I want to explore James Hogg's critique of the “enthusiast's” belief in re-presentation—a critique that he develops both directly, in his novels about the Covenanters, and indirectly, through the suggestive imagery of disinterment and doubling found in his later re-tellings of Borders folklore. In Hogg's fiction, we find a growing appreciation for the dangers of allowing the possibility of re-presentation—the possibility of a “rediscovery” of true or hidden identities. In Hogg's early work *The Brownie of Bodsbeck*, the desire for re-presentation inspires a search (and eventual uncovering) of objective knowledge about the past—the kind of knowledge able to fix “real” identities and thus authorize true moral judgments. In his later writings, perhaps in the wake of the controversy over *Old Mortality*, Hogg comes to portray claims of re-presentation as forces of chaos, undermining social cohesion with the idea that each “chosen” interpreter of the world may transcend the social relations of authority that establish a link between identity and individual. Bereft of the social infrastructure that supports the identities of tradition, the identities “discovered” as re-presentations of “the real” are shown to be radically unstable, allowing each individual to become both the master and subject of deadly laws. Moral judgments authorized by the identities of tradition are to be respected, Hogg suggests, not for their “absolute” truth, but precisely for their contingent nature—for their reliance on social networks that are valuable in themselves as bonds of community.

1. "Words are nothing to the misbelieving"

To scholars of nineteenth-century Scottish literature, the story is well known. Hogg, having just published his *Brownie of Bodsbeck*, paid a visit to his literary idol Walter Scott to gauge his opinion of the new work. As Hogg recounts, Scott stated his feelings bluntly: "I like it very ill—very ill indeed. . . It is a false and unfair picture of the times and the existing character altogether. An exaggerated and unfair picture!"⁵

To which Hogg replied:

'I dinna ken Mr. Scott. It is the picture I hae been bred up in the belief o' sin' ever I was born and I had it frae them whom I was most bound to honour and believe. An' mair nor that there is not one single incident in the tale—not one—which I cannot prove from history to be literally and positively true. I was obliged sometimes to change the situations to make one part coalesce with another but in no instance have I related a story of a cruelty or a murder which is not literally true. An' that's a great deal mair than you can say for your tale o' Auld Mortality.'⁶

Hogg's response draws a sharp distinction between narrative traditions and history, a distinction that betrays an implicit lack of faith in the stories of his childhood. Hogg suggests that while these stories were the subject of mere belief—a belief compelled by the authority of the story-teller rather than the stories themselves—the texts of history are the subject of proof. History supplies what narrative traditions lack: an independent and objective ground for assent. History reveals the "literal" truth,

⁵JAMES HOGG, MEMOIR OF THE AUTHOR'S LIFE & FAMILIAR ANECDOTES OF SIR WALTER SCOTT 105 (D.S. Mack ed., Scottish Academic Press, 1972). *The Brownie of Bodsbeck* was published in early 1818, just 18 months after *Old Mortality*. As noted in Chapter Four, Scott's novel met with harsh criticism as soon as it was published, especially from those, like Thomas McCrie, who felt that it was an unfair and untrue portrait of the Covenanters as either insanely dangerous or simply ridiculous. Then came *The Brownie*, which flatly contradicts Scott's depiction of Claverhouse as a harsh but noble defender of the Stuart regime. Scott's angry opinion of Hogg's new novel, then, is understandable, for he, like many others, believed that Hogg had written *The Brownie* explicitly to condemn *Old Mortality* as a misrepresentation of the past. On the question of when Hogg wrote or rewrote his novel, see Douglas S. Mack, *Introduction to JAMES HOGG, THE BROWNIE OF BODSBECK*, at xii-xviii (Douglas S. Mack ed., Scottish Academic Press, 1976). See also Margaret Elphinstone, *The Brownie of Bodsbeck: History of Fantasy?* 3 *STUDIES IN HOGG AND HIS WORLD* 31, 32 (1992).

⁶*Id.* at 106. According to Hogg, Scott's did not object to *The Brownie*'s reliance on tradition, but criticized the work "merely because it [was] an unfair and partial picture of the age." In writing *Old Mortality*, Scott believed he had struck a balance between competing understandings of the Killing Times, thereby offering an objective account of the past.

providing the reader with an unmediated encounter with the past. In this instance, history confirms the stories of his childhood. Hogg, therefore, feels justified in defending the moral judgments these stories make.

In his introduction to 1837 edition of *The Brownie of Bodsbeck*, Hogg notes that Scott's criticism of the novel focused mainly on the harsh judgment it levels against Graham of Claverhouse, the infamous Clavers.⁷ As Andrew Monnickendam explains, Hogg describes Clavers as "a man capable of every form of cruelty for little or no reason other than to demonstrate his power to execute it".⁸ Hogg once again defends the accuracy of his account with an appeal to history: "If, through all the histories of that suffering period, I had discovered one redeeming quality about Clavers, I would have brought it forward, but I found none".⁹ Hogg writes that *The Brownie's* portrait of Clavers as a heartless murderer was the same portrait that "was impressed upon my mind since my earliest remembrance, which all his eulogists can never erase".¹⁰ Although "eulogists" cannot change Hogg's mind, history can; but since his investigation into historical sources turned up no evidence to the contrary, the authority of tradition remains intact, along with its assignments of blame for the cruelties of the past.

In this exchange between Hogg and Scott we see the same epistemological hierarchy that structures Galt's account of the Covenanters in *Ringan Gilhaize*, published five years after Hogg's novel. While the authority of narrative traditions depends on the strength of social bonds and obligations between story-teller and recipient, the authority of "history" transcends particular families or communities,

⁷See James Hogg, *Introduction of the Brownie of Bodsbeck* (1837), reprinted in JAMES HOGG, *THE BROWNIE OF BODSBECK*, *supra* note 5, at 170-71 (Appendix I).

⁸Andrew Monnickendam, *The Paradigm of Borders in The Private Memoirs and Confessions of a Justified Sinner*, 5 *STUDIES IN HOGG & HIS WORLD* 55, 65 (1994).

⁹*Id.* at 171. The reliability of Hogg's account of Claverhouse becomes an issue in the text itself. The narrator "confesses that he has taken this account of [Clavers's] raid through the vales of Esk and Annan solely from tradition, as well as the attack made on the two conventicles, where the Pringles, &c. were taken prisoners; but these traditions are descended from such a source, and by such a line, as amounts with him to veracity, while other incidents recorded by Wodrow and Huie fully corroborate them". HOGG, *THE BROWNIE OF BODSBECK*, *supra* note 5, at 105. Once again, the reliability of "tradition" appears to depend solely on the socially-constructed authority of the story-tellers, rather than on the kind of inherent, objective claim to truth made by historical texts.

¹⁰*Id.*

commanding universal acceptance through its ability to re-present the past, rather than merely re-tell stories about it. Here, Hogg suggests that although social bonds can instill beliefs about the past—beliefs that are valuable as signs of allegiance—these bonds in themselves are insufficient guarantors of truth. The allegiance we owe to the story-tellers of our community can not withstand a confrontation with the *real* knowledge of the past revealed by history. Hogg's faith in the possibility of such knowledge is evident not only in his reaction to Scott's criticism of *The Brownie of Bodsbeck*, but in the novel itself.

Hogg's narrative can be read as a confrontation between the beliefs of tradition and the truths of history, between the folk stories and superstitions of the Borders and the terrible reality of the Killing Times. In *The Brownie* we see the narratives of tradition being used by a tight-knit community to cope with the sudden intrusion of violence into their everyday lives—violence caused by an uncontrollable conflict between the competing “enthusiasms” of Covenanter and Royalist. Tradition provides members of this community with a common language to explain the incomprehensible destruction around them, and, by doing so, preserve a sense of social cohesion at a time when it seems most threatened. Although Hogg sees value in narrative traditions as a source of resistance, he also points out the danger of relying on them as a source of moral judgment. In *The Brownie*, folk stories and superstition lead to misjudgments, to misassignments of guilt. It is only by a direct encounter with “the real” that the moral distortions of both tradition and “enthusiasm” may be corrected.

Like Scott and Galt, Hogg portrays the Covenanters as religious “enthusiasts” whose peculiar rhetoric and interpretative practices set them apart from the rest of society. To the residents of Chapelhope, the Covenanters appear as foreigners, strange and desperate refugees from a land to the west. They seem to speak a foreign tongue, full of mysterious, quasi-legal terminology. As Walter Laidlaw describes his first encounter with the Covenanters, “they came on about prelacy and hearsays, and something they ca'd the act of abjuration. I couldna follow them out at no rate” (22).¹¹

¹¹All citations from HOGG, *THE BROWNIE OF BODSBECK*, *supra* note 5.

Some, like the shepherd David Tait, attempt to learn the Covenanters' dialect, but with little success:

the religious enthusiasm of his guests had broke him a little into their manner, and way of thinking. He had learned to make family exercise, not however to very great purpose, for the only thing very remarkable in it was the strong nasal Cameronian whine of his prayer, and its pastoral allusions. . . .

(122)

The language of the Covenanters is not only difficult to learn, but also dangerous for it marks the speaker as an enemy of the state, subject to the harshest penalties. But by breaking the linguistic conventions of the Covenanters, one can avoid the harsh penalties that come from being identified as one of their number. As Walter observes, the law is administered by “queer chaps” who “shoot fock for prayin’ and reading the Bible” but “whan ane curses an’ damns” them, they “ca’ him a true honest man!” (142).

Despite Walter’s criticism, Hogg suggests that the government may be justified in trying to control the spread of the Covenanters’ rhetoric. It leads to discord, undermining the possibility of shared understandings. Various Covenanters are described by Hogg as “wholly prone to controversy” and “liv[ing] but to contradict”, even when among fellow dissenters (108). This portrait echoes Walter’s earlier encounter with the Covenanters hiding on his property: Walter “soon heard with vexation that they made a conscience of *not living in peace*, but of proclaiming aloud to the world the grievous wrongs and oppression that the church of Christ in Scotland laboured under” (31). Like the “enthusiasts” criticized by Hobbes, Locke and Hume, the Covenanters of Hogg’s novel believe that they have absolute knowledge of moral and political truth—knowledge that confers both a right and a duty to challenge the understandings of others.

Hogg, however, does not place the blame for the chaos of the Killing Times solely with the Covenanters. Like Scott and Galt, he characterizes the state’s response to their dissent as outrageously cruel and productive of only more violence. Furthermore, he suggests that the language of “enthusiasm” is not confined only to

Covenanters. Others, like Walter's wife Maron, who have pledged their support to the Royalist cause, also use "a kind of cant—a jargon of religious terms and sentences of Scripture mixed" to assert their moral authority. Hogg makes the parallel between Maron's "enthusiasm" and the Covenanters' rhetoric explicit: "She was just such a character as would have been a whig, had she ever had an opportunity of hearing them or conversing with them. Nothing earthly could be so truly ludicrous as some of her exhibitions in a religious style" (14). Yet Maron's "enthusiasm" is not only ludicrous but extremely dangerous, leading her to reject the bond between mother and daughter:

She did not fail, however, to hint to Walter that something decisive ought to be done to their daughter. She did not actually say that she should be burnt alive at the stake, but she spake of the trial by fire—or that it might be better to throw her into the lake, to make the experiment whether she would drown or not. . . .

