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Democracy and Dramatic Form:  
The Figure of the Non-Citizen in the American Renaissance

By

Srabanti Munia Bhaumik

A dissertation submitted in partial satisfaction of the

requirements for the degree of

Doctor of Philosophy

in

Comparative Literature

in the Graduate Division

of the

University of California, Berkeley

Committee in charge:

Professor Judith Butler, Co-Chair  
Professor José David Saldívar, Co-Chair  
Professor Mitchell Breitweiser  
Professor Francine Masiello  
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Abstract

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by

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Doctor of Philosophy in Comparative Literature

University of California, Berkeley  
Professor Judith Butler, Co-Chair  
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This dissertation offers a critical reading of the figure of the non-citizen in American Renaissance literature. Considering the recurring “trace” of the non-citizen within some of the most celebrated works of American culture, the readings demonstrate that democracy depends on an unacknowledged actor and interlocutor. Key literary scenes register the effects of restrictive citizenship on law, sovereignty, speech, and expressed political morality. In particular, dramatic techniques and form in the American Renaissance reveal the effects of pre-established semantic divisions such as “slave,” “human,” and “alien.” I argue a specific literary mode of dramatization stages the failures of deliberative democracy and the fissures in juridical form.

Herman Melville’s literary style stands out in this regard. The crafting of theatrical scene, gesture, intonation, lighting, music, and masquerade parodies legal rationality, while contrasting political authority and powerlessness. For example, speechless figures in *Benito Cereno* and in *Billy Budd* expose the divide between the citizen and the non-citizen as created by government. In several major scenes, the ship returns as an allegory of political repression and regulation. At the same time, representations of figures turned to stone show the perpetual entrapment of the disempowered non-citizen and allude to the violence of political exclusion. A key example is how punishments such as ritual floggings become ways of deratifying a claim to citizenship. In general, what my work points out is that literature captures the brutal contradictions between the rhetoric of American democracy and practices of regulation.

Another feature that makes possible a critique of restrictive citizenship is the interpolation of dramatic technique into the novel form. In this context, scenic effect in *Redburn* and *Moby-Dick* importantly figures a spectator as a witness and casts this form of spectatorship as an obligation of democratic life. The focus on dramatization and the role of the witness reconsiders a disavowed social bond between citizen and non-citizen in the tragic scene. Dramatic form also offers a mode of redressing the non-citizen’s exclusion and vulnerability. Finally, I examine how a number of political theorists turn to the dramatic scene within American Renaissance writings to consider citizenship, democracy, law, and national sovereignty in the literary text. In the process, I put forth a comparative model of reading between nineteenth-century American literature, political philosophy, and cultural thought today.

This dissertation is dedicated to:

La ciudad de Los Angeles

Por el conocimiento  
de la filosofía política,  
el valor y la amistad  
que me regaló

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**“Second Sight”:  
Towards a Phenomenology of Citizenship**

*Every word was once a poem. Every new relation is a new word.*

**Ralph Waldo Emerson, “The Poet”**

*To the real question, How does it feel to be a problem? I answer seldom a word.*

**W.E.B. Du Bois, *The Souls of Black Folk***

During the Mexican-American War, Henry David Thoreau asks: “Must the citizen ever for a moment, or in the last degree, resign his conscience to the legislator?”<sup>1</sup> The question appears in the essay “On the Duty of Civil Disobedience” and pushes against restrictive citizenship. Thoreau insists that citizen’s right to dissent or disobey is crucial to democratic life, questioning taxes imposed for war and slavery. Like Thoreau’s words, several major scenes and passages throughout American Renaissance writings reflect on citizenship as a relatively new and emergent ideal. Pursuing Thoreau’s challenge, the following study traces the theme of citizenship and the term “citizen” through American Renaissance writings: Melville’s ships, Whitman’s music, Emerson’s poetry, and Thoreau’s disobedience pose crucial questions about democracy and the relatively recent institution of American government. Who is written as the citizen? Is democracy a territorial ideal?

Without ascribing some timeless, universal, or masterful authority to the American Renaissance, this dissertation returns to these scenes and passages to trace an unacknowledged yet crucial figure: the non-citizen. The chapters demonstrate how the

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<sup>1</sup> Henry David Thoreau’s “On the Duty of Civil Disobedience” (New York: Norton, 1991) 227. This question appears in the following passage:

After all, the practical reason why, when the power is once in the hands of the people, a majority are permitted, and for a long period continue, to rule, is not because they are most likely to be in right, nor because this seems fairest to the minority, but because they are physically the strongest. But a government in which the majority rules in all cases cannot be based on justice, even as far as men understand it. Can there not be a government in which the majority rule in all cases cannot be based on justice, even as far as the men understand it. Can there not be a government in which the majorities do not virtually decide right and wrong, but conscience? Must the citizen ever for a moment, or in the last degree, resign his conscience to the legislator? Why has every man a conscience? I think that we should be men first and subjects afterward (223).

Of course, there is strong libertarian thread and argument against taxation in Thoreau’s writing.

figure of the non-citizen haunts the term citizen and moves through American literary form. Although the periodization “American Renaissance” remains controversial, the categorization proves useful as it animates again questions about a national cultural imaginary. In tracing the non-citizen through these writings, I argue that institutionalized exclusion from citizenship and an entrenched regulation of the non-citizen coincides with the establishment of American government. However, the explicitly philosophical, poetic, and literary writings of the American Renaissance both register and reflect on the limited application of rights during the mid-nineteenth century.

In order to assert the above reading, “Democracy and Dramatic Form” interprets between political and literary theory and places the American Renaissance in conversation with the writings of Hannah Arendt, W.E.B Du Bois, C.L.R. James, Jose Marti, and Edward Said. Consequently, I put forth a comparative model of interpretation that probes the transparency of political terms and thought through literary language. The writings of Emerson, Melville, Thoreau, and Whitman prompted a number of political theorists to turn to the dramatic scene within American Renaissance writings to consider citizenship, democracy, law, and national sovereignty in the literary texts. Interestingly, these readings of the American Renaissance often coincide with critiques of coloniality and restrictive citizenship. Similarly, writers such as Melville are in conversation with political theory from Jean Jacques Rousseau to Thomas Hobbes. As a result, the dissertation considers protocols of reading between political and literary theory.

Part of what this dissertation also discovers is that the use of dramatic techniques and form in the American Renaissance—in the novel, lyric, and philosophical essay—reveals law, citizenship, and expressed political morality as dependent on pre-established semantic divisions between the citizen and the “alien.” In particular, Melville’s and Whitman’s use of dramatic technique—theatrical scene, gesture, intonation, lighting, music, and “unreasoning masks” parody legal rationality—stage the contrast between political authority and powerlessness, while exposing the divide between the citizen and the non-citizen as created by American law and government. Considering the recurrence of the non-citizen figure within some of the most celebrated works of American culture, the chapters argue that democracy depends on an unacknowledged actor and interlocutor. Recognizing the nation’s dependence of the very figures it excludes from rights uncovers an important but disavowed social bond.

Subsequent readings argue that the non-citizen is not a “stranger,” “foreigner,” “illegal” or “alien” but within the national imaginary. I also depart from a reading of statelessness as the condition of exile. Moving from a theory of the citizen as the primary subject of democracy, I argue that recognizing the non-citizen as central to a democratic ethos also requires rethinking citizenship. Du Bois illustrates the particular predicament of being excluded from institutional and legal protection but within the nation form. He writes: “So long as the world stands meekly dumb before such questions, shall this nation proclaim its ignorance and unhallowed prejudices by denying freedom of opportunity to those who brought the Sorrow Songs to the Seats of the Mighty?”<sup>2</sup> Du Bois underscores a pervasive silence about the denial of opportunity and rights within the rhetoric of national sovereign might.

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<sup>2</sup> W.E.B. Du Bois, *The Souls of Black Folk* (New York: Penguin, 1989) 214. Hereafter referred to as *Souls*.

In general, what my work points out is that literature captures a brutal contradiction between the rhetoric of American democracy and practices of regulation. Melville's writings stand out in this regard as the ship returns time and again as an allegory of political repression, regulation, and exclusion. The crafting of speechless figures in the trial scene as well as staging of scarcity aboard ships registers the effects of regulation within the text. Billy Budd's speechlessness before the law, obscure shadows in *Benito Cereno*, Queequeg's status aboard the *Pequod* and even *Moby-Dick* all delineate the "trace" of the non-citizen within the text. Reading between literature and political theory, I argue that the terms equality, citizen, and democracy are often opaque and ambiguous. Ambiguity and lyrical language thus pose interpretative challenges about what Du Bois describes as an "unseen power"<sup>3</sup> within American democracy. This opaque and "unseen power" is the recurring trope of restrictive citizenship within seminal texts in the archive of American literature.

