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*Billy Budd, Sailor* and the Divergence of Societal Law and Human Conscience

The purpose of the law is to uphold order and justice in society, and what constitutes as lawful depends heavily on what the citizenry of that society deems to be just. Even though laws are generally founded on the moral principles of the people that exists within its societal fold, there are some instances where it clashes with humanistic compunctions. The novella *Billy Budd, Sailor* strongly demonstrates the divergence of written law and human nature. *Billy Budd* exemplifies the repercussions of choosing the written law regardless of the human impulse, the limits of one's ethos in the pursuit of order and justice, and the realities of a utilitarian system that questions the values of an individual versus his or her society.

The tale of *Billy Budd* takes place at the closing years of the eighteenth century when the two major British naval mutinies of Spithead and Nore are still fresh on people's minds. The British Royal Navy, fearing an impending attack from the up-and-coming French Republic, cannot afford to have another incidence of a mutiny aboard their ships. The master-at-arms of the ship, John Claggart, slanderously accuses the newly-impressed eponymous protagonist of fomenting a mutiny. As the accusations draw on, Billy Budd fails to defend himself verbally because of a speech impediment and proceeds to fatally pummel Claggart. Edward Fairfax "Starry" Vere, the captain of the ship, forms a drumhead court and judges in accordance to the British laws albeit witnessing the entire fiasco happen and knowing the fact that Billy Budd is innocent. Vere embroils in this "moral dilemma involving aught of tragic" (Melville 53). Vere chooses his duty as a man of the inflexible British naval law despite fully knowing about the

truth of the situation. He states that, “[their] vowed responsibility is...however pitilessly that law may operate in any instances, [they] nevertheless adhere to it and administer it” (Melville 58). According to Vere, convicting Billy Budd is necessary because an act of clemency in front of the other sailors may be interpreted as a weakness of the officiating body and therefore may induce an idea of mutiny. For Vere, they are men of the king and not of natural conscience (Melville 58).

Vere compromises his own ethical perspective on the matter in exchange for societal security and order. He conducts his role as an officer of the British law which ordains a death sentence for a homicidal crime that links to the concept of mutiny. Vere sentences the innocent Billy Budd to be “hung at the yardarm in the early morning watch” (Melville 61). Vere evidently carries Billy Budd’s death on his conscience after the execution, uttering “Billy Budd, Billy Budd” (Melville 74), seconds before his own death. A repercussion of solely following the law without any hint of ethical approach is beguiling one’s own judgment of the concept of righteousness and the compromise of one’s individual identity at the expense of the state and society.

Vere and his decisions also embody the limits of one’s ethos in the pursuit of justice. Laws are formed around what communal ethics deem to be virtuous and some individual sentiments may not align to those standards. Melville describes Vere as “an extremely good-natured man” (Melville 53). This description suggests a sturdy moral code for Vere, yet he still formally convicts Billy Budd of conspiring for mutiny and murdering Claggart premeditatedly despite knowing these are false accusations. Vere declares that Claggart was “struck dead by an angel of God” but “that angel” (he is pertaining to Billy Budd) “must hang” (Melville 50). He utters these words seemingly left with no other choice but to fully execute the law in order to

avoid mutiny aboard the ships. A system running on pure natural conscience will bring forth no uniformity, turbulence, and other factors that can incite a mutiny like civil unrest. This situation within the novella exemplifies Melville's disposition regarding the limits of personal conscience in pursuing order and justice.

*Billy Budd* deals with the realities of a utilitarian system. One can argue that if Vere allows the influence of his conscience in convicting Billy Budd and a mutiny does take off, his conscience will also take its toll on him. He is enmeshed in a situation where there is no middle ground; with that, he chooses to sacrifice one for the well-being of all. Vere makes it clear that he believes Billy Budd (Melville 54) but he chooses the law without any act of leniency because he fears the possibility of another mutiny. In the end, Vere emerges as a utilitarian character by sentencing Billy Budd for the sake of the crown. The philosophy of utilitarianism thematically plays on the plot of the novella as it brings the question of whether communal welfare is worth more than an individual.

The modern judicial system in the United States encompasses how both the written law and personal conscience can have a drastic effect on legal decisions. Judges interpret the law based on precedents and pure logical understanding of the case at hand, but their conscience also influences them. Their understanding of the law intertwines with their inner convictions. A non-profit organization known as the *Innocence Project* litigates people wrongfully convicted due to factors such as public sentiments and personal judicial bias. The *Innocence Project* provides legal representation and DNA testing of evidences to support the people's claims of innocence. Cameron Todd Willingham of Texas (d.2004) and Jesse Tafero of Florida (d.1990) were two men who were wrongfully convicted for crimes they did not commit and were later executed. Tafero was still executed even when the real perpetrator came forward weeks before.

Willingham was accused of murdering his children by arson. After defending his innocence, he was executed on February 2004. Five years later, evidence suggested that he was indeed innocent. The realities of wrongful convictions and necessity of groups like the *Innocence Project* testify that, even with all the advancements and modern concepts in the justice system, contemporary society still harkens back to the utilitarian days of Billy Budd and Captain Vere.

The novella insinuates what could have been Melville's criticism of society and what does it truly value: personal conscience or societal order. This criticism is still applicable in modern society, not just in the criminal justice system, but in the communal way of life as well. Laws and personal conscience are the compasses that point humanity on the path to prosperity and security. People's ethics and moralities are molded according to either societal laws or personal conscience, even though these two concepts are almost always divergent. The advocacy and maintenance of a just and peaceful society calls for the equal bearing of both the written law and personal ethics.

Works Cited

Melville, Herman. "Billy Budd, Sailor (An Inside Narrative)." *Law In Literature: Legal Themes In Novellas* (1996): 3-79. *Poetry & Short Story Reference Center*. Web. 05 Dec. 2012.