(39)

Maron's reaction captures the disturbing violence engendered by the "enthusiasm" of those who can tolerate no disruption of the status quo, especially not any disruption by those, like Katharine, whose behavior and motives seem inscrutable. In *The Brownie*, the Covenanters themselves become targets of "enthusiastic" intolerance. The agents of the Stuart Regime, most notably Clavers himself, are seen transforming the Borders into a world-upside-down through acts of cruelty—acts justified, ironically, as efforts to preserve social order. Hogg describes how, with the "hand of wanton depravity", Clavers uses violence to create a world in which the bodies of the dead are disinterred while the living are forced underground, into grave-like caverns (82; 159). Clavers's example is followed by his supporters, such as Sir James Johnston of Westeraw, who shows his loyalty to the Royalist cause by exhuming the body of a Covenanter recently buried and "thr[owing] it over the church-yard wall for beasts of prey to devour". It is not only the dead who become prey, but the living. As Hogg describes the Killing Times, "the persecution for religion then raged in its wildest and the most unbridled fury: the Covenanters, or the whigs, as they were then called, were proscribed, imprisoned, and at last hunted down like wild beasts" (10). Clavers, for

whom “the violation of all tender ties of nature was his delight,” creates an unnatural chaos, confusing the identities of dead and living, human and beast.

In the face of the profound disruption caused by the Killing Times, the residents of Chapelhope turn to the one source of common meaning that remains available to them, that thrives, in fact, on the presence of unexplainable chaos: folklore and superstition. Both Clavers and the Covenanters become the subject of supernatural stories. Such was the fury with which Clavers’s pursued the Covenanters that “[a]ll the country who beheld him believed him to be a devil, or at least mounted on one” (75). The Covenanters, for their part, are transfigured into specters, haunting the hills of the Borders and causing “terror and consternation”. The hymns they sing while hidden in caverns give rise to “tale[s] of horror” and wild speculation that “whole hordes of spirits had taken possession of their remote and solitary dells” (11). The most intense story-telling surrounds acts of violence, either those committed by government agents or by the Covenanters. *The Brownie* opens in the aftermath of a mysterious killing. The bodies of four of Clavers’s Highland soldiers and their guide are found “mangled and defaced in no ordinary way”, high in the hills above Chapelhope (17). To explain this horror, members of the local community revive the tradition of the Brownie of Bodsbeck, and it takes on new power over their understanding of events. From this point forward, the efforts of the fugitive Covenanters to survive their persecution, by stealing food and living underground, are interpreted as “mysterious and unaccountable incidents”, incidents that add to the narrative stock of Borders folklore. The “foreign” conflicts that “invade” Chapelhope are thus translated into a local system of meaning, understandable to those born and raised in the community.

Such “local” translations may be viewed as acts of resistance by the members of the community against those who attempt to embroil it within the conflicts of a wider “reality”—the nightmarish reality of history, the record of political and religious

struggles.¹² Even when members of the community become targets of state violence, and thus are confronted by the undeniable reality of the wider political and religious conflicts that surround them, the deadly effects of this violence are absorbed into the narrative framework of local superstition. Having narrowly escaped being executed as a suspected Covenanter, Walter Laidlaw returns home from his trial in Edinburgh. As he re-enters Chapelhope he is met by Davie Tait, his shepherd:

“Lord sauf us, goodman,” quo he, “are ye hangit?”
“Am I hangit, ye blockhead!” says I; “what do ye mean?”
“I m-m-mean,” says Davie, “w-w-war ye ek-ek-execute?”
“Dinna be feared for an auld acquaintance, Davie,” quo I,
“though he comes to you in this guise.”
“Guise!” said Davie, staring and gasping for breath— “Gui-
gui-guise! Then it se-e-e-ems ye *are* dead?”
“Gin I were dead, ye fool,” quoth I, “how could I be here?
Give me your hand.”
[. . .] Ye needna wonder that I thought ye war dead, —the
dead are as rife here now as the living—they gang amang us,
work amang us, an’ speak to us; an’ them that we ken to be
half-rotten i’ their graves, come an’ visit our fire-sides at the
howe o’ the night. There hae been sad doings her sin ye gaed
away, goodman!”

(170-1)

Walter returns from the external world of law and politics to an apparently enchanted world where difference between the dead and the living has been obliterated, first by the horrific chaos of the Killing Times, and then by attempts to explain and order this chaos in local terms. When he was taken away by Clavers’s troops, Walter seemed destined to become another victim of the violence that invaded Chapelhope; his likely execution, another step in the overthrow of the common order that once structured life there. Walter’s *return*, for Tait, signals the rise of a new and fantastic order whose

¹²As Galt does in *Ringan Gilhaize*, Hogg defines the “local” as that which is both removed from the events of “history” yet also threatened by the invasion of “historical” forces. As Katherine Laidlaw tells Old Nanny (a refugee from the “historical” battles between Covenanter and Royalist), “we live in ignorance in his wild place”. *Id.* at 45. Her words are echoed by the shepherd John Hoy: “it’s a wild place this—we never hear ony o’ the news, unless it be twice a-year frae the Moffat Fairs” (60). In Chapelhope, Hogg has created a locale similar to the Argyle landscape Scott depicts at the end of *The Heart of Midlothian*, “a place which, by being idyllically beyond history, is also the location for the forces outside of history which are ever ready to return upon us in defiance of the apparent progress of civilisation”. CAIRNS CRAIG, *OUT OF HISTORY: NARRATIVE PARADIGMS IN SCOTTISH AND ENGLISH CULTURE* 45 (Edinburgh, Polygon, 1996). Except that, in *The Brownie*, “history” does not signify the “progress of civilisation” but a chaotic regression in the form of the atavistic violence of the Killing Times.

ontological conditions are set by local superstitions and narrative traditions. Along with dread, there is a sense of hope in Tait's questions—hope in the power of traditional beliefs to overcome the tragic reality of loss caused by political and religious violence. Perhaps in the suddenly-enchanted world of Chapelhope, the victims of violence can return.

The Brownie of Bodsbeck suggests that there is a certain psychological benefit to reliance on tradition during times when reality seems too strange or horrific to be explained in “objective” or “universal” terms. Yet equally apparent in Hogg's novel is the potential danger of such reliance. By placing the violence of the Killing Times in an unearthly narrative framework, the residents of Chapelhope blind themselves to the humanity of their fellow sufferers, the Covenanters. Emblematic of this blindness is the experience of the “young vagrant” Kennedy who, falling into an underground cavern, finds “himself immediately beside a multitude of hideous beings, with green clothes, and blue faces, who sat in a circle round a small golden lamp, gaping and singing with the most eldrich yells” (28). These “hideous beings” are, of course, the outlawed Covenanters, forced underground to protect their lives. Through superstitious preconceptions, the half-starved fugitives become ghostly apparitions, their religious language translated into an unearthly sound. Rather than victims deserving of pity and assistance, the psychological power of tradition transforms the Covenanters into a threatening presence. In Maron words, the underground Covenanters are seen as “ha’f deils ha’f fock—a thing that I dinna weel understand” (6).

Kennedy's encounter with the fugitives has a parallel in Walter's eventual discovery of the “truth” underlying the strange events of the past months. With the dead scattered above, Walter journeys underground and comes face to face with the living Covenanters. At first sight, Walter's vision is bewitched by his superstitions: the fugitives appear like “so many blackamoors, with long shaggy beards and locks” (159). He believes that he is in the presence of the Brownie, whose now-infamous stooped figure he sees before him “in all his native deformity. . . a being without any

definitive form or feature". What removes Walter's delusion is "the Brownie's" use of the word "family": "The naming of this name dispelled Walter's wild apprehensions like a charm, for though he was no devotee, yet this mind had a strong bias to the superstitions of the country in which he was bred" (160). By finding a common term, a common point of reference, the truth can be communicated and the errors of superstition revealed. The "real" identities of the fugitives are then explained: "'You see here before you, sir,' said the little hunchbacked figure, 'a wretched remnant of that long persecuted, and now nearly annihilated sect, the covenanted reformers of the west of Scotland'". (161) As "the Brownie" relates the story of their religious persecution, Walter's vision moves from local tradition to historical reality. He discovers that the strange occurrences of the previous months have their origin in the material world, in the very real desperation of these Covenanters who are hunted "like wolves" by the government.

The real identity of "the Brownie" is also revealed in the end: he is John Brown, "a strenuous and desperate reformer" who suffered severe wounds at the Battle of Bothwell Bridge. These injuries left him "so crooked and bowed down, that his nearest friends could not know him'" (166). Thus his identification as an unearthly creature is explained as a misreading of his body. The same corporeal "signs" that were interpreted as markers of the supernatural are shown to be the products of the horrific, yet mundane violence of the Killing Times. In their over-reliance on tradition, the residents of Chapelhope misinterpret the physical traces of the horrific past. John Brown's body is a text of *history* rather than tradition—a graphic representation of the reality of past violence. Walter's deciphering of the body repeats an earlier exchange between Katharine and Old Nanny, who, it turns out, is John Brown's wife and fellow sufferer. She, too, has a "fantastic form" on which the violence of the past has left its mark. Katharine seeks a "test" of Old Nanny's "secrecy and truth":

'Eh? Thou seekest a test of me, does thou? Can blood do it?—
Can martyrdom do it? Can bonds, wounds, tortures, and

mockery do it?—Can death itself do it? All these have *I* suffered for that cause *in this body*; mark that; for there is but one half of my bone and my flesh here. But words are nothing to the misbelieving—mere air mouthed into a sound. Look at this for a test of *my* sincerity and truth.’

(99)

What Old Nanny reveals is her disfigurements: “her ears were cut out close to the skull, and a G. indented on her cheek with a hot iron, as deep as the jaw-bone” (*id.*). Rather than misinterpreting these marks as signs of the supernatural, Katharine takes “the old enthusiast in her arms” and into her trust (*id.*). Katharine, already initiated by the Covenanters into the language of the political and religious conflicts of the wider world¹³, does not mistake Old Nanny’s bodily “text” as anything other than proof of the terrible reality of her past suffering. Hogg’s images of the body as historical evidence suggest a confidence that the truth of the past may be known through the traces it leaves behind, through the signs it writes on the world. Yet these signs are only meaningful to those who do not “misbelieve”—those whose perception is not clouded by false hermeneutics. While the local language of tradition may serve a social purpose, maintaining a commonality of perspective in the face of world-shattering violence, it nonetheless prevents an encounter with the “real”, a direct witnessing of the truth.

Both the resistance-value of a local networks of meaning and their tendency to create distance from the truth are foregrounded in a third image Hogg offers of the

¹³Through *The Brownie of Bodsbeck*, Hogg differentiates Katharine’s speech from the local dialect of her family and neighbors, perhaps most noticeably in this exchange with her father:

‘O my dear father. . . ‘you know not what I have suffered for fear of having offended you; for I could not forget that their principles, both civil and religious, were the opposite of yours—that they were on the adverse side to you and my mother, as well as the government of the country.’

‘Deil care what side they war, Kate!’ cried Walter, in the same vehement voice; ‘ye hae taen the side o’ human nature; the suffering and the humble side, an’ the side o’ feeling, my woman. . .’

HOGG, *THE BROWNIE OF BODSBECK*, *supra* note 5, at 163. See Elphinstone, *supra* note 5, at 36 (describing Katharine’s dialect as the voice of the conventional nineteenth-century heroine—a voice designed to appeal to a “universal” (i.e. upper-class and most-likely English) readership).

body as historical evidence. In investigating the death of the Highland Soldiers, Clavers interrogates one of Walter's shepherds John Hoy:

“How did it appear to you that they had been slain? were they cut with swords, or pierced with bullets?”
“I canna say, but they war sair hashed.”
“How do you mean when you say they were hashed.”
“Champit like—a’ broozled and jermummled, as it war.”
“Do you mean that they were cut, cloven, or minced?”
“Na, na—no that ava—But they had gotten some sair doofs—They had been terribly paikit and daddit’ wi something.”
“I do not in the least conceive what you mean.”
“That’s extrodnar, man—can ye no understand fock’s mother-tongue?”