Again, the specific use of dramatic techniques within the literary text also illustrates the way power is reproduced and also contested. In *Benito Cereno*, *Billy Budd*, and *White-Jacket*, for example, Melville presents the literary scene as dramatic and converts the ship into a "palatial stage." Displays of punishment of figures often denied the right to testify are central to the establishment of juridical power. Interwoven with sketches of law are also oblique references to nineteenth-century debates over "immutable laws" and arbitrary punishments, along with those over fugitive rights, public flogging, and non-citizen sailors. In these scenes, punishments such as ritual flogging, lynching, and execution become ways of deratifying any claim to citizenship. By tracing the effects of regulation, I argue that statelessness infringes on the rights of citizens and non-citizens alike. The chapters consider the paradox of citizenship, a simultaneous desire and need even when denied or restricted.

In addition, my readings of speechless figures such as Atufal in *Benito Cereno* argue against the Aristotelian omission of the non-citizen from definitions of the political animal.<sup>4</sup> For Aristotle, only the speaking figure acquires the status of the political animal and "acting being."<sup>1</sup> In "The Tradition of Political Thought," Arendt also points to an "omission" in Aristotle's *Politics* and questions the Greek polis as the foundational scene of democracy. Placing Melville in conversation with Arendt, I argue this division between speaking being (*zoon logo echon*) and political being (*zoon politikoon*) is often over determined in political theory. Turning from speech to dramatic technique, I demonstrate how gesture, glances, and modes of embodiment challenge Aristotle's theory. Although facial expression, movement, vision, and gesture are also political acts, Aristotle fails to consider how theatricality enters into the public sphere as political. In Melville's novellas, for example, speechless, figures such as Atufal and Billy Budd act and move in numerous ways; they are silent but active traces and political actors. Gesture

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<sup>3</sup> *Souls* 210.

<sup>4</sup> In this essay, Arendt's own use of the term "human" appears more complex than many of her readers perceive, as she equates the "human" with an ideal of "plurality" and "activity" rather than Platonic use of the term "man" signifying "oneness." See "The Tradition of Political Thought" in *The Promise of Political Thought* (New York: Schocken, 2005).

often functions as a mode of redress and non-violent self-defense, countering a language of violence and the bellicosity of law.

The challenge of this dissertation is to provide a critique of the restrictive citizenship and inequality through readings of dramatic scenes. By comparing Arendt's and Melville's writings, I assert equality as a crucial ideal to democracy. Equality is not the principle of a unity or the harmony of similar figures found in sameness (the face only of an identical twin Arendt describes), but respect for the "absolute distinctness of one equal from another."<sup>5</sup> Statelessness is the denial of this "condition of plurality" necessary for equality and democracy to be realized. Without equality democracy is merely a rhetorical form. By reading the shadows and sounds in *Benito Cereno*, I demonstrate how a persistent condition of inequality haunts the legal scene. In order for equality to be realized as an ideal, the non-citizen's right to citizenship must be recognized.

Finally, this dissertation traces how political theorists turn to the faculty of the imagination and dramatic technique become to pose these crucial questions. By recuperating readings of Melville in political theory, I excavate intertwined reflections on democracy and literary aesthetics. As F.O. Matthiessen correctly notes, a desire for democracy during the eighteen-fifties parallels a call for a new "optative mood"<sup>6</sup> in the American Renaissance. Ralph Waldo Emerson's influential lecture "The American Scholar" challenges poets and scholars alike to invent a language of democracy that inaugurates "a new age"<sup>7</sup> and national literature. Emerson not only calls for a vocabulary "covetous of action" with "life as our dictionary"<sup>8</sup> but asserts a "literature of the poor, the feelings of the child, the philosophy of the street, the meaning of the household life" as necessary for democratic thinking.<sup>9</sup> The "American Scholar" influenced a number of American Renaissance authors as well as philosophers such as Du Bois and Jose Marti. In their readings of the Renaissance, reflections on the faculty of the imagination and poetry bring to fore the centrality of judgment, critique, and ethics to democratic life. Music and poetry in particular dramatize a lyrical and more inclusive notion of citizenship.

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<sup>5</sup> Arendt, "The Tradition of Political Thought," 62.

<sup>6</sup> This classification of American Literature comes from F.O. Matthiessen's controversial periodization *American Renaissance: Art and Expression in the Age of Whitman and Emerson* (New York: Oxford University Press, 1941) 3. Matthiessen influenced a dominant approach to the study of nineteenth century American literary and architectural studies, but recent critics trouble this periodization as a mark of American exceptionalism. See also *The American Renaissance Reconsidered*, edited by Donald Pease (Baltimore: Johns Hopkins, 1985); Jay Grossman's *Reconstituting the American Renaissance: Emerson, Whitman, and the Politics of Representation* (Durham: Duke University Press, 2003).

<sup>7</sup> Ralph Waldo Emerson, "The American Scholar" in *The Essential Writings of Ralph Waldo Emerson* (New York: Modern Library, 2000) 43.

<sup>8</sup> Emerson, "The American Scholar" 51.

<sup>9</sup> Emerson, "The American Scholar" 57.

## 1.1 Eyes of Democracy

A set of questions are at issue in this dissertation. Who is perceived as a citizen? Why does dramatic technique become central in critiques of statelessness? In order to probe these questions, I recuperate perception as a focal theme in the American Renaissance and argue for its relevance to rethinking citizenship. Double significations and figures also complicate a transparent interpretation of scenes. Ambiguity in *Benito Cereno*, for example, complicates the neutrality of observation and presents only partially legible and audible figures. For instance, the narrator contrasts vision and sound, writing: “The noisy confusion of the *San Dominick’s* suffering host repeatedly challenged his eye”<sup>10</sup> While not fully visible, acoustic traces indicate a dire condition of suffering aboard the slave ship. The crafting of a scenic effect presents a perceptual challenge, alludes to the disparities of address, and opens questions of who is recognizable as a citizen.

Emerson’s phrase “second sight” introduces the centrality of a phenomenology of both perception and language in the democratic sphere. In “The American Scholar,” he argues that sensory experience and aesthetics are crucial to the building of democracy. A particular passage on poetry as perception stands out in this regard. In the essay “Poetry and the Imagination,” for example, Emerson writes:

Whilst common-sense looks at things or visible nature, poetry, or the imagination which dictates it, is a second sight, looking through these for types or words for thoughts which they signify.<sup>11</sup>

The passage interprets verse as vision, as lyrical language evokes the sensation of “looking through” words for thoughts which they signify. Verse offers a mode of rethinking the doctrine of common-sense as well as concepts of law and sovereignty. Rather than simply providing a descriptive language, poetry offers a “second” look at the relation between words and thoughts. Emerson’s reflections on poetry collapse the distinction between literature and philosophy in important ways. On the one hand, verse distances itself from a language of common-sense; on the other, it also posits new relations and significations between words and thoughts.

For instance, Emerson’s thoughts resonate with an argument Arendt also makes about the differences between poetry and political oratory (*peithen*). Like Emerson, Arendt asserts both the faculty of the imagination and verse as at once crucial yet also marginal in the political sphere. As she states in an essay on *Billy Budd*, Melville’s poetry reproaches a doctrine of common-sense. By reading Melville as a poet, she argues verse contests a contractual concept of rights. Thus, poetry resembles the non-citizen’s status within the polis, as both lyric and statelessness are relegated to the margins of the public sphere. For example, Melville crafts a figure such as Billy Budd who “was illiterate; he could not read, but he could sing, and like the illiterate nightingale was sometimes the

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<sup>10</sup> See Herman Melville’s *Benito Cereno* in *Great Short Works of Herman Melville* (New York: Harper Collins, 1962 and 2004) 247. Hereafter referred to as *BC*.

<sup>11</sup> Emerson, “Poetry and The Imagination” at *The Works of Ralph Waldo Emerson, in 12 vols. Fireside Edition* (Boston and New York, 1909).

composer of his own song.”<sup>12</sup> As in Du Bois’ *Souls*, music as dramatic verse accounts for the non-citizen’s inner life and also the limits of traditional written genres. From the margins, song recurs as the poetic embodiment of a desire for democracy.

