

## **BILLY BUDD**

In the last decade of the eighteenth century, the British naval warship H.M.S. Bellipotent intercepts a merchant ship, the Rights-of-Man, and impresses a young seaman named Billy Budd. After being ordered to join the crew of the warship, Billy packs up his gear without any protest, gives a cheery good-bye to his old mates, and follows the warship's boarding officer across the gangway to his new assignment. Billy settles in quickly among the company of the Bellipotent and shows himself diligent and eager to perform his duties as foretopman. Billy is tall, blond, handsome, and powerfully built. His physical beauty and good nature together with his hard work and calm demeanor make him a standout who soon earns the affection of the warship's crew.

Despite his attempts to fulfill his duties in model fashion, Billy finds himself under constant scrutiny and checked for various minor infractions. Puzzled by this petty persecution, Billy seeks out the advice of the Dansker, an old, experienced sailor. After Billy explains his concerns, the Dansker concludes that Claggart, the master-at-arms, holds a grudge against Billy. Refusing to accept this explanation, Billy dismisses the Dansker's opinion but continues to wonder about his situation.

One night, an anonymous figure rouses Billy from his sleep on the upper deck and asks him to meet in a remote quarter of the ship. Confused, Billy mechanically obeys. At the mysterious rendezvous, Billy is puzzled when, after some vague discourse, the unidentified man flashes two guineas in exchange for a promise of cooperation. Without comprehending the exact details of this solicitation, Billy recognizes that something is wrong, and he raises his stuttering voice and uncharacteristically threatens the man with violence. The conspirator quickly slinks into the darkness and Billy finds himself confronted with the curious inquiries of two fellow sailors. Unsure of how to explain the situation, Billy tells them that he happened upon a fellow sailor who was in the wrong part of the ship and chased the man back to his proper station with a gruff rebuke.

Somewhat later, after a brief skirmish with an enemy frigate, Claggart approaches Captain Vere with news of a rumored mutiny and names Billy Budd as the ringleader of the rebellion. Vere summons Billy to his cabin and instructs Claggart to repeat his accusation. Upon hearing of this unexpected blot on his character, Billy is rendered speechless. Vere commands Billy to defend himself, but then, noticing Billy's tendency to stutter, softens his approach. Without speech to defend himself and twisted into a rage at Claggart's outrageous words of accusation, Billy lashes out in a fury, striking Claggart with a swift punch to the forehead.

The blow kills Claggart. Captain Vere summons a group of his senior officers to the cabin and convenes a drumhead court consisting of the captain of the marines, the first lieutenant, and the sailing master. Vere, functioning as the main witness, gives a testimony of the relevant events to the jury. Billy says little when questioned, admitting to the blow but maintaining his innocence of intention and declaring his lack of affiliation with any potential mutiny. The court sends Billy back to the stateroom in which he is being confined.

During a tense period of deliberation, Vere's powerful presence hovers over the drumhead court. When they seem to be deadlocked, unable to make a decision, Vere steps forward to declare that the British Articles of War prescribe the death penalty for striking an officer in time of war without regard to the mental state or intent of the seaman delivering the blow. He asserts his conviction that the rule of law must supersede any reservations of conscience and concludes his speech by insisting that the court decide to acquit or condemn in strict accordance with the letter of military law. When one of the members of the drumhead court asks Vere if they could convict Billy but mitigate the penalty, Vere reminds them of the recent mutinies that have shaken the British Navy and the possibility that it would encourage mutiny aboard the *Bellipotent* and throughout the fleet if they were to decide to be lenient in the current case. After a period of further deliberation, the court finds Billy Budd guilty as charged and sentences him to death by hanging the following morning.

On that morning, shortly after four A.M., Billy is hanged from the main yard of the ship. As the crew watches him being prepared to hang, they hear him utter his last words: "God bless Captain Vere!" The assembled company automatically echoes this unexpected sentiment and Billy expires with surprising calm just as dawn breaks over the horizon.

After Billy's death, the crew begins to murmur, but the officers quickly disperse them to various tasks. Whistles blow, bells ring, and the ship returns to regular business. In the ensuing days, sailors engage in numerous discussions of Billy's fate and the mysterious circumstances of his last few moments. On its return to home port, the *Bellipotent* engages a French warship, the *Athée* (the Atheist) in battle. Captain Vere is wounded in the engagement and, shortly afterwards, dies in a Gibraltar hospital, uttering these last words, "Billy Budd, Billy Budd."