(61)

Although past events have left their mark on the bodies of the dead soldiers, the meaning of these signs cannot transcend the borders of language. Instead it is contained by a localized vocabulary, known only to natives of the community. Clavers, like Katharine¹⁴ and, indeed, John Brown¹⁵, speaks “standard” English—the “universal” language of those who are identified in Hogg’s text as the primary agents of social disruption, those who bring the conflicts of the “wider” world into Chapelhope. Once again, the “local” resists the universal through translation. Yet this breakdown in communication recalls Hogg’s implicit concern over the value of local tradition as a source of knowledge about the past. The “truth” of these traditions, like the meaningfulness of John Hoy’s dialect, is dependent on the contingencies of social identity, birthplace, family origin. Through tradition, the past does not re-present *itself*, but is retold through pre-existing networks of narrative transmission—networks supported by an infrastructure of social relations that inculcate belief. Those not connected to these limited networks have no guarantees that the stories of tradition are not simply “local” misreadings of the traces of the past. Without a “standard” language—a universally-acknowledged, objectivizing, standardizing medium of transmission—the “real” past remains illusive, unknowable other than through the possibly “distorted” narratives of local tradition. The successful readings of the past

¹⁴See *supra* note 13.

¹⁵See, e.g., *id.* at 160 (“Be not alarmed, goodman. . . you see none here but fellow-creatures and Christians. . .”).

performed by Walter and Katharine—in which the truth underlying false beliefs is revealed—highlight Hogg’s faith that such a common language is possible. In *The Brownie*, this common language is the “objective” language of history by which “local” events are explained as the effects of broader material causes, as products of a sometimes horrific, but nonetheless stable *reality*.¹⁶ As we shall see, Hogg’s later fiction interrogates precisely this faith in the ability of language to transcend the “distortions” of local, subjective interpretation and thus to re-present the past.

2. “a voice may come frae the grave”

Characters in Hogg’s short stories often find themselves “wandering in a world of enchantment”,¹⁷ witnessing the breakdown of the normal binary oppositions that structure every-day experience: dreams and waking, illusion and actuality, past and present. As David Groves writes, “[Hogg’s] main personal theme is the discovery of extreme, irreducible mystery, which dissolves conventional values and identities. . .”.¹⁸ Two of Hogg’s most developed explorations of this theme can be found in his stories *The Unearthly Witness* and *Strange Letter of Lunatic*. These texts suggest the impossibility of making meaningful distinctions between distortions of the past and true accounts. Yet Hogg does not simply declare the impossibility of certainty; there is rigor to his chaos. Both stories challenge the reader to decipher the mystery, to identify the real from the counterfeit. Such clarification proves impossible, however, as Hogg transforms the language of his narratives into the cause, rather than merely the reflection of uncertainty. The reader is set adrift on a sea of floating signifiers those connection to the “real” no longer seems obvious or natural. The solid ground of the “real” thus cannot “present itself” to the reader, but must be constructed through

¹⁶Margaret Elphinstone describes the “flaw” of *The Brownie of Bodsbeck* as its effort to resolve the tension between “history” and “tradition” through de-mystification: “The flaw of *The Brownie of Bodsbeck* is in creating a vigorous and exciting world that satisfactorily fits into human psychological experiences, then relegating it to the status of a disproven view of reality”. Margaret Elphinstone, *The Brownie of Bodsbeck: History or Fantasy?* 3 STUDIES IN HOGG & HIS WORLD 31, 38 (1992).

¹⁷JAMES HOGG, *Mary Burnet*, in *SELECTED STORIES AND SKETCHES* 87 (Douglas Mack ed., Scottish Academic Press, 1982).

¹⁸David Groves, *Introduction* to *JAMES HOGG, TALES OF LOVE AND MYSTERY* (David Groves ed., Canongate, 1985).

an act of will, an artificial fixing of reference. The experience of reading these stories is thus one of revelation through bewilderment: the “real” is suddenly seen as a linguistic construct whose validity, like the validity of tradition, is a matter of authority and belief.

Hogg’s story *The Unearthly Witness*, published in *Fraser’s Magazine* in 1830, centers around attempts to resolve a series of “blank[s] in the narrative”, where the story “grow[s] confused, because the real events are not known. . .” (135).¹⁹ Hogg suggests that the “true” events of past remain hidden not only because there are no witnesses to describe them, but also because the traces of the past that do survive are inscrutable. The central ambiguity involves the past deeds and eventual fate of William Tibbers, who is suspected of having murdered a “young baronet” in order to secure his estate. After the disappearance of the baronet, Tibbers is “seized and examined” (138). Although he has “a number of wounds upon him”, “nothing could be made out against him to warrant his commitment” (*id.*). The traces of past violence, like those left on the bodies of Clavers’ Highland soldiers, offer no “proof” as to what happened. And although the people maintain faith that “the darkest shades” of the past “would be brought to light”, they have yet to be “disclosed by any of those common concatenations of circumstances which so often add infallibly to the truth” (*Id.*).

In the midst of this mystery, Tibbers himself disappears, apparently taking the truth of the past with him. But hope remains: as Bessy Rieves suggests, although “the grave’s a good silencer of tell-tales, an’ a deposit for secrets that winna keep”, a “voice may come frae the grave. . .to teach the sinner his errors” (139). The past, she says, may re-present itself; its material traces—the grave and the body—may speak directly to us. Despite Rieves’s confidence, however, Hogg immediately questions the readability of the past: Tibbers body is recovered according to Rieves’s prophecy, but is “so distorted and bloated that but for the clothes no one could have recognized it”. The body was “clothed in Mr. Tibbers’s apparel from crown to toe; but farther than

¹⁹All citations to HOGG, *SELECTED STORIES*, *supra* note 17.

this, no man could depose, or even say that there was a likeness between the body found and the one lost” (140). Nevertheless, the body is “interred as the body of William Tibbers” and his death recognized by law (*id.*). By placing this name on the body, the evidence of the past is *made* to signify its meaning; yet the “truth” of this naming remains ambiguous. Quite possibly, all that has been achieved is the confusion of a duplicate for its original, a counterfeit for the real. Once Hogg suggests that the connection between the outward signs of identity and the body itself is tenuous, the body is no longer able to “speak for itself”. In a similar fashion, once the signs of language are shown not to have an organic connection with the objects they signify, the concept of “real” identity, beyond human agency, appears chimerical. The “true” meaning of the traces left by the past is revealed to be a function of authority—the authority to fix names on the body of the past, to reconstruct its identity.

Even when Tibbers returns, his identity remains ambiguous. Neither the narrator, nor the reader, is sure whether Tibbers returns in the flesh or as a ghost. The narrator notes that he “would have judged it to have been an apparition, had it not been for the extraordinary scene. . . of which I myself was an ear and eye witness, and even that was no decisive proof either ways” (142). This “extraordinary scene” is, of course, the appearance of Tibbers (or at least his “unco likeness”) in the witnesses’ bench at the High Court of Justiciary. Significantly, Tibbers returns to settle a question over the authenticity of a duplicated legal document, the validity of which has been thrown into doubt by the inconsistent testimony of witnesses. Tibbers first appears to his lawyer Gaskirk, who is in the midst of “comparing dates, and taking notes”—reconstructing past events with the likely intention of misleading the court concerning the authenticity of the duplicate. Although Gaskirk agrees to tell the truth under threats from Tibbers, his subsequent testimony is discounted since it contradicts his earlier statements. When the court demands to know the source of this “new light”, Gaskirk declares that “he had it from very good authority—from Mr. Tibbers himself”. But as to whether it was the “real” Tibbers or his ghostly likeness, “he could not tell; he took it for himself at the time” (143). Disbelieving Gaskirk’s story, and

labeling it mere hearsay, the court summons Tibbers to appear, “either in [his] own person or by proxy” (*id.*). In having Tibbers answer this summons, Hogg seems to suggest the possibility of re-presentation, a direct encounter with the past. Yet given the continued ambiguity of Tibbers’s ontological status, this reappearance may be read in two ways. If Tibbers is in fact dead, his reappearance does indeed signal the ability of the past to speak directly to the present—to re-present itself and thus offer direct access to the truth. If Tibbers is alive, however, his testimony becomes simply another tenuous act of naming (like the one performed on Tibbers’s own body) in which a duplicate, a mere likeness, is identified with its *unidentifiable* original. Hogg leaves the “answer” to our intuition, refusing to validate or condemn our belief in the possibility of re-presentation.

What is so striking about *The Unearthly Witness*, however, is how Hogg reverses the epistemological hierarchy that structured *The Brownie of Bodsbeck*. Here, certainty derives from a belief in the *supernatural*, that is, in the possibility of “magic language” able to summon the dead. As Penny Fielding writes, “The question is really a linguistic one, hovering between a conventional use of speech acts. . . and a belief in magic language”.²⁰ We can only trust Tibbers’s authentication of the duplicate if we believe he is a ghost, a re-appearance of the past. But without a belief in the power of the past to enchant the present with its ghostly presence in language, we are left with an uncertain reality in which absolute identifications are impossible and authority relationships are the sole guarantors of truth.²¹ In *The Brownie* the material traces of the past spoke their own, objective language—the language of political and religious conflict, of history. In *The Unearthly Witness*, however, these traces remain silent and are forced to speak through legally authorized acts of ventriloquism. The story

²⁰PENNY FIELDING, *WRITING AND ORALITY: NATIONALITY, CULTURE, AND NINETEENTH-CENTURY SCOTTISH FICTION 76-77* (Oxford University Press, 1996).

²¹Hogg performs this same epistemological reversal in his short story, *The Barber of Duncow* (*Fraser’s Magazine*, March, 1831). Those who “misbelieve” Janet Black’s story of past violence are visited by the ghost of the victim, who “gives its testimony” and presents its gruesome wounds as evidence. Once again, Hogg equates absolute knowledge of the past with an act of transcendence whereby the “real” insecurity of language is overcome through a supernatural re-presentation. See also *The Cameronian Preacher’s Tale* (1828), where the killer, rather than his victim, makes a supernatural return to reveal the truth of past violence—a truth that is indecipherable from the traces it leaves behind.

suggests that “true” descriptions of the past are simply those that are backed by the legal, religious, or familial authority necessary to say what counts as an authentic identification, an authentic symbolization of “the real”.

In his *Strange Letter of Lunatic*, published in the same year as *The Unearthly Witness*, Hogg explores the tenuousness of identifications in a world where duplicates are rife. The narrator, James Beatman describes how the appearance of his double completely undermines his own ability to identify his “real” self. The “I” of identity is set free, dispossessed of any organic connection to the body of the person who utters it. As Beatman writes, “I felt myself in a strange state indeed, and quite uncertain whether I was the *right* James Beatman or not” (162). All of Beatman’s attempts to place the “I” prove futile, even when he attempts to destroy his apparent double through violence: “We fired at six pace distance, and I fell. Rather a sure sign that I *was* the right James Beatman, but which of the I’s it was that fell I never knew till this day, nor ever can” (166). The duplicate transfigures the “original”—turning it into simply another copy with no privileged claim over the name “James Beatman” or the signifier “I”. The narrator of Hogg’s story is unable to define his identity unilaterally. It is not enough for him to simply declare “I am the right [or real] James Beatman” because every one else insists upon using the same name for his double.

The appearance of James Beatman’s double exemplifies the process of signification, the creation of, in Foucault’s term, “the signifying idea”, a symbolic likeness. The “counterfeit” Beatman exists as the symbolic trace of the original, to be encountered by others and (mis)identified as the original itself. Foucault describes the doubling effect of signification in these terms: “[t]he signifying idea becomes double, since superimposed upon the idea that is replacing another there is the idea of its representative power”.²² Once the “figure” is created, “it moves backwards in relation to itself and comes to reside entirely within the signifying element”.²³ In other words, once the duplicate appears, the “real” or “elemental” is overtaken, invaded by its sign

²²MICHEL FOUCAULT, *THE ORDER OF THINGS: AN ARCHAEOLOGY OF THE HUMAN SCIENCES* 64 (Routledge, 1970).

²³*Id.* at 65.

until it becomes a likeness itself, a mere symbol of the “real” that has disappeared. As Foucault writes, “an idea can be the sign of another, not only because a bond of representation can be established between them, but also because this representation can always be represented within the idea that is representing”.²⁴ Hogg captures the overpowering nature of signification in the narrator’s increasing willingness, when confronted by his duplicate, to seriously consider the possibility that it is he who is the counterfeit, having been possessed by “the devil in my own likeness” (165).