Throughout this dissertation I demonstrate how literary language and dramatic scenes question the monophonology of the state. Through music, Whitman for example asserts an ideal democracy in the lyrics “Song of Democracy” and “For You O Democracy.” These lyrics clearly engage Emerson’s call for a new democratic optative and musical mood, since several poems invoke democracy as a song and beloved muse: “For you, for you I am trilling these songs,”<sup>13</sup> writes Whitman. Another line in the poem “Song of Democracy” transfigures democracy into a mystical ideal and ship: “Sail, Sail thy best, ship of Democracy.”<sup>14</sup> Throughout American Renaissance writings, the tropes of song, sight, and ship pose questions of belonging and nationality. As June Jordan would write of Whitman, “line after line of bodily, concrete detail...constitutes the mysterious the cellular tissue of a nation.”<sup>15</sup> For Jordan, Whitman is a characteristically “American” poet because he accounts for a plurality of voices and figures within the nation. Unlike Melville’s novels, Whitman’s ship and songs conjure a jubilant heterotopia and ideal democracy. To read for the “tissue of the nation” in Whitman’s lyric is also to detect the fissures and exclusions within the nation-state form.

American Renaissance writers assert poetry not just as expression but as a mode of perception, sensation, and critical thought. Emerson’s and Whitman’s experimentations with a “liquid and musical” language are attempts to develop a democratic aesthetics.<sup>16</sup> The turn to verse and music argues that the regression of perception and listening is detrimental to democracy. Claiming the poem’s “supersensual utility,” the writings suggest a crucial relation and inter-dependency emerges through the optics of verse. As Emerson writes, “words are also actions, and actions are a kind of words.”<sup>17</sup> This dual understanding of words as actions and actions as words situates language as central to a democratic ethics.

Mobilizing the phrase “second sight,” the chapters consider how phenomenology presents perception and sensation as central to rethinking citizenship. Emerson’s phrase “second sight” implicitly draws from phenomenology and posits reading between words, images, sounds, and thought.<sup>18</sup> When he writes “every sentence is doubly significant,” Emerson underscores the duality of key concepts. This double significance or duality persists also in Melville’s scenes, as it does in Du Bois’ *Souls of Black Folks*. Through the phrase “second sight,” I recuperate the shadowy figures and doubles within literary

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<sup>12</sup> *Souls* 437.

<sup>13</sup> See *Walt Whitman: The Complete Poems* (New York: Penguin Books, 1996), edited with an introduction and notes by Francis Murphy 150.

<sup>14</sup> See *Walt Whitman: The Complete Poems* (New York: Penguin Books, 1996), edited with an introduction and notes by Francis Murphy.

<sup>15</sup> See also June Jordan’s “He’s Our Shakespeare So why is America ambivalent about Whitman?” in *Umbrella*: Issue 4, Winter 2007-2008.

<sup>16</sup> Emerson, “Literature” in *The Essential Writings* 578-591.

<sup>17</sup> Emerson, “The Poet” 290.

<sup>18</sup> See Emerson’s essay “Fate” in the *Conduct of Life* (Cambridge: Belknap Press of Harvard University Press, 2003). Originally published in 1860.

scenes as the trace of the non-citizen. The phrase “double consciousness” from Emerson to Du Bois also points to the duality of American modernity.

*Souls* identifies the “problem” with “O knightly America” as the duality between “citizen” and “slave” (the enslaved non-citizen) and illustrates the nation’s dependency on the non-citizen. As Du Bois writes: “No other State in the Union can count a million Negroes among its citizens,—a population as large as the slave population of the whole Union in 1800; no other State fought so long and strenuously to gather this host of Africans.”<sup>19</sup> The passage points to a brutal contradiction between institutional exclusion and citizenship. Notable in the passage about the particular state of Georgia is also the “scale” of statelessness and the regulatory effects of chattel slavery on social life. In *Souls*, the shadow of slavery haunts the nationalist rhetoric of democracy as well as the terms freedom, emancipation, and progress.

The influence of Emerson’s notion of “second sight” and poetics of “the near, the low, the common” on Melville, Whitman, Thoreau, Marti and Du Bois can’t be underestimated. Yet, in Emerson’s essays and Whitman’s “I Hear America Singing” there is at times an awkward if not a paradoxical nationalism. For instance, he writes: “The study of letters shall be no longer a name for pity, for doubt and sensual indulgence...A nation of men will for the first time exist.”<sup>20</sup> However, it remains ambiguous who is included in this “spirit of American freed man” and the “we” in the last passage in “The American Scholar.” Paradoxically, lines such as “town and country, nation and world, must also sing” assert the nation as the telos of citizenship and democracy. Exactly who does Emerson’s “nation of men” include? If the nation is a prerequisite for existence, then how does the non-citizen residing within a nation claim a right to exist? Does the non-citizen figure in Whitman’s “Song of Myself” and “Songs of the Universal”? Absent in Emerson’s nation and Whitman’s rhapsody is the question of the non-citizen’s right to exist.

To elaborate on the conceptual relevance of “second sight” and its political consequences, Du Bois’ engagement and challenge of the American Renaissance is crucial. *Souls of Black Folk* addresses an undercurrent of nationalism and poses the problem of exclusion: “Your country? How came it yours? Before the Pilgrims landed we were here. Here we have brought our three gifts and mingled them with yours: a gift of story and song.”<sup>21</sup> He amends and merges Emerson’s phrase “double consciousness” in “On Nature,” Hegel’s *Phenomenology*, and the philosophy of William James. The writings counter a harmonious image of the nation, excavating counter-points and dissonance within the sentimental songs of democracy.

Like Emerson, Du Bois writes about the double significance of the word and the necessity of giving rise to new ideals. However, there is a notable politicization of the term “double.”

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<sup>19</sup> *Souls* 92.

<sup>20</sup> Emerson, “The American Scholar” 59.

<sup>21</sup> *Souls* 214.

Such a double life, with double thoughts, double duties, and double social classes, must give rise to double words and double ideals, and tempt the mind to pretence or revolt, to hypocrisy or radicalism.<sup>22</sup>

The passage adheres to a theory of critical reading but provides a more concrete description of social life. Du Bois' theorization of the "social" is more explicit and accounts for the "slave" as a significant political actor. Moreover, the phrase "double life" reveals the link between the citizen and the non-citizen.

Moving from Emerson to Du Bois, the dissertation seeks a theory of reading as a type of political critique. Although I maintain the importance of concepts such as equality and citizenship, I demonstrate how the terms become opaque and ambiguous. In addition, I insist on the value of the humanities, drama, and literary language as crucial for democracy. Du Bois writes, for instance, in "The Training of Black Men":

I sit with Shakespeare and he winces not. Across the color line I move arm in arm with Balzac and Dumas, where smiling men and welcoming women glide in gilded halls. From out the caves of evening that swing between the strong-limbed earth and the tracery of the stars, I summon Aristotle and Aurelius and what soul I will, and they come all graciously with no scorn nor condescension. So, wed with Truth, I dwell above the Veil. Is this the life you grudge us, O knightly America? Is this the life you long to change into the dull red hideousness of Georgia?"<sup>23</sup>

While the passage carries the classics of Western literature "across the color line" it avows a relation to literature and political philosophy at once. Just as Du Bois transports Shakespeare, Balzac, and Aristotle across the color line, the dissertation (more modestly) probes the shadow of nineteenth century American literature on political and cultural thought today. By presenting Melville, Emerson, and Whitman through Black philosophy and decolonial theory, I indicate how coloniality and racialization enter into the American Renaissance. At the same time, I demonstrate how philosophers such as Du Bois, James, and Marti turn to the aesthetic imagination to assert a claim to citizenship.

Another feature that makes possible a critique of restrictive citizenship is the study of theatrical techniques. Like Melville, Du Bois also interpolates dramatic technique into narrative and asserts music as redress; the sorrow songs are an "articulate message of the slave to the world."<sup>24</sup> Interrupting his prose are musical notes and lyrics from the sorrow songs that Du Bois assembles in *Souls*. The musical and lyrical moments in the text are significant because they carry the imprint of the "inner thoughts of the slaves and their relations one with another." Music also transmits a memory not transmittable because of the widespread illiteracy, the consequence of the legal proscription of education to slaves.

The lyrical aspects of the text cannot be understood merely as descriptive or ethnographic gestures. Instead, the musical elements in the essays attest to a "shadow of

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<sup>22</sup> *Souls* 164.

<sup>23</sup> *Souls* 90.