### **Analysis and Possible Discussion Points**

*Billy Budd* is a treasure house of meanings. Among multitudinous interpretations, it has been characterized as a religious allegory with Billy Budd as Christ, Claggart as Satan, and Vere as Pontius Pilate, as well as the conflict between utilitarianism and individualism - - should one individual be sacrificed for the good of the many? In the realm of law, the meaning of *Billy Budd* has generated a good deal of controversy.

### **Law vs Equity (Again)**

From a legal point of view, the most straightforward reading of *Billy Budd* is one that involves the age-old conflict between law and equity. Since Billy himself is an inarticulate paragon of goodness and Claggart is deep-dyed villain whose motivations are mysterious, the focus of attention is necessarily on Captain Vere.

One view is that Vere is doing only what Article XXII of the Articles of War unequivocally calls on him to do:

If any officer, mariner, soldier, or other person in the fleet, shall strike any of his superior officers, or draw, or offer to draw, or lift any weapon against him . . . on any pretense whatsoever, every such person being convicted of such offence, by the sentence of a court martial, shall suffer death.

Vere is an educated, thoughtful man who is also a brave and renowned fighting captain. Although somewhat aloof and pedantic, he seems to be a good judge of men - - he likes Billy and distrusts Claggart. So one way look at Melville's tale is as the tragedy of a good man who is forced by the harsh circumstance of war to condemn "to shameful death a fellow creature", whom he believes is "innocent before God". In Vere's view

Billy's moral innocence is simply irrelevant in the face of the categorical demands of the *Articles of War*.

This reading sets up a straightforward conflict between the strict demands of military law and what Vere calls "natural law", i.e., equity.

But Melville's tale is more complex than that. It has been observed, for example, that the usual procedure in a situation where a sailor commits a capital offense was to confine the perpetrator in chains and refer the matter to the admiral in charge of the fleet where a proper court martial, not a drumhead court, would consider the evidence and make the decision. Although all three members of the Bellipotent drumhead court are well aware of how things should normally proceed, they say nothing about it to Captain Vere. Why Vere decides to deviate from usual practice and conduct a summary proceeding is unclear.

### **Critique of Positive Law**

Immediately upon Billy's striking Claggart, Captain Vere mutters "Fated boy" and, shortly after Claggart's death is confirmed by the ship's surgeon, Vere exclaims, "Struck dead by an angel of God! Yet the angel must hang!" Accordingly, there is a substantial basis for concluding that Vere decided Billy's fate immediately after the fatal blow was struck and chose the unusual step of convening a drumhead court to effectuate his decision. When contrary to his expectations, the handpicked members of his court are reluctant to condemn Billy, Vere strongly invokes the categorical imperatives of the *Articles of War*. Some have seen this as a critique of positive law where a court will regard only the letter of the written law and disregard the demands of morality and natural feeling, in effect, elevating law over justice. In this regard, it has been noted that Melville's father-in-law served as Chief Justice of the Massachusetts Supreme Judicial Court and, although opposed to slavery, routinely enforced the Fugitive Slave Act in the period before the Civil War.

Another aspect of the positive law critique illuminated by *Billy Budd* is that positive law creates the opportunity for a court to decide a case based on the gut feeling of a single judge who may then dismiss any countervailing considerations of moral justice or equity by camouflaging his or her intuitive response by insisting that the court is merely applying, as it must, the law precisely as written.

## Security vs. Justice

A third and more recent interpretation of *Billy Budd* is that rather than dramatizing Vere's struggle with the conflict between law and equity or a critique of positive law, it instead depicts the competing demands of security and justice in a time of crisis. In this view, Vere is so influenced by the recent mutinies in the British Navy that he loses perspective and proceeds on a course of action that dispenses with the normal safeguards for those accused of a capital offense - - a full court martial before a court of seasoned officers under the auspices of an admiral - - and sacrifices a man who, under the normal processes, might well have received more lenient treatment. Viewed through this lens, the Bush and the Obama administrations' reactions to the September 11<sup>th</sup> terrorist attacks, which led directly to the extraordinary measures undertaken in the "war on terror" are similar to Vere's deviations from the normal practice of naval law and, arguably, have resulted in similar injustices.

In elaborating this approach, some commentators look back to the numerous times of crisis throughout US history when our normal liberties have been circumscribed in the name of security: suspension of habeas corpus during the Civil War; internment of German citizens and jailing of anti-war protesters and politicians during World War I; internment of Japanese citizens and jailing of anti-war protesters during World War II; and the outlawing the Communist Party during the Cold War.

In this perspective, *Billy Budd* can help us better understand the hurried responses to security threats both real and specious following 9/11, steps whose justification may appears, in retrospect at least, unsupported by the actual threats to security existing at the time. And the novella raises the question whether the sacrificing of our liberties in the name of security is inevitable in times of heightened insecurity.