The *Strange Letter of Lunatic* may be read as another of Hogg’s explorations of the problems of knowing the past, which can only be encountered through signification—as narrative or image. The narrator of Hogg’s story finds himself constantly in pursuit of his double, who seems always to precede him. The narrator must then learn what “James Beatman” has just done, whether it be acts of charity or cruelty. He thus becomes the unwilling recipient of narrative accounts of his “own” past and a target of the moral judgments that ensue. Although the narrator believes these stories to be the products of false identification, he is unable to contradict these accounts because they are “true” according to the rules of linguistic reference. For others, who never see the coincidence of the duplicate Beatman and the original, the idea that the duplicate should not be identified as the original is absurd; it is simply “natural” that the sign *is* the thing it signifies. Beatman’s disturbing inability to contradict the stories told about him is emblematic of the inability of the past to represent itself—to assert its “real” identity against the “false” identifications that dominate the present. Rather than the past determining its sign, the placement of the sign determines the always-absent past. Hogg thus returns us to the notion, recurrent in many of his short stories, that the source of “truth” about the past, and the arbiter of what counts as a re-presentation of it, is social authority—the power to place signs exercised through social relations. It is no surprise, then, that James Beatman should find himself committed to an asylum, locked away by legal means from the rest of society and labeled “a lunatic”. Hogg thus concludes his dizzying story with an image

²⁴*Id.*

that suggests the powerless of the past to resist its identification with its likeness, its linguistic representation.

3. “sojourning in the midst of a chaos of confusion”

The same motifs of doubling and disinterment that Hogg develops in his short fiction and *The Brownie of Bodsbeck* appear in his masterwork *The Confessions of a Justified Sinner*.²⁵ In *The Confessions*, Hogg deploys these motifs in a concerted manner, to provide an extended critique of “enthusiasm” and its claims to exclusive knowledge of the truth. Through the defamiliarizing effect of these images, Hogg suggests that the error of “enthusiasm” lies in the refusal to acknowledge the uncertainty that arises whenever “the real” is duplicated in the process of its symbolization. As in the *Strange Letter of a Lunatic*, language (seen again as “the double”) confounds the attempts of the “enthusiast” to master it. The “enthusiast” is led into a “chaos of confusion” as the identities that once seemed imbedded in the world become unhinged, set free by their verbal duplication. In *speaking* the truth—the truth that justifies his moral and legal authority—the “enthusiast” liberates it, allowing it to be captured by others who would become his judge.

The Confessions is a novel dominated by the violence of religious “enthusiasts”—violence that is motivated and justified through the same discursive practices described by Scott and Galt in their novels on the Covenanters.²⁶ In Hogg’s text, we encounter radical Presbyterians two decades after the “Killing Times”. The Hanover succession has been established and with it, a Presbyterian system of church government. Even though the term “Covenanter” has been replaced by “Whig” or “Calvinist”, Hogg uses familiar rhetorical markers to identify his central characters as later-day members of that “persecuted sect”. On her wedding night, for example, Lady

²⁵All citations from JAMES HOGG, *THE CONFESSIONS OF A JUSTIFIED SINNER* (J.A. Cuddon ed., Everyman, 1994).

²⁶On the connections between *The Confessions* and *Ringan Gilhaize*, see David S. Mack, “The Rage of Fanaticism in Former Days”: James Hogg’s *Confessions of a Justified Sinner and the Controversy over Old Mortality*, in *NINETEENTH-CENTURY SCOTTISH FICTION* 37 (Ian Campbell ed., Carcanet New Press, 1979).

Dalcastle describes her new husband's residence as the "heathen land of the Amorite, the Hittite, and the Girgashite", echoing (albeit in a comical register), the solemn biblical allusions of Burley and Gilhaize (5).²⁷ Here, too, we find the same querulousness that characterized the Covenanters in the novels of Scott and Galt: Hogg writes that the Reverend Mr. Wringhim believes "that there were eight different kinds of FAITH" while Lady Dalcastle "had discovered another five" (11). The ensuing debate over the "existence or fallacy of these five faiths served for a most enlightened discussion of nearly seventeen hours" progressing further and further "from nature, utility and common sense" (Ibid.). These scenes of exegetical in-fighting echo the controversies that Scott depicts between the Covenanters at Bothwell Bridge and between Old Mause and Reverend Kettledrummle.²⁸

These farcical depictions aside, Hogg, like Scott, portrays religious "enthusiasm" as an extremely dangerous form of self-delusion, able to justify uncontrollable acts of violence. Hogg's religious "enthusiasts", like those of the novels discussed in previous chapters, rely on a postfigurative understanding of the world to affirm their authority to condemn and punish. Like Balfour of Burley or Ringan Gilhaize, Hogg's latter-day Covenanters read themselves as biblical types. Rev. Wringhim, for example, believes himself to be a modern figure of both "Melchizedek"²⁹ (because he, too, is "a preacher of righteousness") and "the Apostle

²⁷The use of typology by Hogg's "enthusiasts" is not always comical. Robert Wringhim, for example, justifies the murder of his brother by appealing to "holy writ, wherein many instances are recorded of the pleasure the Lord takes in the final extinction of the wicked and profane; and this position I take to be unanswerable". HOGG, *CONFESSIONS*, *supra* note 25, at 133. On the distorted religious rhetoric of Rev. Wringhim, Lady Dalcastle and Robert Wringhim, see Ian Campbell, *Burns, Hogg, and the Dangerous Art*, LITURGICAL REVIEW (EDINBURGH) 33, 41 (1974) ("The separateness of the Wringhim family is expressed partly by their behaviour, but only partly, for their devoutness is just a refined form of everyday piety. Their real separateness is expressed to the outside world by their speech, and their speech is conditioned by their secure self conviction in their justification and ultimate redemption."). For a counter-argument that the Wringhims' are merely one example among many in *The Confessions* of characters who use dogmatic rhetoric to assert their self-justified understandings, see David Petrie, *The Sinner versus the Scholar: two exemplary models of mis-re-membering and mis-taking signs in relation to Hogg's Justified Sinner*, 3 STUDIES IN HOGG & HIS WORLD 57 (1992). Although Petrie may be correct in pointing out the dogmatism of such characters as Mr. Blanchard and the editor himself, it is important to note the special resonance of the Wringhim's post-figurative rhetoric in relation to the works of Scott and Galt on the "enthusiastic" Covenanters.

²⁸See, e.g., WALTER SCOTT, OLD MORTALITY 175, 312 (Jane Stevenson & Peter Davidson eds., Oxford University Press, 1993).

²⁹See GENESIS 14.18: "And Melchizedek king of Salem brought forth bread and wine: and he was the priest of the most high God".

of the Gentiles”, sent forth to teach the fallen the error of their ways (82-83). Biblical typology, however, is not the main source of authority for Hogg’s religious “enthusiasts”. Instead, they claim to discover “deeper” meanings that cannot be traced back to such an “open” text as the Bible, which is available for all to read and interpret.³⁰ As Robert Wringhim observes, after being initiated into “the just made perfect”, “I was now a justified person. . .my name written in the Lamb’s book of life, and that no by-past transgression, nor any future act of my own, or of other men, could be instrumental in altering the decree” (90). Identification as a member of the elect places Robert in the meta-narrative of God’s Providence which moves towards its conclusion, towards his salvation, without interruption. All events of the past, present, and future are united by this narrative and express its meaning. Life, for the “enthusiast” becomes a book; the world, a set of signs that manifest their significance to “chosen” interpreters. These signs and significance are imbedded and apparently immovable: “If my name is not written in the book of life from all eternity”, thinks Robert in a rare moment of humility, “it is in vain for me to presume that either vows or prayers of mine, or those of all mankind combined, can ever procure its insertion now” (78). Such interpretative quiescence, however, is soon forgotten as Robert learns that Rev. Wringhim “wrestled with God. . .on my account; but that *he* had at last prevailed, and had now gained the long and earnestly desired assurance of my acceptance with the Almighty” (90).³¹ Hogg’s “enthusiasts” claim ultimate control over the “Book of Life”, over the meaning and placement of the world’s signs—a power derived from the very imbeddedness of these signs, their hiddenness from the non-elect. As sole interpreters of the concealed text of Providence, “enthusiasts” are

³⁰Thus Hogg’s religious “enthusiasts” attempt to avoid the problems experienced by Hobbes’s Sovereign, who, as leader of the Christian Common-wealth, must reveal the lie behind his “authority” in claiming the ability both to represent his subjects’ *unified* understanding of the Scriptures perfectly and to end the semantic strife—the lack of such unity—engendered by the ambiguity of the text. See *supra* Chapter 1, text accompanying notes 38-40.

³¹Ian Campbell notes that “The idea of wrestling with God and extorting promises is grotesque and blasphemous and must have seemed so without hesitation to [Hogg’s] contemporaries”. Campbell, *supra* note 27, at 43. Like Claverhouse of *The Brownie of Bodsbeck*, the Wringhims create a world-upside-down through violence, in this case, violence against the text of the Bible and Book of Life.

able to *assign* and *shift* identities while simultaneously asserting the inherent stability of these identifications—their organic connection to the signified object.

This power of identification confers moral and legal authority, allowing “enthusiasts” to mark others as objects of divine punishment and themselves as the instruments of God’s judgment. As Robert Wringhim informs his jailer, “if you belong to the unregenerate, I have a commission to slay you”—a commission, “sealed by the signet above” (117). “I am the sword of the Lord,” he continues, “and Famine and Pestilence are my sisters. Woe then to the wicked of this land, for they must fall down dead together, that the Church may be purified!” (*id.*) Wringhim asserts his authority by combining the language of civil law and revelation. Through his legal “commission” he gains the right to revise the text of the world, to erase those that carry the sign of the “wicked”. The act of purification is an act of legal violence, authorized by the divine narrative that structures experience:

I conceived it decreed, not that I should be a minister of the gospel, but a champion of it, to cut off the enemies of the Lord from the face of the earth; and I rejoiced in the commission, finding it more congenial to my nature to be cutting sinners off with the sword than to be haranguing them from the pulpit, striving to produce an effect which God, by his act of absolute predestination, had for ever rendered impracticable.

(96)

Rather than introducing his own words into the world, through “harangues”, Wringhim sees his role as simply to allow the divine narrative to speak for itself.³² Through his acts of violence, he makes God’s unchangeable judgments, written in the concealed Book of Life, manifest. The inherent identities of the “wicked” may then be read by all in the violent traces Wringhim leaves upon their bodies. Hogg thus describes “enthusiasts” as masters of the double: through acts of violence, they inscribe “duplicates” of God’s already-written judgments on the bodies of the already-

³²Wringhim’s explanation here harkens back to Paul Hill’s “eerily disarming, internally consistent logic”. Once Wringhim’s foundational premise is accepted—the idea that he can discern the elect from the damned—his blasphemous violence may, indeed, be rationalized as a time-saving measure. For a critique of Wringhim’s antinomianism as a product of his over-reliance on reason as opposed to faith, see Clark Hutton, *Kierkegaard, Antinomianism, and James Hogg’s Private Memoirs and Confessions of a Justified Sinner*, 20 SCOTTISH LITERARY JOURNAL 37, 42 (1993) (“Robert’s acceptance of antinomianism is the primary example of the value he places on reason. One of antinomianism’s strongest appeals is that it is very logical.”).

condemned. As Foucault describes, these “duplicates” overcome the original, transforming it into a mere reflection: the violence of Hogg’s “enthusiasts” is always authorized by the Book of Life because, through acts of “duplication”, they re-author the divine narrative.