<sup>24</sup> *Souls* 165.



fear” and a pervasive condition of suffering but also defiance. The songs appearing at the end of *Souls* petition Lincoln’s narrative of freedom and inclusion with which the book begins; as a result, the musical notes serve as acts of redress and non-violent self-defense. Du Bois reads these songs as the “ethical strivings” and a “longing yet born on American soil.”<sup>25</sup> I begin with Du Bois to introduce how the topics of democracy and drama as well as citizenship rights are inextricably woven. When music enters the text as both protest and prophecy, a struggle for social recognition as citizens or a “longing” emerges through dramatic technique and presents a prospective temporality.

Du Bois writes of the acute suffering caused by statelessness: The sorrow songs are the “music of an unhappy people, of the children of disappointment; they tell of death and suffering and unvoiced longing toward a truer world, of misty wanderings and hidden ways.”<sup>26</sup> Moreover, Du Bois’ writings initiate an important inquiry into ethics and democracy that my focus on dramatization also pursues. In *Souls*, Du Bois is also clearly thinking of ethics and democracy when he writes of the sorrow songs as the “inner ethical life” and “revelation of thought and longing beneath...black skin.”<sup>27</sup>

*Souls* questions key presuppositions in nineteenth-century literature and philosophy that are important to this study. For instance, Du Bois writes: “The nineteenth was the first century of human sympathy,—the age when half wonderingly we began to descry in others that transfigured spark of divinity which we call Myself.”<sup>28</sup> The “sorrow songs” subtly challenge Melville’s sympathy, Whitman’s songs, and a jubilant rhetoric of American democracy. We must be careful to distinguish Du Bois’ ethics from the “loquacity of pity” or Melville’s “false sympathy.”<sup>29</sup> “Sorrow” accounts for both the deep social and psychic wounds of institutional exclusion such as slavery. Sorrow in these songs correlate neither with melancholia nor mourning in Freudian terms, but sketch the enslaved non-citizen’s perpetual proximity to death. So crucial to Du Bois’ is a re-appropriation of Hegel’s *Phenomenology* as it is to Melville in *Benito Cereno*. The singing also speaks to the courage of theatricality, as these songs are sung in spite of the looming “shadow of fear.”

Lyrical refrains counter Lincoln’s reason and so introduce the idea of “prospective citizenship” through the study of literature and philosophy. While lyric poetry is often regarded as the province of a solipsistic first person—as in Whitman’s Song of Myself, for instance,—the sorrow songs are made through a “relation with the other slaves.” As a result, the songs assert the very plurality Arendt perceives as crucial for a renewed concept of equality.<sup>30</sup> In Du Bois’ writings, the idea of a “prospective citizenship” offers a counterpoint to the rule of restrictive citizenship that he finds

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<sup>25</sup> *Souls* 207.

<sup>26</sup> *Souls* 207.

<sup>27</sup> *Souls* 161.

<sup>28</sup> *Souls* 178.

<sup>29</sup> We must be careful to distinguish an ethics of compassion from the “loquacity of pity” or Melville’s “false sympathy.”<sup>29</sup>

<sup>30</sup> See also Judith Butler and Gayatri Spivak’s on music in *Who Sings the Nation-State?* (London, New York, Calcutta: Seagull Books, 2007); José David Saldívar on migratory music in *Trans-Americanity: Subaltern Modernities, Global Coloniality, and the Cultures of Greater Mexico* (Durham & London: Duke University Press, 2012) 75-76.

concretely embodied in music.<sup>31</sup> Music is linked with the idea of a “prospective citizenship” and democracy to come. The temporality imagined in phrases such as the “university to come” and in “a new democracy” is not derivative of a singular nation or time but remains still unrealized.<sup>32</sup>

Let us briefly consider how this lyrical form of criticism works differently in Walt Whitman, especially when he attempts to claim a universal language in a song. For example, a line in the “Song of the Universal” reads: “Sing me a song no poet yet has chanted, Sing me the universal.” This ideal clearly fades as this idea of the lyric as the embodiment of an abstract universality disintegrates into a dream by the last stanzas. “Is it a dream? ...And all the world a dream?” The dream alludes to the illusory quality of the universal as a panacea as well as the nation as a neutral meeting ground. In Whitman’s song of the universal, a contradiction surfaces at the end between the voices beseeching the “salvation universal” and the hallucinatory quality of nationalism. The question the last stanzas pose, disrupting the technical illusion of an abstract universal cogency, is whether the universal is a dream?

In Du Bois, we see a figure of the muse develop from his earlier more utopian *Souls of Black Folks* to a poem written nearly fifty years entitled *A Litany to Atlanta*. Du Bois allegorizes Atlanta first as a “winged maiden” but then as a city “haunted by an untrue dream” where “something vanquished that deserved to live.” Whereas in *Souls*, Atlanta is imagined in *Souls* as a utopian “sanctuary,” indeed as the ideal city where “dark figures pass between city streets to the halls to the music of the night-bell” and enter a half-dozen classroom to read Marlowe’s *Dido*.<sup>33</sup> By 1919 in a poem entitled “A Litany of Atlanta,” Du Bois mourns the withering away of democracy and the perpetual deferral of the promises of emancipation.

Like Du Bois’ *Souls of Black Folks*, Melville’s novels are also political philosophy grappling with the contradiction between “intense suffering” and democracy. When Melville writes of an “unspeakable” and “fearful thing” within *Moby-Dick*, he alludes to a condition of tragic destitution, silence, pain, injury, and fear within modern forms. As a result, dramatic techniques question the spectator’s responsibility to scenes of suffering. For example, Melville’s crafting of the “scene” makes explicit a construct of perceptions, sensations, and pre-established narratives at work. Conflicting modes of vision assert a relation between the viewing subject and the figures viewed.

The American Captain Delano perceives living figures as ghosts and asks, for instance: “what did these phantoms amount to?”<sup>34</sup> These “phantoms” leave traces in *Benito Cereno* and point to the liminal figure of the non-citizen haunting legal depositions. Upon viewing an enigmatic and mysterious scene, Captain Delano “rubbed

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<sup>31</sup> Du Bois, “A Litany of Atlanta” published in *The Book of American Negro Poetry* (San Diego: Harcourt Brace Jovanovich, 1983), originally edited by James Weldon Johnson in 1922.

<sup>32</sup> In the later writings, Du Bois’ gaze shifts from the United States and examines the possibilities for “self-government” in Africa. He writes in an essay entitled “The Hands of Ethiopia” of a “new thing,” “a new peace,” and “a new democracy.” In *Darkwater: Voices from Within the Veil* (New York: Washington Square Press, 2004) 43-57.

<sup>33</sup> *Souls* 68.

<sup>34</sup> *BC* 251.

his eyes, and looked again; but again seemed to see the same thing.”<sup>35</sup> While maintaining the importance of perception, the second viewing transfigures the non-citizen to a “thing” and renders the figure more obscure than the previous one.”<sup>36</sup> These “phantoms” traces are not passive and faceless shadows but active traces. For instance, the “phantoms” even “mocked” the captain.<sup>37</sup> In the dramatic scene, the contingency between the apparent subject of rights and the enslaved non-citizen comes to fore through the theme of perception.<sup>38</sup>

The ellipses in *Benito Cereno* allude to the brutality of slavery but also have a tremendous power and gesture to a future. This yet to be determined time of politics emerges in “the portion of the narrative which, perhaps, most excited interest, as well as some surprise.....was the long calms spoken.”<sup>39</sup> In this passage, the ellipses, as the “long calms spoken” both “excite” and foreshadow a prospective temporality.<sup>40</sup> A failure of recognition results from a failure of perception, as the captain’s initial narration is revealed as false by the tale’s end. Both the phantom-traces and ellipses challenge modes of perception, alluding to partially visible but significant traces.

A focus on the politics of vision, sound, and emotion enables a reading of partially visible and audible figures as non-citizens.<sup>41</sup> For instance, Du Bois writes the sorrow songs are the means by which “the slave spoke to the world” but that “such a message is naturally veiled and half articulate.”<sup>42</sup> Through the sorrow songs, we get “glimpses here and there, and also with them eloquent omissions and silences”<sup>43</sup> of the non-citizen’s trace. Writing of a “shadow,” Du Bois illustrates the “inner thoughts of the

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<sup>35</sup> *BC* 265

<sup>36</sup> *BC* 265.

<sup>37</sup> On the possibilities in a phenomenological worldview, see Maurice Merleau-Ponty’s *The Visible and The Invisible* (Evanston: Northwestern, 1968) 41: “Each perception is mutable and only probable—it is, if one likes, only an *opinion*; but what is not opinion, what each perception, even if false, verifies, is the belongingness of each experience to the same world, their equal power to manifest it, as *possibilities of the same world*.”

<sup>38</sup> Many novellas such as *Benito Cereno* restage “original” first person narratives or the perspective of the witness such as Amasa Delano’s *Narrative of Voyages and Travels in the Northern and Southern Hemispheres* as twice-told and dramatic tales. The readings of *Benito Cereno*, *Redburn*, and *Moby-Dick* reveal both the limits and theatricality of the first-person perspective.

<sup>39</sup> *BC* 251.

<sup>40</sup> In aesthetic theory, Adorno describes the laws of form and parody, as the “difference between the artwork’s logicity and the logicity that governs empirically becomes the parody of the latter.” Theodor Adorno, *Aesthetic Theory* (Minnesota: University of Minnesota, 1997) 119.

<sup>41</sup> See also Brian Massumi’s *Parables for the Virtual: Movement, Affect, Sensation* (Durham: Duke, 2002); *Politics and the Emotions: The Affective Turn in Contemporary Political Studies* (New York: Continuum, 2012), edited by Paul Hoggett and Simon Thompson.

<sup>42</sup> *Souls* 209.

<sup>43</sup> *Souls* 211.

slaves and their relations one with another.”<sup>44</sup> In many aspects, I pursue the “unasked question” in *Souls*: the question of the non-citizen’s right to exist.

## 1.2 Reading Comparatively

Du Bois’ theory of music offers an introduction for how dramatic form and democracy become central rather than peripheral to rethinking the term “citizen.” In the move away from a nationalist understanding of citizenship as rooted to territory, there emerges also an imperative for new modes of interpretation between literary, dramatic, and political theory. As a result, the following chapters offer a theory of literary texts as political philosophy and also the reverse.

Political philosophy figures as a theme throughout Melville’s writing when citations of the *Rights of Man* make an appearance in *Billy Budd*. Rousseau’s *Of The Social Contract, Or Principles of Political Right* and Hobbes’ *Leviathan* enter the novels. Melville’s naming of ships as *Voltaire*, *Diderot*, *San Dominick*, and *Rights* invites a reading between literary and political theory.<sup>45</sup> A “less prosaic time”<sup>46</sup> calls into question the prose of common-sense in the “parleyings between government and ringleaders.”<sup>47</sup> In fact, not only does the technique of the “twice-told tale” trouble the authenticity of the first-person perspective but it also explains “narrative simplicity” and common-sense as colluding with a despotic authority.

The dissertation’s chapters highlight an important contingency between political, literary, and dramatic theory. The study of dramatic techniques coincides with a critique of restrictions on rights.<sup>48</sup> A specific literary mode of dramatization reveals the failures of deliberative democracy (a theory presupposing a parity of address) and the fissures in juridical form. Close readings point to the limits of traditionally-delineated written genres to fully account for the non-citizen. Through close readings of dramatic scenes, I argue for recognition of a disavowed social bond between citizen and non-citizen.

Additionally, the interplay between dramatic and literary techniques invites critical reflection on the effects of political narratives. Attention to dramatic technique highlights the citizen’s ethical relation and obligation to the non-citizen. Thus, dramatic scenes pose citizenship as a responsibility between differently positioned actors.

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<sup>44</sup> *Souls* 211.

<sup>45</sup> See Toni Morrison’s “Romancing the Shadow” in *Playing in the Dark: Whiteness and The Literary Imagination* (Cambridge: Harvard University Press, 1992). Morrison reads Melville, Cather, and Henry James, arguing the figuration of blinding whiteness in American national literature is a meditation on the shadow of Blackness within the national psyche.

<sup>46</sup> Melville, *Billy Budd* in *Great Short Works of Herman Melville* (New York: Harper Collins, 1962 and 2004) 251. Hereafter referred to as *BB*.

<sup>47</sup> *BB* 440

<sup>48</sup> See Russ Castronovo *Necro Citizenship: Death, Eroticism, and the Public sphere in the Nineteenth-century United States* (Durham, NC : Duke University Press, 2001).

By reading between literary and political theory, I demonstrate how statelessness curtails rights such as free association, mobility, and speech for citizens and non-citizens alike.<sup>49</sup> Melville's scenes capture what Arendt would describe as "lying in politics" signals an erosion of democracy and the principle of free association.<sup>50</sup> Despite proving his propensity for lying, for example, the Captain Benito Cereno's Deposition is the one and only testimony admitted by the court. Although he repeatedly lies, Benito Cereno's words are the only ones heard by the law. In Benito Cereno, dramatic ambiguity and the staging of a series of deceptions challenge a positivist theory of vision. While the scene presents an opportunity for mutual recognition and reciprocity, its ethical possibilities are lost to the captains' limited vision and sympathy aboard the *San Dominick*. Furthermore, the court's failure to recognize the ship's dependence on the enslaved non-citizen destroys the entire ship.<sup>51</sup>

By tracing the veiled voices and figures in the American Renaissance, I account for both the non-citizen's exclusion and presence within the national imaginary. To argue that the stateless figure is *within* the American Renaissance demonstrates a crucial but often disavowed relation between the non-citizen and citizen. Melville's writings stand out in particular in this regard, as dramatic scenes highlight a link between seemingly opposite types. Theatricality offers a critique of law and the failure the social contract to include the whole population as citizens, as is evident in trial scenes from *Benito Cereno* (1855) to *Billy Budd* (circa 1890).<sup>52</sup> These politically charged scenes testify to a permanent condition of exclusion within the nation-state. "Muffled" voices and "gagged" figures allude to the violent effects of political repression; while scenes such as Billy Budd's execution dramatize the absence of democratic ideals such as "free association."<sup>53</sup>

By recuperating the specter of statelessness in literary scenes, I rethink the afterlife of nineteenth century American literature for political and cultural theory today. In her 1988 lecture, "Unspeakable Things Unspoken," Toni Morrison would also cite Melville and argue the "unspeakable" allusion in nineteenth-century American literature is the specter of an Afro-American "presence."<sup>54</sup> Morrison, taking poetic license, alters Melville's Calvinistic phrase on "the power of blackness" that appears in an 1850 review of Hawthorne's *Mosses from an Old Manse*. Returning the gaze of the nineteenth-century

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<sup>49</sup> Arendt, "The Tradition of Political Thought," 41.

<sup>50</sup> See Arendt on Nixon and the Pentagon Papers in "Lying in Politics," in *Crises of the Republic* (New York: Harcourt Brace, 1969) 3-47.

<sup>51</sup> See Eric Sundquist's "W.E.B. Du Bois: African America and the Kingdom of Culture" in *To Wake the Nations: Race in the Making of American Literature* (Cambridge: Harvard, 1993) 490-525; Amy Kaplan *The Anarchy of Empire In the Making of U.S. Culture* (Cambridge, Harvard, 2002) 206-212.

<sup>52</sup> See Robert A. Ferguson's *Law and Letters in American Culture* (Cambridge, MA: Harvard University Press, 1984) 20-28. In the chapter "In America the Law is King," he historicizes the rise of juridical review with the new republic's aspiration for legitimacy and an anxiety over the absence of a written legal tradition in early constitutional debates.

<sup>53</sup> See Alexis de Tocqueville's *Democracy in America* (New York: Harper & Row, 1969) 193. Translated by George Lawrence and edited by J.P. Mayor.

<sup>54</sup> Toni Morrison, "Unspeakable Things *Unspoken*: The Afro-American Presence in American Literature," *Michigan Quarterly Review* 28, no. 1 (1989): 12-13.

novel, she argues the “unspeakable” figures are not only ubiquitous and racialized but also speak to the tremendous “power of blackness.” The readings of Melville in this dissertation also trace the unspoken, “fearful,” and the “thing” as a significant but active negativity.

Indeed, the specters of race and slavery are a recurring, persistent negativity haunting Melville’s novels. With the exception of Pip in *Moby-Dick* or Babo and Atufal in *Benito Cereno*, the Afro-American presence Morrison describes enters Melville’s novellas as anonymous faces, sound figures, and shadow. The “unspeakable” shadow of slavery also alludes to the specter of slavery within the form of American citizenship. Blackness returns time and again in Melville’s scenes as ellipses, shadow, and figure. The historical resonances of these figurations of Blackness and indigeneity invoke the question of exclusion from citizenship in the aftermath of the Civil War.<sup>55</sup> For example, although *Billy Budd*’s literal historical referent is 1797, recent scholarship notes that a racial anxiety over Reconstruction and questions of co-existence across racial lines is a sub-text in the novella.<sup>56</sup> *Billy Budd* opens with a narrator recollecting the face and the eyes of a Black “symmetric figure” who was a “common sailor.”