Language, however, is not so easily controlled. It has a life of its own, a life that appears in the devilish form of Gil-Martin. Like James Beatman’s double, Hogg’s fiend is the image of language itself: a duplication of “the real” that determines our understanding of it. In Gil-Martin, we see language overcoming the “enthusiast”, denying him the power to fix his identity. Gil-Martin moves through the world, leaving narrative traces behind him—stories told by others that cannot be disproved because “the real” has disappeared into its image, its double. Just as Hogg’s “enthusiast” mastered the Book of Life by claiming merely to inscribe its duplicate, so, too, does Gil-Martin master the “enthusiast’s” identity by re-presenting him to the world in the form of a reproduction. Robert Wringhim describes his bond with Gil-Martin in these terms: “to shake him off was impossible—we were incorporated together—identified with one another, as it were, and the power was not in me to separate myself from him” (141). Gil-Martin himself declares that he is so “wedded” to Robert that he feels they are the “same person”: “Our essences are one, our bodies and spirits being united. . .”(176). Through this sexualized imagery of possession, Hogg captures, in Foucault’s terms, the backward movement of the sign: the duplicate, Gil-Martin, “comes to reside entirely within the signifying element”, Wringhim, thus preventing other perceivers from making any distinctions between the two.

Gil-Martin is a free-floating sign, never seen as “himself” but always as a duplicate that offers itself as “the real”. After George Colwan is dead and buried, Gil-Martin re-presents him to those who knew him best. Colwan’s childhood nurse declares that ““against the clearest light of reason, I cannot in my mind separate the one from the other, and have a certain indefinable expression on my mind that they are one and same being, or that the one was a prototype of the other”” (71). Like other

images of resurrection in Hogg's fiction, the reappearance of George Colwan offers an implicit commentary on both the power of the idea of re-presentation and the limits of human perception: Upon seeing the deceased George Colwan alive, Mrs. Logan wonders: "It cannot be in nature, that is quite clear. . . Yet how it should be that I should *think* so. . . there lies the paradox" (67). Gil-Martin's replication of Colwan may be read as a metaphor for the hold language has over our understanding of the past. Although it seems unnatural, the duplications performed by language are so persuasive as to make us believe they re-present the past—a past we thought was dead—making it tangible to us. Since the "original" has disappeared, buried by the passage of time, we have no other means of knowing the past except through its duplication. Only when we can fix identities from a privileged vantage point can we make distinctions between "the real" and its image. Such a vantage point was offered to Mrs. Logan: she is able to mark Gil-Martin (who now assumes the shape of Drummond) as "some spirit, or demon, in [Drummond's] likeness" because she witnesses both the departure of the original and the arrival of Gil-Martin "*at the same time*" (58). As Walter Benjamin writes, in a world of duplicates, "the presence of the original is the prerequisite to the concept of authenticity".³³

Such moments of coincidence are fleeting, however, and soon the duplicate occupies the stage, able to shape our understanding of past events. Drummond is convicted of murder based on the eye-witness accounts of others who did not share Mrs. Logan vantage point. When Drummond escapes, the story of this guilt becomes a "pulpit theme over a great part of Scotland"—a narrative of moral judgment based the false witnessing of the duplicate as the original. This witnessing is only suspected of being false by the one person who saw the duplicate's displacement from "the real" (44). Drummond's false conviction has a parallel in the conviction of the "journeyman preacher", whose likeness Gil-Martin assumes during Mr. Blanchard's murder. As Wringhim notes, the "greatest mystery" of this event was the fact that two witnesses

³³WALTER BENJAMIN, *The Work of Art in the Age of Mechanical Reproduction*, in *ILLUMINATIONS* 217, 220 (Hannah Arendt ed. & Harry Zohn trans., New York, Schocken, 1968).

came forward to swear that the “unfortunate preacher” was the person who killed Blanchard (111). In response to these accounts, the preacher could only make “a confused speech of himself” and was thus sentenced to death. Wringhim comments that “from that time forth I have had no faith in the justice of criminal trials” (*id.*). Once again, Hogg portrays moral and legal judgments as originating in encounters with a duplicate, an already displaced sign that is mistaken for the real. The “enthusiast” Wringhim asserts the superiority of his own judgment to that of civil law: he claims a privileged viewpoint from which to know that the “confused speech” of the preacher was true and that Gil-Martin was, indeed, an accomplice to murder (*id.*). Gil-Martin’s next move, however, is to confuse Wringhim’s *own* vision and speech, undermining the certainty of both his self-identity and his moral perceptions.

Besides being a master of the postfigurative rhetoric of religious “enthusiasm”, Gil-Martin is also a master of interpolating identities within narratives of his own making. Through the agency of Gil-Martin, Wringhim’s self-identity becomes the subject of others’ story-telling. At first, Gil-Martin is content to play the role of the privileged witness to Wringhim’s actions, playing on his subject’s desire for self-aggrandizement. Wringhim’s understanding of his role in George Colwan’s murder is determined by his companion’s heroic description that contradicts the account offered by Mrs. Logan in the editor’s narrative. Although his “immediate impressions” of the murder differ from how his “illustrious friend described them to be afterwards”, Wringhim believes he can “rely implicitly” on Gil-Martin’s story, because “he was at that time a looker-on” (132-33). Once a maker of duplications, the “enthusiast” is now their subject: he yields to the narrative image himself that Gil-Martin constructs. Wringhim soon finds out that such images “possess” him, stealing his “authentic” identity. As Gil-Martin takes his form and moves out into the world, Wringhim loses his sense of self: “I seemed to be hardly an accountable creature. . . a being incomprehensible to myself. Either I had a second self. . . or else my body was at times possessed by a spirit over which it had no control” (141). Wringhim can no longer give an “account” of himself—that is, he loses the ability to narrate his own past, to

re-present his past experience to the world. Instead, there is only “a confusion in all [his] words and ideas” (119).

Benjamin suggests that “the authenticity of a thing is the essence of all that is transmissible from its beginning, ranging from its substantive duration to its testimony to the history which it has experienced”.³⁴ If this is so, Hogg’s portrait of Wringhim’s “possession” describes the destruction of authenticity through reproduction, the sudden inability of the object to “transmit” its own “history” and to give its own “testimony” once it is dissolved into a network of duplicates. Wringhim’s “history” is narrated back to him:

[O]f all my troubles, this was the chief: I was every day and every hour assailed with accusations of deeds of which I was wholly ignorant; of acts of cruelty, injustice, defamation, and deceit; of pieces of business which I could not be made to comprehend. . . .

(149)

Wringhim’s identity is now controlled by his “readers”—those who encounter his sign in the world and who retell the stories it inscribes in their experience. Unfortunately for Wringhim, most of “readers” do not follow the example of Bessy Gillies, who reminds us that “[/]*like* is an ill mark” (53).³⁵ Gil-Martin is a fiendish author, representing Wringhim to an audience that forgets the limits of its perception, its inability to distinguish the authentic from the duplicate, the original from its likeness. Wringhim’s position is similar to that of Balfour of Burley, if Scott’s character were to read *Old Mortality*, finding his identity determined by Scott’s re-presentation of the past. And like *Old Mortality*, these narratives carry with them moral and legal judgments: “Every tongue was engaged in loading me with the most opprobrious epithets! One called me a monster of nature; another an incarnate devil; and another a creature made to be cursed in time and eternity” (161). Although Wringhim claims

³⁴*Id.* at 221.

³⁵David Groves writes that the purposefully equivocal testimony of Bessie Gillies at Drummond’s trial “stress[es] the limitations of human perception, in contrast to the proud assertions of certainty on the part of the two narrators”. David Groves, *Parallel Narratives in Hogg’s Justified Sinner*, 9 SCOTTISH LITERARY JOURNAL 37, 40-41 (1982). See also Michael S. Kearns, *Intuition and Narration in James Hogg’s Confessions*, 13 STUDIES IN SCOTTISH LITERATURE 81, 83 (1977) (“In the eyes of this court, just as for the court which convicts the innocent minister of Rev. Blanchard’s murder, similarity is mistakenly equated with identity, while Bessy maintains an inviolable distinction between the two”).

that “there cannot be such a thing in reality” as these re-presentations of his identity, he nevertheless faces the reality of punishment and persecution based on these re-presentations. He becomes the target of the law’s violent re-inscriptions of identity, just as he, the “enthusiast”, was want to re-inscribe the identities written in the Book of Life on the bodies of the “degenerate”. Near the end of his life, Wringhim writes that he has become “liker to a vision than a human being” (184). Indeed, through Gil-Martin, he *has* become a “vision”—a man whose identity has been overcome by his likeness, his duplicate.³⁶

The text that Wringhim leaves behind is an act of rebellion. Just as language, in the shifting form of Gil-Martin, resisted his “enthusiastic” attempts to master it and make it an instrument of judgment, so, too, does Wringhim resist the efforts of language to master his identity. Ironically, Wringhim turns to the printing press to represent his *authentic* identity to the world. Wringhim’s heart “exults” when, at the printing house, he sees “what numbers of my works were to go abroad among mankind” (171). Through exact duplications of his text, Wringhim hopes to construct a stable identity that may be circulated among the community of readers.

Unfortunately, Wringhim overestimates the power of print—a form of duplication *known* to be an “ill mark”, known to be displaced from its origins. His text is “consigned to the flames” by his publisher, who labels it “a medley of lies and blasphemy” (171). As a “medley” of type, a disembodied composition of signs, Wringhim’s narrative has no claim to authenticity. It cannot transmit its own “history”, cannot prove its origin in actual experience. Instead, it is merely the duplicate of an original known to be absent—a duplicate without any external guarantees of truth and, therefore, a duplicate to be read with caution.

In the editor’s sequel to the novel, Hogg deploys the motif of disinterment that figures so prevalently in *The Brownie* and *The Unearthly Witness*. Here, again, we

³⁶We can read *The Confessions* as a critique of the Hobbesian theory of perfect representation by the Sovereign. Hogg reveals how such claims to perfect representation (the kind of claims Gil-Martin makes implicitly in showing “himself” off to the world as the “real” Wringhim) destroy the idea of representation itself, preventing others from distinguishing between sign and signified, or, in Hobbesian terms, “author” and “actor”. See *supra* Chapter 1, text accompanying notes 34-35.

have a sense that the truth of the past may re-present itself, like the ghost of Tibbers or the ghost-like Covenanters hiding underground. Yet Hogg's ambiguous ending complicates the possibility of re-presentation. Hogg's letter to *Blackwood's Magazine*, which is reprinted in the text, describes the uncovering of a suicide's grave that lies on "a wild height called Cowan's-Croft" in the Borders region (185). In this letter, Hogg writes that the contents of the grave were perfectly preserved, even down to the hay rope which formed the suicide's noose. The past, it seems, remains intact, ready to be recovered in its entirety as a set of "wonderful remains" (189). When the editor arrives in the Borders to unearth the truth about the past, however, Hogg appears and gives an implicit warning, explaining that there are better, more practical things to do than "ganging to houk up hunder-year-auld banes" (190). As Magdalene Redekop suggests, Hogg appears as "an oracular shepherd who stands on the threshold of a visionary world, concealing its mysteries".³⁷ This scene, I suggest, is in some measure an acknowledgment by Hogg of his "error" in *The Brownie of Bodsbeck*—his desire to reveal the objective reality underlying local, traditional explanations of past events. Like the intrusion of the scientific editor in search of evidence, such a desire to find "the real" has a paradoxical effect, threatening to distract individuals from the more pressing material concerns of "real life".

Rather than being satisfied with the vision of the truth created by Hogg's letter, the editor demands that a disinterment of the truth underlying the letter take place. However, this letter, "which bears the stamp of authenticity in every line", mislocates the grave—a "singular blunder" that is unexplainable given the Etrick Shepherd's knowledge of the area (188, 190) Like Gil-Martin, Hogg has constructed, in his letter, an image displaced from its absent original.³⁸ Once the editor succeeds in locating the

³⁷Magdalene Redekop, *Beyond Closure: Buried Alive With Hogg's Justified Sinner*, 52 *ELH* 159,166 (1985).

³⁸On the significance of the various discrepancies between Hogg's letter and the condition of Wringhim's grave as described by the editor, see Kearns, *supra* note 34, at 85. See also Michael York Mason, *The Three Burials in Hogg's Justified Sinner* 13 *STUDIES IN SCOTTISH LITERATURE* 15, 19 (1977), which argues that these discrepancies are part of Hogg's larger effort to show "the extreme unreliability of tradition, even very recent tradition". This "extreme unreliability" is only a problem, however, if one is compelled, like the editor, to make an individual search for origins, for a direct encounter with the past. Discovering the unreliability of tradition is only the first step to a greater

real grave, his hope is renewed that the past will offer itself for view and the truth witnessed. Yet once found, the grave yields only a disintegrating body and more displaced text, *The Private Memoirs of a Justified Sinner*. Unlike the dead that return in Hogg's short stories, the past here cannot speak for itself; rather, it must be deciphered through its textual reproduction. Although the editor's companion suggests that the text found on Wringhim's body will miraculously reveal "some mystery that mankind disna ken naethin about yet", its meaning remains, at least for the editor, an enigma: "With regard to the work itself, I dare not venture a judgment, for I do not understand it. . . . I confess that I do not comprehend the writer's drift. It is certainly impossible that these scenes could ever have occurred that he describes as having himself transacted" (194, 195). As with the bodies of Clavers's Highland soldiers, the meaning of the traces left by the past is not self-apparent, but encased within "incomprehensible" language. Like Mr. Watson the publisher, the editor distrusts the text, seeing it as a displaced duplicate—a "duplicate" of delusion rather than reality. The editor offers this sophisticate psychological interpretation:

we must either conceive him not only the greatest fool, but the greatest wretch, on whom was ever stamped the form of humanity; or, that he was a religious maniac, who wrote and wrote about a deluded creature, till he arrive at that height of madness that he believed himself the very object whom he had been all along describing.

(id.)

In other words, Wringhim must have been possessed by a duplicate of his own making, his own text. The possessing devil, under this interpretation, is once again language, the "enthusiast's" greatest ally and his most deadly enemy.³⁹

4. Conclusion

discovery of the unreliability of all supposed re-presentations—and the resulting appreciation for the social value and function of tradition in the face of the permanent absence of the past.

³⁹Magdalene Redekop argues that, in the editor's suggestion that Wringhim has been "possessed" by his text, "the novel's repeated doubles are expanded to include the most disturbing one of all: the reader and the text. We have read and read *about* a 'deluded creature' only to find that we are now enclosed *by* the emblemized antithesis, ourselves a victim of an 'ideal tormentor'—this baffling text". Redekop, *supra* note 35, at 159-60.

Robert Wringhim's identity is overtaken not only by his own text, but by the editor's narrative—a "detail of curious traditionary facts, and other evidence" that attempts to resolve the mysteries of Wringhim's distorted account of the past. Although the editor claims to rely on three sources, "history, justiciary records, and tradition", it is the latter that provides him with the body of his narrative (73). History, he writes, only offers bare legal facts: "I find that, in the year 1687, George Colwan succeeded his uncle of the same name, in the lands of Dalchastel and Balgrennan; and, this being all I can gather of the family from history, to tradition I must appeal for the remainder of the motley adventures of that house" (3). Once again, Hogg describes "tradition" as a set of narratives that circulate within the community, effecting an inter-generational exchange of past knowledge. According to the editor, the traditions surrounding Robert Wringhim have been "handed down to the world in unlimited abundance; and I am certain that, in recording the hideous events which follow, I am only relating to the greater part of at least four counties of Scotland matters of which they were before perfectly well informed" (*id.*). The editor claims, therefore, to merely re-tell the narratives of the past, honoring and preserving "local" explanation of past events.

Yet like the Hogg of *The Brownie of Bodsbeck*, the editor cannot abide by traditional accounts:

I think it *may* be possible that he had some hand in the death of his brother, and yet I am disposed greatly to doubt it; and the numerous traditions, etc. which remain of that event may be attributable to the work having been printed and burnt, and of course the story known to all the printers, with their families and gossips.

(195)

Here, as in *The Brownie*, traditional explanations of past violence are rejected as distortions of the truth. The editor desires to find the fixed origin of the story he has retold, its earthy beginnings. Yet, like the grave that yields only text, the editor suspects that his story originates in type, in Robert Wringhim's duplications. The editor's returns us to the same hierarchy of language implied by Hogg's earlier work on the Covenanters: The only language to be completely trusted is that which can re-

present the past transparently and thus offer its objective, meaning. Any descriptions of the past that appear as re-tellings of already formed narratives—as descriptions that have their origin within already-displaced signs—are suspect and must be “corrected”. But it is precisely this desire for fixed origins and this trust in re-presentation that Hogg problematizes through his use of Gil-Martin as an image of language. The power of Gil-Martin to determine the perceptions of others, and to provoke a “chaos of confusion”, lies in his ability to offer himself to his audience as a re-presentation of “the real” rather than as a displaced duplicate. Like Gil-Martin’s audience, the editor has forgotten the lesson of Samuel Scrape’s tale of Auchtermuchty—the need to always look for the “cloven foot peeping out fra aneath ilka sentence” (156).⁴⁰

The value of “tradition” lies in its epistemological honesty, in its implicit “confession” that its duplications of the past are always-already displaced from “the real” rather than identical to it. The lifeblood of tradition, in fact, is the continual displacement of signs—the continual duplication and re-telling of pre-existing *stories* about the past. The “truth” of these re-tellings depends on their ability to instill belief—which, in turn, depends on the bond between narrator and narratee. In other words, the “truth” of tradition inheres in the *social* relationships that structure a community, rather than in the de-humanized, *semiotic* relationship between sign and signified. Whereas the “truth” of tradition acknowledges itself as the product of human relationships, the “truth” of re-presentation offers itself as the supposed transcendence of these relationships—a direct, isolated encounter with “the real” through its transparent and fixed duplicate.

As the editor suggests, *The Confessions* may indeed be read as a “parable”—one that describes the error of “enthusiasm” as the destructive desire to erase the distance between sign and signified through the individual discovery of a “pure” language—a language that does not depend on “contingent” social structures to bridge this distance

⁴⁰On the significance of the tale of Auchtermuchty, see *id.* at 176 (“Wishing to be extraordinary, the people of Auchtermuchty reject the commonplace.”). See also Ian Campbell, *Hogg’s ‘Confessions of a Justified Sinner’* LITURGICAL REVIEW (EDINBURGH) 28 (1972) (argues that the story of Auchtermuchty describes the “stealing” of the Antinomians’ rhetoric and its use against them).

and fix reference.⁴¹ The violence unleashed by this desire is evident both in Wringhim's deadly re-inscriptions of the Book of Life and in his hope for self-extinction once he becomes the subject of Gil-Martin's re-presentations. In one sense, by laying claim to the supernatural (or perhaps "super-social") power to re-present "the real", Wringhim calls forth the very demon that destroys him. Like his victims, and like the narrator of Hogg's *Strange Letter*, Wringhim finds his self erased as the duplicate returns to possess its origin—an act of possession made possible by the supposed purity of the sign, its unity with the signified. Such is the specter of "enthusiasm" that Hogg describes: a terrifying vision of a world in which language claims transparency—an exact coincidence with the real—thus authorizing each privileged or self-anointed interpreter to inscribe this language upon the bodies of the "degenerate", the "fallen" or the merely "dissident".

In Wringhim's rise and fall, Hogg gives us an account of life in Hobbes's semantic state of nature, where all claim individual knowledge of the truth and where all are potential subjects of the violence authorized by such claims. Hogg, however, rejects the Hobbesian desire for control through absolute sovereignty—through the institution of a single, all-powerful interpreter of the Word who can impose semantic order. Instead, Hogg suggests that semantic peace is only possible through an awareness of the permanent distance between duplicates and originals, or, in other words, the permanent *absence* of originals. Only then can we preserve the sense that identities are social constructs, whose truth depends on their acceptance by other perceivers. Hogg, like Hume, leads us back to the social relations that structure our community for a source of semantic stability and moral knowledge. The moral, religious, and even superstitious "truths" of tradition, like Hume's conventions of justice, are to be followed not because they are absolute, but because, in their very transmission, they establish and reaffirm the social bonds of community. Language

⁴¹For another reading of Wringhim's narrative as a parable—a Pilgrim's Progress in reverse—see Douglas Mack, *The Devil's Pilgrim: A Note on Wringhim's Private Memoirs in James Hogg's Confessions of a Justified Sinner*, 2 SCOTTISH LITERARY JOURNAL 36 (1975).

only becomes fiendish when we accord it the power to transcend the social, to possess “the real”, and thus to become a self-justifying source of authority.

Conclusion

Hume, Hogg and Communities of Belief

At the end of Book One of his *Treatise*, David Hume describes a moment of philosophical despair. He writes that his “*intense view*” of the “manifold contradictions and imperfections in human reasoning” has left him bewildered, unable to discern the truth, the origin, of his experience.¹ “Where am I, or what?”, he asks, “From what causes do I derive my existence, and to what condition shall I return?” Such unanswerable questions leave him “in the most deplorable condition imaginable, environ’d with the deepest darkness, and utterly depriv’d of the use of every member and faculty”.² Here we see Hume coming to terms with the implications of his philosophical inquiries. Hume has just explained the impossibility of discovering ultimate causes. The world, he finds, must remain merely a collection of signs, all pointing to some unidentifiable origin. Yet his desire to find this origin remains, resulting in despair. Annette Baier describes this passage as the “revolutionary” moment in Hume’s *Treatise*, the moment when Hume confronts the constant and tantalizing retreat of “the truth”.³ Hume wonders why he must “torture [his] brain with subtilities and sophistries” that apparently can serve no end “either for the service of mankind, or for [his] own private interest”.⁴

In response to this moment of crisis, Hume resolves “to live, and talk, and act like other people in the common affairs of life”.⁵ “If I must be a fool,” he says, “as all those who reason or believe *certainly* are, my follies shall at least be natural and agreeable”.⁶ Yet Hume finds he cannot simply forget the insight he has gained, even if

¹DAVID HUME, *A TREATISE OF HUMAN NATURE* 269 (L.A. Selby-Bigge & P.H. Nidditch ed., Oxford University Press, 1978) (2nd ed.).

²*Id.* at 269.

³ANNETTE BAIER, *A PROGRESS OF SENTIMENTS: REFLECTIONS ON HUME’S TREATISE* 19 (Harvard University Press, 1991). See also DONALD W. LIVINGSTON, *HUME’S PHILOSOPHY OF COMMON LIFE* 34-59 (University of Chicago Press, 1984).

⁴HUME, *supra* note 1, at 270.

⁵*Id.* at 269.

⁶*Id.* at 270.

this insight is only that certainty is impossible. As Donald Livingston writes, “[t]he philosopher cannot abandon philosophy for common life; he cannot go home again”.⁷ Instead, Hume suggests to this readers, who have accompanied him on his dispiriting quest, that “[i]n all the incidents of life we ought still to preserve our scepticism”. That is, we must preserve an awareness of the limits of our understanding once we resolve to rejoin “the commerce and society of men”. This leads to a perpetual sense of anxiety: “I am uneasy to think I approve of one object, and disapprove of another; call one thing beautiful, another deform’d; decide concerning truth and falsehood, reason and folly. . .”.⁸ As participants in “common life”, we must both appreciate the value of “foolish” beliefs, which allow us to move beyond paralyzing doubt, and remain ever watchful for when these beliefs overstep their bounds, becoming dangerous claims to absolute truth. This is the dialectic of Hume’s philosophy, the “torturous” movement from blind faith, to radical doubt and finally to guarded belief.