By assembling a “rogue” body of theory on literature and statelessness, I argue for a comparative model of reading between literature and political philosophy. As the chapters offer a critical reading of the figure of the non-citizen in American Renaissance literature, I also trace a mid-twentieth century revival of Melville as a critique of the *Realpolitik* of the liberal state. During the nineteen fifties and sixties, writers engaged with decolonization also return to the scene of nineteenth century America. These readings account for a persistent topography of racialized stereotypes, images, and elisions in American literary form. While James returns to Wendell Phillips, Melville, and Whitman to outline the persistent shadow of slavery, Arendt reads *Billy Budd* as the trial and condemnation of a stateless figure. These readings take place when an American narrative of democracy proclaims itself as the moral and the universal ideal, one that promises the restoration of order in the wake of totalitarian devastation.<sup>57</sup>

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<sup>55</sup> See “Neither Citizen Nor Alien” in Priscilla Wald’s *Constituting Americans: Cultural Anxiety and Narrative* (Durham and London: Duke University Press, 1995) 14-105. Wald comments on the conflict between the first-person singular (Lincoln) and “We, the People” in Lincoln’s Second Inaugural Address (1865) as the enforced “contingency of the subject” with the nation: “Lincoln’s rhetoric articulates his stand: the American subject cannot exist without the Union, in the name of which social existence is held in trust...In particular, Lincoln’s narrative displaced but did not resolve the question of positioning black subjects within We the People,” 71.

<sup>56</sup> See Michael T. Gilmore’s ““Speak Man!”: *Billy Budd* in the Crucible of Reconstruction,” *American Literary History* 21:3 (Fall 2009) 492-517. Gilmore argues that a concern with censorship informs *Billy Budd*. See also *The War on Words: Slavery, Race, and Free Speech in American Literature* (Chicago: University of Chicago Press, 2010).

<sup>57</sup> While there is no singular conceptualization of democracy, both liberal and conservative theorists acknowledge a global shift in the meaning of democracy in the second half of the twentieth century. See Amartya Sen’s “Democracy as a Universal

The melancholy insights of Arendt, Du Bois, and James underscore how statelessness undermines democracy as an ideal for both citizens and non-citizens. In *Notes on American Civilization*, for example, James writes democracy is a “sense which we have in great measure lost...in a comparatively short time.”<sup>58</sup> Like Melville, he parodies the rhetoric of civilization and describes the “suppression of free expression” as a “contemporary barbarism.” For example, James’ reading of *Moby-Dick*’s tragic literary vision speaks to the entrenched regulation of the non-citizen.<sup>59</sup> “Vivid figures”<sup>60</sup> such as Pip from Alabama, a South Sea “cannibal” named Queequeg, the Native American figure Tashtego, and West African Daggoo recur through *Moby-Dick*; these figures “owe allegiance to no nationality” writes James. By describing the figures of the non-citizen as owing “no allegiance to nationality,” James offers a critique of the coloniality of citizenship and the state form. I pursue his tracing of stateless figures moving through the novel *Moby-Dick* as undermining the referential authority of the American Renaissance.

For James, a reading of the nineteenth-century American literature illuminates a set of persistent questions about the incomplete project of emancipation after the Civil War. Similarly, Ralph Ellison reads for the shadows in nineteenth-century American literature as relevant to a critique of racial inequality in the twentieth-century. In a set of essays on Stephen Crane, Melville, Henry James, and Mark Twain, Ellison also describes “second sight” as necessary for rethinking the relation between the “seers” and the “seen” in the “mainstream of American literature.”<sup>61</sup> For Ellison, the persistence of racialized figures or “shadows” in the primal scenes of nineteenth-century American literature reinforces a dichotomy between the seer and the seen.

*The Shadow and The Act* asserts reading also as vision, a “seer’s obligation” to “peer through walls and into secret places of the heart, or around windy corners and into the enigmatic future.”<sup>62</sup> Whereas Emerson posits “second sight” as a poetic technique of reflection and prophetic vision distinct from transparent or pure vision, Ellison describes reading as a “second sight” and, hence, an act intimately linked with ethics and redress. Perception poses questions of who is recognizable as a citizen. In fact, the entrenched perception of the slave as an object perceived rationalizes political exclusion as violence.

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Value” in *Journal of Democracy* 10.3 (1999) and Schmitt’s *The Crisis of Parliamentary Democracy* (Cambridge and London: MIT Press, 1988).

<sup>58</sup> C.L.R. James, *Notes on American Civilization*, edited and introduced by Anna Grimshaw and Keith Hart with an afterword by Robert A. Hill (Cambridge, MA: Blackwell, 1993) 157. Hereafter referred to as *Notes*.

<sup>59</sup> Similarly, Matthiessen (a friend of James) would describe *Moby-Dick* as a “democratic tragedy.”

<sup>60</sup> C.L.R. James, *Mariners, Renegades, and Castaways: The story of Herman Melville and the World We Live In*, with an introduction by Donald E. Pease. (Hanover, NH: Dartmouth College: University Press of New England, 2001). James writes: “What he did was to take the ideal qualities of the crew, and intensify them in these three vivid figures. By making them savages he could emphasize in a manner absolutely unmistakable that break with intellectual and emotional self-torture,” 3. Hereafter referred to as *Mariners*.

<sup>61</sup> Ralph Ellison, “Stephen Crane and the Mainstream of American” in *Shadow and Act* (New York: Vintage, 1953 and 1964) 60-76.

<sup>62</sup> Ellison 62.

For example, racial violence deceptively blurs the terms of war and peace and reinforces the separation between the “seers” and the “seen.” As Ellison argues:

To put it drastically, if war, as Clausewitz insisted is the continuation of politics by other means, it requires little imagination to see American life since the abandonment of the Reconstruction as an abrupt reversal of the formula: the continuation of Civil War by means other than arms. In this sense, the conflict has not only gone unresolved but the line between civil war and civil peace has become so blurred as to require of the sensitive man a questioning attitude toward the nation’s self-image.<sup>63</sup>

Reversing Clausewitz’s sentence “war is a policy by other means,” Ellison interprets the abandonment of Reconstruction as also the “continuation of Civil War” by means other than arms. In the passage, the “means” by which war persists even during declarations of civil peace is an allusion to institutionalized exclusion. As a result, the passage extends an interpretation of the Civil War beyond a historical period and into to the present.

While political theorists differ between explaining exclusion within liberal democracies as either categorical or relational, I argue exclusion is not categorical but actual violence. Nineteenth century American literature is haunted by figure and shadow and, as Ellison, suggests requires “second sight.” The textual ellipses and shadows in Melville’s writings are also neither *ahistorical* nor complete representations of an experience, but active and prophetic traces. Suddenly, the figures of ellipses and shadow mirror the condition of lives forcibly denied rights under slavery but also to the specter of statelessness.<sup>64</sup> By recuperating these shadows as traces of the non-citizen, my readings don’t cast the viewing subject as the sole agent of ethical concern.<sup>65</sup> In addition by turning to James and Ellison as philosophers, my research insists on the relevance of a decolonial critique. For instance, I both demonstrate and argue against the “coloniality of citizenship” through an interpretation of Queequeg’s condition aboard the *Pequod*. Broadly, I also show that coloniality haunts the Renaissance writings.

The following chapters trace shadow, figure, and ellipses in Melville’s writings as the non-citizen. For instance, the chapter “Melville’s Grievance: The Dramatization of Law in *Benito Cereno*, *Billy Budd*, and *White-Jacket*” delineates a persistent double in the legal scene. Rather than presenting a singular narrative as the truth, the staging of the twice-told tale accounts for type of theatricality at work in narration. In “Hawthorne and His Moses,” for instance, Melville would elaborate on the hermeneutics of the twice-told tale and writes about its “allegorical fire.”<sup>66</sup> He writes of the “twice-told tale” as a type of second sight that tosses “empty theories and forms...into the allegorical fire” of literary

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<sup>63</sup> Ellison 67.

<sup>64</sup> Ellison also states that total war develops from the racial logic of the antebellum South. Jim Crow developed a blueprint for managing populations which gave birth to the separation of the citizen from the non-citizen, a separation which opened the way for the normalization of violence and detention against those populations cast out of the polis.

<sup>65</sup> In my view, this is one of the limits in Levinas’ writings.

<sup>66</sup> It is important to note that the theory of the twice-told tale resonates with phenomenology.



language. As a specific stylistic technique, the twice-told tale functions to highlight the how the “conjectural parts of the mind” produce narratives.<sup>67</sup> Melville continually presents conjecture and inference at work in the trial setting through the staging of contrasting narratives. I interpret Melville’s technique of the “twice-told tale” as a literary application of Emerson’s idea of “second sight.” While narratives are presented as subjective points of view, the dramatic framing in several tales unravel the relation between political words and thoughts such as law.

I offer the following readings of the Renaissance as “second sight.” The chapters conjure marginalized figures and shadows not only as objects but as moving traces. The presence of the non-citizens trace in the trial scene questions the rhetoric of inclusion and representation. The crafting of the literary scene as dramatic importantly figures a spectator as a witness to the non-citizen’s suffering and vulnerability. As a result, theatricality opens the eyes of democracy to the stateless predicament.

### 1.3 Towards a Phenomenology of Citizenship

In *Lectures on Kant’s Political Philosophy*, Arendt reiterates the importance of “second sight” by positing the faculty of the imagination as central to the political sphere. “Sensibility and understanding meet in producing through imagination,” she writes.<sup>68</sup> Like Ellison, she suggests the imagination’s ability to conjure the invisible figure in the public sphere is crucial for an ethics of mutual recognition or the Lockean term “understanding.” Perception is not just verification but a faculty of “re-presentation,” “making present what is absent” through “*perception* in the absence of an object.”<sup>69</sup> The lectures posit a relation between perception and political recognition by allotting a place to the absent and phantom trace of the non-citizen.

Imagination is crucial to political theory because it opens ways of seeing figures and traces that are not readily perceptible. Sight invokes questions of recognition precisely because of its capacity to “glimpse...the nonvisible” and “reproduce exemplary validity.” Arendt importantly casts this form of spectatorship as an obligation of democratic life. In the essay, “Imagination” she argues for the capacity of the imaginations to “delineate the figure” as a “particular that contains in itself...a concept or a general rule.”<sup>70</sup> Again, figuration seems to account for how a constitutive exclusion returns to haunt the “rule.” The non-visible trace is both a “particular” and an “exemplary” figure within the political scene. Paradoxically, the general rule depends on the figure it excludes.

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<sup>67</sup> Herman Melville, “Hawthorne and His Moses,” printed in the Norton Critical Edition of *Moby-Dick* (New York: Norton, 1967 and 2002) 521.

<sup>68</sup> Arendt, *Lectures on Kant’s Political Philosophy* (Chicago: University of Chicago, 1992) 84.

<sup>69</sup> Arendt, *Lectures on Kant’s Political Philosophy* 79. See Hannah Arendt’s chapter “Imagination” in the *Lectures on Kant’s Political Philosophy* (Chicago: University of Chicago Press, 1992) 84. Arendt states, “The same faculty of imagination, which provides schemata for cognition, provides examples for judgment,” 80.

<sup>70</sup> Arendt, *Lectures on Kant’s Political Philosophy* 79.

While often silenced, invisible, and erased, phenomenology offers a critical framework for accounting for the non-citizen. As Hegel also indicates, phenomenology and dramatic technique are closely woven. Throughout this dissertation, I draw upon Arendt's well-known critique of statelessness but also lesser known reflections on aesthetics. While several readers turn to her work for this critique, I connect her political thought with her reflections on the faculty of the imagination, poetry, and culture. Her thoughts on the phenomenology of the political provide an important framework for rethinking citizenship as an inter-subjective and ethical relation. Arendt writes perception and sensation bring forth crucial questions of judgment in the public sphere:

To be sure, the insight that the power of judgment is a political faculty in the specific sense of the word is almost as old as articulated political experience itself—a political faculty, that is, in exactly the same way in which Kant determines it, namely as the faculty of seeing things not only from one's own perspective but from that of all others who are present. In this way, judgment is perhaps the basic faculty; it enables man to orient himself in the public-political sphere and therefore in the world held in common...It alone deserves credit for the fact that our private and "subjective" five senses and their data are fitted to a non-subjective, "objectively" common world that we may share and evaluate with others.<sup>71</sup>

Perception, gesture, emotion, and sensation inform shared notions of political and democratic obligation beyond the subject.<sup>72</sup> Through sensation (perception and the five senses Arendt describes) not only does judgment emerge but so, too, does a critical, contingent, and even corporeal relation between actors within a shared space.<sup>73</sup>

Perhaps Arendt is drawn to Melville due to the crafting of a scene as a dramatic arena. Theatrical space elicits a mode of "seeing things not only from one's own perspective but from that of all others who are present." The somewhat impossible demand to "glimpse the nonvisible" calls for modes of dramatic re-presentation and techniques of accounting for vulnerability. Theatricality thus renders the "nonvisible," enacts the "nonappearance in the appearances," and petitions against legally sanctioned exclusion. Perception can make explicit the spectator's obligation to scenes of suffering and also conjures the figure of the non-citizen as a memory-trace.

Dramatic scenes present ethical quandaries about the spectator's responsibility to the scene of suffering. Like Du Bois, Arendt's reflection on the political ideal "to lose oneself in the suffering of others" is also a deliberation on ethics and democracy. Emotion and sensation posit inter-subjectivity and a *relational* between differently positioned actors as a democratic ideal. A pivotal ethical question manifests through dramatization: what enables an indifference to death and acts of political violence? As the

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<sup>71</sup> See Arendt's "Culture and Politics" in *Reflections on Literature and* (Stanford: Stanford University, 2007) 198-199, *Culture*, edited by Susannah Young-An Gottlieb.

<sup>72</sup> I thank Francine Masiello for her teachings and thoughts on the senses and democracy; look for her forthcoming *The Senses and Democracy*.

<sup>73</sup> See also Erin Manning's *The Politics of Touch: Sense, Movement, Sovereignty* (Minneapolis: University of Minnesota Press, 2007).

readings will show, dramatic techniques subtly call into question the logic and language of violence.

Dramatic techniques bring to light a crucial relation between pathos, thought, and democracy. As Melville would write in a letter to Hawthorne, “love and humor are the eyes” through which the “intellect views the world.”<sup>74</sup> Melville links pathos to cognition when he writes that “love and humor” are the “eyes” of the intellect. Dramatizations of love, suffering, grief, and laughter assert a relation beyond a single perspective or subject of rights. Representations of pathos also account for the inner life of the non-citizen, as well as the role of sensation in the political realm.<sup>75</sup> As Arendt suggests in her reading of *Billy Budd*, the novella grasps how the “early pleas” of revolutionary and “intense passion” coincide with “intense suffering” but are soon disregarded by state functionaries and, ironically, in the name of the French Revolution.<sup>76</sup>

Melville’s attentive crafting of the “scene” reveals how entrenched spaces of exclusion and divisions are reproduced. In *Benito Cereno*, for instance, the “scene” of a slave revolt is “heightened by the contrast in dress, denoting their relative positions.”<sup>77</sup> “Scene” is critical term with social, psycho-analytic, and dramatic connotations,<sup>78</sup> introducing a theatrical notion of space and time as layered by synchronic signs and gestures.<sup>79</sup> A “scene” is not just the depiction of an event (particularly in Melville’s work where conflicting deliberations over what actually happened inform the plot). Instead, Melville often slows movement and time down in order to magnify the disparities between actors. This effect presents the scene as also a visual image and elicits the work of the senses when reading. As the slave ship the *San Dominick* drifts, time is represented as where the “past, present, and future seemed one.”<sup>80</sup> The description of still time heightens the suspense and exposes divisive roles in the fraught scene of slavery.

The final chapter, “Scenes of Sovereignty: *Redburn* and *Moby-Dick* as American Tragic Drama” retrieves the tragic scenic effect in two Melville novels. I argue that the

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<sup>74</sup> Melville, “Hawthorne and His Moses” reprinted in *Moby-Dick* (London and New York W.W. Norton and Company, 1967 and 2002) 517-536, edited by Hershel Parker and Harrison Hayford.

<sup>75</sup> Although I don’t agree with David Panagia’s severing of judgment and sensation, see *The Political Life of Sensation* (Durham: Duke University, 2009) for a political history of sensation in the *piazza*.

<sup>76</sup> Arendt, “The Social Question (On Melville and Doestevsi)” in *Reflections on Literature and Culture* (Stanford: Stanford University Press, 2007) 206-213.

<sup>77</sup> BC 250.