I have tried to show how the experience of reading Hogg’s fiction traces this same dialectical movement: Hogg undermines our faith in the ability of language to re-present the past, to disinter the buried truth. His doublings and redoublings leave us distrustful of any asserted link between duplicates and originals, between identifications and “the real”. Once again, human experience is seen as a disorienting encounter with, and eventual “possession” by, displaced signs. But out of this realization of the contingency of our identifications comes an appreciation for the social structures of “common life”. These structures—the networks of human relationship through which explanations of the past are transmitted—become, in themselves, grounds for trust and belief in truth. Through acts of belief, we preserve these human relationships and affirm their legitimacy, their authority to influence our conduct and understanding. Yet once again, this trust has its limits: we remain always on guard against the movement from belief to certainty, for in such a move “truth” is reconceptualized as the existence of a *necessary* semiotic link between sign and

⁷LIVINGSTON, *supra* note 3, at 30.

⁸HUME, *supra* note 1, at 271.

signified, name and body, rather than as a socially constructed, and thus socially contingent, connection. As Hogg's *Confessions* suggests, claims to absolute truth can be a radically destructive force, allowing each claimant to violently sever human relationships that no longer seem necessary to secure belief.

Yet what is this "common life" that both Hume and Hogg ask us to embrace? On both their accounts, it is the common life of moral *belief and practice*. Implicit in their writings is a picture of community not merely as a geographic term but as a discursive construct. Communities are defined by common practices of using normative language, common ways of "fixing" moral identities. For Hume, what distinguishes communities from each other is their "moral grammar"—the rules they follow to determine how to use such legally-important words as "justice", "property" and "virtue". For Hogg, the boundaries of communities are marked by the reach of their traditions, by the extent to which particular narrative frameworks are used by individuals to interpret the events of their present (a concept of community seen most clearly in *The Brownie of Bodsbeck*).

Both these notions of community are based on the creation and maintenance of belief. Hume suggests that the moral grammar of justice sustains itself through the belief of each member of the community in not only the usefulness of this grammar to the whole but the fact that these rules of usage are generally followed. The Humean community, then, is based on epistemological humility: moral, political and legal "truths" are not self-evident, but originate in our commitment to them, our shared beliefs. Hogg suggests that community ends were belief in the explanatory power of its narrative traditions no longer exists, most likely due to a breakdown in social relationships that secure belief. Hogg, in particular, is interested in the *borders* of community, in how communities of belief can overlap but also come into conflict. In *The Brownie of Bodsbeck* we see the borders of a community defined by tradition being violated first by the "enthusiastic" violence of the Killing Times and then by Hogg himself, through his disinterment of the objective truth underlying local superstition. *The Confessions* may be read as an acknowledgment of the difficulty of

such an uncovering and the value of allowing traditions to provide meaning in the face of indeterminacy.

Both Hume's and Hogg's understanding of community would seem to allow groups of "enthusiasts" to constitute their *own* communities, organized around common uses of moral (or "divine") language and shared narrative archetypes (the divine texts that allow postfigurative placements of identity). It is interesting, then, that Hume, like Hobbes and Locke before him, describes "enthusiasm" as a force of constant disintegration and individuation. "Enthusiasts" are those who make claims to *unique* and *individual* insights into the truth—claims that appear to eliminate the possibility of community. Hobbes, for example, portrays "enthusiasm" as the confusion of one's "owne Dreams" for the "Prophecy" that should govern one's conduct.⁹ With such a private origin, the "enthusiast's" insights cannot gain the assent of others and determine their behavior: "For if a man pretend to me, that God hath spoken to him supernaturally, and immediately, and I make doubt of it, I cannot easily perceive what argument he can produce, to oblige me to beleieve it."¹⁰ Locke expands Hobbes's argument, suggesting that claims to personal revelation necessarily isolate the "enthusiast's" understanding. The "enthusiast" cannot convince others of the truth of his revelation, Locke argues, because to do so, he would have to employ the mundane instrument of reason, and this would reveal that the insight he supposedly gained from communication with God was not uniquely "divine" but discoverable through common, worldly means.¹¹

Hume, also, describes "enthusiasm" as the dissolution of common principles. Although enthusiasts "produc[e] the most cruel disorders in human society", once their "first fire is spent", their insights sink into oblivion, "there being no body of men among them, endowed with sufficient authority, whose interest is concerned to support the religious spirit: No rites, no ceremonies, no holy observances, which may

⁹THOMAS HOBBS, *LEVIATHAN* 263 (Kenneth Minogue ed., Everyman, 1994); *COLLECTED WORKS*, at III, ii, 427.

¹⁰*Id.* at 224; *COLLECTED WORKS*, at III, ii, 361.

¹¹JOHN LOCKE, *2 AN ESSAY CONCERNING HUMAN UNDERSTANDING* 436 (Alexander Campbell Fraser ed., Dover Publications, 1959) (2 vols.) (4.19.11).

enter into the common train of life, and preserve the sacred principles".¹²

"Enthusiasm" is antithetical to community since it undermines the preservation of common beliefs, which are sustained by common rituals. "Enthusiasm" hinders the creation of the social arrangements (such as a priesthood) necessary to control the way religious principles are observed and thus maintained. Access to the divine no longer depends on participation in and adherence to these fixed practices—practices that themselves "endow" and arrange the authority necessary for their continuance. As we saw in his description of adherents to the "Alcoran", as soon as we cease to use moral language in the same way, we come to inhabit distinct communities: we each become the "uncivilized" other.¹³

But do "enthusiastic" claims to private divine revelation necessarily preclude the development of communities whose moral-discursive practices are organized around a shared *belief* in the possibility of such revelations? In other words, can the epistemological premise that individuals may receive insights directly from God itself form a basis for a community of belief? The *literary* depictions of the Covenanters in the novels of Scott, Galt and Hogg suggest that "enthusiasts" may indeed create their own "common life". This is not to deny that these novel present a consistent picture of the Covenanters as prone to interpretative in-fighting and ridiculous rhetorical contests over who possesses the most accurate understanding of God's will. They are a community on the verge of interpretive dissolution, yet a community nonetheless. They share a common way of using moral language and, perhaps more importantly, a common hermeneutic approach to a sacred, legal narrative. Each Covenanter may read the movements of his or her life into the text of the Bible and through these "inspired"

¹²DAVID HUME, *ESSAYS: MORAL, POLITICAL, & LITERARY* 77-78 (Eugene F. Miller ed., 1985). Hume makes a similar point in his *History of England*: "All enthusiasts, indulging themselves in rapturous flights, ecstasies, visions, inspirations, have a natural aversion to episcopal authority, to ceremonies, rites, and forms, which they denominate superstition, or beggarly elements, and which seem to restrain the liberal effusions of their zeal and devotion. . .". DAVID HUME, *5 HISTORY OF ENGLAND* 119 (A.J. Valpy, 1834) (Chapter 40, Section 1).

¹³See *supra* Chapter 3, text accompanying note 9. In his *History*, Hume describes the Interregnum period as one of "enthusiastic" disintegration and interpretive isolation—brought on by the privacy of inspiration: "every man had adjusted a system of religion, which, being derived from no traditional authority, was peculiar to himself; and being founded on supposed inspiration, not on any principles of human reason, had no means, beside cant and low rhetoric, by which it could recommend itself to others". *7 HISTORY OF ENGLAND* 213 (Chapter 60, Section 1).

readings gain insight into how moral identities, or in this case, postfigurative identities, should be assigned. The Covenanters, in other words, appear as an interpretative community, albeit one in which the result of these interpretations—the location of moral identities—constantly shifts with each “enthusiastic” reading of the common text. Despite the constant potential for discordant interpretation, each act of postfigurative reading is the re-performance of a common ritual of using language, a common *jurisprudential* ritual which Hume’s *Treatise* suggests is the essence of law and the bedrock of community.¹⁴

In his essay *Of Superstition and Enthusiasm*, Hume includes the Covenanters in his list of “enthusiasts”; but labels them, like the “anabaptists”, “the levellers”, and the Quakers, as merely a “fanatical sect”.¹⁵ As such, they are denied normative self-sufficiency, that is, an integral set of moral definitions. They appear instead as part of a splintering process, a continuing disintegration of a previously stable community and its set of common laws. Hume’s reluctance to grant a distinct “common life” to “enthusiasts” may be the result of his desire to avoid acknowledging the right of individuals within a single geopolitical entity, such as Scotland, to create communities with their own legal interpretive rituals. Such rituals would allow the members of the community to justify their actions—especially their acts of normative identification—on *legal*, rather than merely private grounds. It seems that the Humean community, although epistemologically humble, shares a tendency with other liberal societies to, in the words of Stephen Carter, “become totalizing”—which results in a reluctance:

to acknowledge the possibility that people’s lives will be richer, and literally, more meaning-full if they are able, as often as possible, to treat their religious traditions with all the same respect and presumptive obedience that is commanded by their allegiance to the secular political sovereign.¹⁶

I suggest, however, that by extending Hume’s definition of community to include those, like the Covenanters depicted in literature, who share a common interpretive

¹⁴See *supra*, Chapter III, text accompanying notes 10-11.

¹⁵HUME, *supra* note 12, at 76-77.

¹⁶STEPHEN CARTER, *THE DISSENT OF THE GOVERNED* 53 (Harvard University Press, 1998).

approach to sacred legal texts (one that allows for “inspired” readings), we can develop a coherent response to the challenge “enthusiasm” poses to the institutions of a liberal society—a coherent framework with which to explain why “enthusiasts” can be punished for violating the laws of a liberal state. We must add Hogg’s insights to Hume’s, focusing on the *boundaries* of communities, boundaries determined by the extent of *belief* in the validity and usefulness of particular legal interpretive practices.

To backtrack for a moment, I believe that the writings of Hume and Hogg put forward a vision of the ideal state similar to the one offered by “political liberalism”, a political theory defined most famously by John Rawls that recognizes that democratic societies are always “marked by a diversity of opposing and irreconcilable religious, philosophical, and moral doctrines”.¹⁷ “Political liberalism” attempts to answer how a “stable and just society” can exist given these permanent ideological rifts. The question is really this: how can state institutions, in whom power is concentrated, justify their use of this power to coerce the actions of citizens who are committed to their own laws, their own sacred legal texts? In his essay *Moral Conflict and Political Legitimacy*, Thomas Nagel describes this problem as one of “public justification”, that is, of discovering common grounds upon which to decide conflicts between moral positions that each result from comprehensive and strongly-held conceptions of the good. Nagel writes: “Public justification requires. . . an expectation that if others who do not share your belief are wrong, there is probably an explanation of their error which is not circular. That is, the explanation should not come down to the mere assertion that they do not believe the truth (what you believe)”.¹⁸ In the “politically liberal” state, as in the ideal communities envisioned by Hume and Hogg, truth claims alone cannot justify the assignment of moral identities and the sanctions that follow. The possibility of skepticism and disagreement cannot be erased since it results from the inherent “artificiality” of moral identification—its basis in language that is always-already displaced from its supposed origin. While we may come to agreements over

¹⁷JOHN RAWLS, *POLITICAL LIBERALISM* 3 (Columbia University Press, 1993).

¹⁸Thomas Nagel, *Moral Conflict and Political Legitimacy*, 16 *PHILOSOPHY & PUBLIC AFFAIRS* 215, 232 (1987).

the utility of certain placements of identity, these identifications can never be more than just that, *agreements* rather than self-evident truths. It is this state of indeterminacy that makes a regime of “public justification” desirable—for its primary aim is to secure agreement, the only non-arbitrary (but still artificial) ground for moral-identification. Nagel, however, does not provide a clear explanation why the institutions of the liberal state can justly sanction those citizens who refuse to abide by the rules of “public justification” and who insist on enforcing their own truths against those who disagree. Nagel instead focuses how individuals who *already desire to find consensus* can do so. This is where, I think, the concept of communities of belief offered by Hume and Hogg can prove a useful addition to the theory of political liberalism. It provides a rationale for punishing violations of the rules of public justification, one that does not itself violate the epistemological humility of political liberalism.

I want to return now to scenes from the battle over abortion in America. Long before the arrival of Paul Hill in Pensacola, this city on the Gulf Coast of Florida had been the site of anti-abortion demonstrations. The story of these protests is one of increasing irruption across the boundaries of belief that divide religious and civil communities. For years prior to 1983, the demonstrations against The Ladies Center, the most visible of the city’s clinics, had been conducted by a small number of Catholics who held silent prayer vigils outside on the public sidewalk.¹⁹ But in 1983, things began to change. John Burt and Rev. David Shofner, both leaders of fundamentalist Protestant churches in the Pensacola area, began to organize larger demonstrations, skillfully using the local media to get their message out. As James Risen and Judy Thomas note in their study *The Wrath of Angels: The American Abortion Wars*, Pensacola became the site of one of the first “large-scale, anti-abortion protest campaigns anywhere in the South, and one of the first anywhere in the nation to be organized and dominated by fundamentalist Protestants rather than

¹⁹See JAMES RISEN & JUDY L. THOMAS, *WRATH OF ANGELS: THE AMERICAN ABORTION WARS* 195 (Basic Books, 1998).

Catholics”.²⁰ Most of the protesters were drawn mainly from “The Assemblies of God”, a loose affiliation of “charismatic” churches that are not part of a formal church hierarchy and thus free from any external pressures to tone-down their protests. Risen and Thomas note that what connected these protesters was “religious fundamentalism and a belief in the literal power of the Scriptures to tell them that abortion was an unholy stain on America”.²¹ Like the “enthusiastic” Covenanters of Scotland, the anti-abortionists of Pensacola shared a common ritual of “inspired”, individualist readings of the Bible, a practice that gave rise to the beliefs that constituted their community and defined its borders.

Despite the growing fervor of the protesters and the freedom they enjoyed to choose their form of protest, their demonstrations were mainly confined to picketing outside the clinic and “sidewalk counseling”—pleading with women as they walked into the Center not to go through with the procedure (either by presenting, in graphic terms, the “consequences” of abortion or by offering information on “alternative” clinics where abortions were not performed).²² No attempts were made, at this point in time, to stage sit-ins or to prevent abortion procedures at the Ladies Center through other means. By tacitly respecting the property boundaries of the Ladies Center, these demonstrators were also acknowledging the boundaries of their own community of belief. To transcend these boundaries, they used only their voices, a method of moral persuasion recognized as valid by the larger community in which these protesters were situated—the community constituted by the civil laws of Pensacola, of Florida and of the United States. Rather than forcing their own moral identifications (the product of their own legal interpretative “rituals”) on those outside their community of belief, these early protesters adopted the rules of moral deliberation that governed the larger community to which *both* they *and* the women seeking abortions belonged. In other words, these early protesters acknowledged their responsibilities as *dual* citizens of both a religious and civil community.

²⁰See *id.* at 196-197.

²¹*Id.*

²²*Id.* at 112.

In 1986, Joan Andrews, a well-known anti-abortion activist, arrived in Pensacola and began to organize a new type of protest with the help of John Burt. Rather than confining themselves to sidewalk demonstrations, they planned a “rescue”, a term used by the radical anti-abortion community to describe either sit-ins at clinic entrances, or forced occupation of clinic facilities. On March 26, 1986, Andrews, Burt and a number of protesters arrived at the Center only to discover that the police had been tipped-off and were prepared to prevent any “rescue” from taking place. But rather than giving up, Andrews and Burt entered the clinic by a back entrance, knocking down two employees in the process, and then raced upstairs to the procedure rooms, where they began destroying equipment. They were soon handcuffed and arrested.²³

By trespassing and destroying clinic property with the purpose of enforcing their moral identifications on others, Andrews and Burt ignored the boundaries of their own community of belief and also violated the property rules that rightfully governed their conduct as users of “property” themselves. In relying on the laws of property to protect their own possessions, Andrews and Burt place themselves in the same community of belief as the owners of the Ladies Clinic. Only by renouncing the language of property (and thus its current and future protections), could they exit the community of belief they *shared* with their victims.²⁴ While possible, such a renunciation would require a complete withdrawal from the life of civil society, permeated as it is by rules, conventions and practices that assign and stabilize property. In the absence of such renunciation, Andrews and Burt can be rightfully sanctioned for refusing to abide by the interpretive rules of the common community to which they belong as holders of “property”—rules that determine how moral identities are determined and enforced. Unlike earlier protesters at the Ladies Center, Andrews and Burt did not use the means of moral persuasion recognized as valid in the “common life” they shared with those who performed abortions.

²³*Id.* at 207.

²⁴See HUME, *supra* note 1, at 488 (“As the improvement of [material goods] is the chief advantaged of society, so the *instability* of their possession, along with their *scarcity*, is the chief impediment.”).

Paul Hill did not arrive in Pensacola until 1991. By that time, “rescue” activities at the Ladies Center had given way to open violence. Late in 1984, Mathew Goldsby and James Simmons, two young Evangelicals, bombed the clinic after hours and caused such extensive damage that the clinic was forced to relocate.²⁵ Then, on the morning of March 11, 1993, the violence escalated again. David Griffin, a Protestant fundamentalist and friend of John Burt, shot and killed Dr. David Gunn outside the Ladies Center.²⁶ His replacement was Dr. Britton, who would become Paul Hill’s victim a year later. Both Griffin and Hill were members of the extreme anti-abortion community in the United States that developed in the wake of the decline of “Operation Rescue” in the early 1990s.²⁷ Through underground publications and the internet²⁸, members of this community share information and strategies. They are all united by their “inspired” reading of Genesis 9:6: “If anyone sheds the blood of man, by man shall his blood be shed”. From this text and others they receive their legal authorization to kill (interpreting “man”, of course, to include the “unborn”). Yet, interestingly, Paul Hill was not satisfied with this scriptural argument alone. As if acknowledging the boundaries of his community of belief, he searched for justifications of anti-abortion violence in *civil* law—the law of the community to which both he and his victim belonged. In May, 1993, he composed a paper entitled “Should We Defend Born and Unborn Children with Force?”, parts of which were published by an extremist newsletter *Life Advocate*. In the paper, Hill argued that killing abortion doctors was “justifiable homicide”, that is, a legally defensible act under *both* the criminal laws of the state and under the laws of his own community of belief.²⁹ Hill’s “justified homicide” argument signals an attempt to use the definitions

²⁵*Id.* 198.

²⁶*Id.* at 340.

²⁷Operation Rescue was a national anti-abortion organization founded by Randall Terry in Upstate New York in the mid-1980s. Its activities focused on mass sit-ins and sidewalk demonstrations. As Risen and Thomas note, the movement lost momentum with the election of Bill Clinton and with the strong public reaction against the use of violence against clinics which, rightly or wrongly, was associated with Terry’s organization. See RISEN & THOMAS, *supra* note 19.

²⁸See, e.g., <<http://www.angelfire.com/al/abortionkillsbabies/aoginfo.html>>(last visited March 31, 1999).

²⁹*Id.* at 347.

of civil law to achieve a reassignment of moral identifications. It is thus both an assertion of his status as a member of the civil community, with full privileges to use and influence the moral-interpretative conventions of that community, and a tacit acknowledgment of the *validity* of those practices, their authority to assign identity.

First and foremost of these interpretative conventions is the doctrine of *stare decisis*, the typological use of narrative templates to decide current cases. As we have seen, the questions of whether abortion before viability is murder has been answered by the U.S. Supreme Court in the *Casey* decision, thus undercutting Hill's "justifiable homicide" argument. Using the notion of communities of belief suggested by Hume and Hogg, we can acknowledge the authority of the Court's answer not because it is "true", but merely because it emerges from within a set interpretative practices that are accepted by the civil-legal community constituted around the moral identifications that result from these practices—a community to which Paul Hill signaled his allegiance by advancing his "justifiable homicide" argument.³⁰ But by ruling this argument to be "irrelevant", rather than legally incorrect, the court which heard Hill's murder case may have overstepped the boundaries of belief itself, refusing to accept Hill as a full participant in the ritual of legal interpretation practiced within the community it shares with him. While it is likely that the doctrine of *stare decisis* would have compelled a rejection of Hill's argument anyway, the court should have carried out the interpretative ritual of civil law to its full extent, giving real consideration to whether the conditions of the present did, in fact, remain sufficiently similar to those that prompted the *Casey* decision.³¹

³⁰Again, it is important to point out that while the Supreme Court was certainly authorized to decide the legality of abortion (that is, its decision was a proper exercise of an interpretive practice recognized as legitimate by the civil community) it may have contravened the spirit of a deliberative democracy by doing so. By applying the set of *judicial* rather than *political* interpretative practices to fix the moral identification of abortion, it may have erected such procedural barriers to changing this definition as to create the appearance of "finality" for its decision in *Roe* and *Casey*. See *supra* Introduction, note 38 and accompanying text.

³¹See *id.* Unlike the rigid trimester framework of *Roe*, the *Casey* decision is organized around the shifting moment of "viability". Since this moment is constantly being pushed back by medical science, American courts appear to be under an obligation to keep track of these changes and adjust their application of the *Casey* decision accordingly. Of course, it is another legal question altogether whether Paul Hill could ever be "justified" in killing Dr. Britton in an act of vigilante justice, even if Dr. Britton had been performing abortions after the moment of viability.

What if Paul Hill had never put forward the “justifiable homicide” defense, and instead had simply refused to acknowledge the authority of the civil law over his “inspired” reading of divine law? What if he had asserted the supremacy of God’s law over the law of the state, thereby identifying all members of the civil community as members also of a universal community organized around divine precepts? Under such an argument, it would be simply immaterial whether the “sub-community” organized around civil law believed Dr. Britton to be “innocent” of murdering the “unborn”. As a member of the divine community, Dr. Britton could be rightly punished for ignoring the moral identification of abortion as murder.

Analyzing this argument through the framework suggested by Hume and Hogg, it seems to rest on the assumption that, as God’s subjects, both Hill and Dr. Britton share a “common life”. Yet missing from this notion of the “common life” is the idea that its borders are set by *belief and practice*. Dr. Britton *necessarily* belongs to the divine community, Hill would argue, because of the universal truth of God’s law. It is here that the “liberal” state can assert its right to punish Hill, not for purposefully transgressing the boundaries of his own community of belief (which he claims is boundless) but for ignoring the boundaries of the smaller civil community to which Dr. Britton belonged. Despite the universality of God’s law (as interpreted by Hill), Dr. Britton, took actions that, *from his perspective*, clearly marked himself as a member of a dissenting community of belief—a community in which the moral identities derived from God’s law (again, as interpreted by Hill) are not accepted. More importantly, Dr. Britton did not signal his acceptance of the interpretative practices that gave rise to these definitions; he did not acknowledge individual, “inspired” readings of the Bible as a source of law for him. Thus there was no sharing of a “common life”—a community of belief—between Hill and Dr. Britton. In the liberal state envisioned by Hume and Hogg, commonality cannot be imposed but must be assumed by both parties through their use, reliance and belief in a common moral language and set of interpretative practices.

The “coherence” of this justification for sanctioning Hill results from its reciprocity: the same respect for the boundaries of belief that the state may expect from Hill, prevents the state itself from denying him the ability to constitute his own dissenting community, organized around the notion of the absolute truth of his readings of divine law. The State cannot, without falling into a dangerous self-contradiction, transgress the boundaries of belief that Hill erects by forcing him to take action against his beliefs. Besides preventing Hill from imposing his “truths” on those outside his community of belief, the coercive authority of the liberal state is restrained. The civil community can only enforce its own moral identifications on “enthusiasts” if they have signaled their belief in the validity of the interpretative practices by which these moral identifications and rules of conduct are created, enforced and made useful. While the means of signaling assent may be many, the possibility of “enthusiastic” dissent remains within self-constituted communities of belief.

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