<sup>78</sup> See Etienne Balibar’s on the “national citizen-subject” in *Politics and the Other Scene* (London and New York: Verso, 202). Balibar writes:

The subject of politics is understood in this sense are, by definition bearers of the universal, and are themselves implicated in it...The subject of politics are thereby also the spokespeople of the universal, in so far as they ‘represent themselves’...We should, however, remain aware that these propositions...are laden with contradictions and aporias, 4.

<sup>79</sup> See Anne Ubersfeld “Theatre and Space” in *Reading Theatre* (Toronto: University of Toronto, 1999) 94-102.

<sup>80</sup> BC 294.

staging of tragic emotion and gesture is an important commentary on the violent effects of American sovereignty in the world scene. Representations of figures turned to stone shows the perpetual entrapment of the disempowered non-citizen within the ship's infrastructure. Ironically, this subordination is rationalized as a "necessity" of the "egalitarian" democratic state. Tragic drama bears witness to the interlocking issues of "national peculiarity," sovereignty, and state power. While *Redburn* is a realist reflection on Adam Smith, the conversion of persons to "human cargo" and melancholy in the context of an increasingly global economy, *Moby-Dick* employs strategies from baroque tragedy to contrast dramatic tales of glory, honor, revenge, sacrifice, and the creaturely life of the non-citizen. The novels stage the tragic chorus' destruction amidst the world scene of exceedingly constrained, regulated, and vulnerable populations. The tragic effect in *Redburn* and *Moby-Dick* exposes the effects of exclusion on forms of suffering. The dramatic effect evokes sensation and, hence, attests to the existence of liminal actors and conditions. The faculty of seeing beyond one's perspective and experience of shared sensation introduces questions of witnessing.<sup>81</sup>

"Second sight" prompts a movement outside the self and beyond a notion of the citizen-subject as the isolated, constitutive figure of a democratic ethos. The challenge of this dissertation is to see the non-citizen throughout the American archive. Questions of recognition and self-defense become bound to theories of drama also as a form of political action; spectatorship, tragic drama, and music elaborate a critique of political exclusion but imagine a more inclusive notion of citizenship. Thus, it becomes important to take distance from Whitman's notion that all poetry is necessarily universal and that the lyric is the proper embodiment of this abstract universality. In fact, an ensemble of sounds, traces, and figures haunt Whitman's songs as they do Melville's scenes. In Whitman's "As If a Phantom Caress'd Me," a trace appears as corporeally linked to the speaker:

But the one I thought was with me as now I walk by the shore,  
The one I loved that caress'd me,  
As I lean and look through the glimmering light, that one has  
utterly disappear'd.  
And those appear that are hateful to me and mock me.

These phantom-traces are the traces of the non-citizen moving through American literary form.

As a result, the thesis that I am putting forth with some sense of urgency is that citizenship is not the equivalent of a contract but an ethical relation. Disputing the pre-established semantic division between the citizen and the non-citizen so often is assumed by governments, this dissertation argues that citizenship cannot be defined by those semantic walls. As Thoreau writes, the people "must cease to hold slaves, and to make war on Mexico, though it cost them their existence as a people." I argue that citizenship needs to be reconsidered as a shared notion of rights and obligations, accounting most for the figures punished and injured by exclusion from state membership.

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<sup>81</sup> See Engin F. Isin and Greg M Nielson's *Acts of Citizenship* (London: Zed Books, 2008) articulates a theory of citizenship as an ethics. They write the subject referred to as a citizen is entangled in a web of rights and responsibilities.

## Chapter Two

### **Democracy's Future: The Non-Citizen in Melville's Political Philosophy**

*Melville especially...knew how to talk back directly to the men of the French Revolution and to their proposition that man is good in a state of nature and becomes wicked in society.*

Hannah Arendt, 1963

*The miracle of Herman Melville is this: that a hundred years ago in two novels, Moby-Dick and Pierre, and two or three stories, he painted a picture of the world in which we live, which to this day is unsurpassed.*

C.L.R. James, 1952

Political theorists in the twentieth century, retrospectively and prospectively, read scenes crafted by American Renaissance authors and Melville in particular. Hannah Arendt's turn to *Billy Budd, Sailor: (An Inside Narrative)*, Carl Schmitt's disturbing signature as "Benito Cereno" after the Holocaust, as well as C.L.R. James' and Edward Said's readings of *Moby-Dick* amidst American declarations of war turn to literature to elaborate on political theory. Political philosophers and critics of colonial power draw on aesthetics, more generally, to excavate central questions about perception, culture, acoustics, and imagination. These readings allude to a language of politics and democracy that recurs throughout American Renaissance writings. In addition, the readings of Melville in political theory demonstrate an important link between democracy and dramatic form.

What draws political theorists to Melville's scenes in particular? A response begins with how dramatic irony and, specifically, ambiguity by the later novels *Pierre: or The Ambiguities* (1852), *Moby-Dick; Or, The Whale* (1851) and *Billy Budd, Sailor: (An Inside Narrative)* (1890) stage the law. Rather than crafting ideological tales, definitive authorial opinions on major political debates such as abolition, the Fugitive Slave Law and the territorial annexations of Mexico and Hawaii remain ambiguous in virtually all of Melville's writings with the notable exception of *White Jacket: or, The World on a Man Of-War* (1850).<sup>82</sup> Dramatic irony and ambiguity probes the spectator's complicity within scenes of suffering.

Arendt's essay "The Social Question," James' *American Civilization and Mariners, Renegades, and Castaways* and Said's *Reflections on Exile* are forms of

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<sup>82</sup> Michael Rogin's *Subversive Genealogy: The Politics and Art of Herman Melville* (Berkeley, CA: University of California, 1979, 1980, 1983) traces the subversive politics in several Melville novels. Recently, others argue instead that works such as *Benito Cereno* and *Billy Budd* portray an increasing racial and nationalist anxiety over Reconstruction. See Michael T. Gilmore' for the latter.

philosophical writing profoundly marked by the shock of statelessness. By assembling a rogue body of theory, this study approaches the topic of statelessness as not only a historic but a philosophical dilemma. That is to say, statelessness is not simply the crisis of one historical period but has been constitutive in the making of state power. In addition, the predicament of the non-citizen touches upon ethical questions of life and death.

Arendt asks, for instance, “How is it possible to live without belonging to any polity?—that is, the condition of apolity, or what we today would call statelessness.”<sup>83</sup> The question points to a resounding irony in the Western genealogy of citizenship from Plato, Rousseau, to Whitman. As she would write about the scene of Socrates’ trial, punishment is also an originary “shock” and *thaumadzein* within an “occidental philosophical tradition.”<sup>84</sup> In fact, Arendt returns to the scene of Socrates’ trial in Athens as a foundational scene that illuminates the paradox of citizenship in the general theory of the city-state. While Socrates is punished by Plato in the trial, he also desires and requires citizenship. Socrates’ condemnation is the failure of sociality or what Arendt refers to as friendship and living together. As a result, an inquiry into restrictive citizenship also inquires into the limits of traditional theories of politics and democracy.

Arendt writes, each “trial resembles a play in that each begins and ends with the doer, not the victim.”<sup>85</sup> In an essay on Melville, she elaborates on the rhetoric of law by reading *Billy Budd* immediately after the Eichmann Trial. Similarly, C.L.R. James interprets Melville’s consequential dramatic staging of the crew, the “mariners, renegades, and castaways” in *Moby-Dick*. Said also interprets the *Pequod’s* vengeful and violent chase against the whale as a prophetic figuration of American power and writes of the novel’s “innumerable echoes.”<sup>86</sup> When Said compares *Moby-Dick’s* style to the “singing ghosts” in Wagner’s opera, he subtly alludes to the acoustics of democracy at play in the novel.<sup>87</sup> In these essays on statelessness, a subtle study of theatrical techniques intersects with the question of who has standing before the law as a subject of rights. While traditionally it is the citizen who is only the subject of rights, these essays retrieve the figure of the non-citizen as a central agent.

Moreover, reflections on the dramatic staging of politics account for the violence of restrictive citizenship. In *Notes on American Civilization*, James chronicles a destructive tendency within American democracy and writes: “barbarous and degrading spectacles.... represent something of new political and aesthetic needs...stirring throughout the civilized world.”<sup>88</sup> Like Melville, both Arendt and James describe the theatricality of “mass trials” as a political phenomenon and a “spectacle” in which citizenship is reconfigured and made into a protracted ritual abetting security rather than democracy; as James writes, the “hangman’s nooses hang loose around the necks of

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<sup>83</sup> Arendt, “Socrates,” *The Promise of Politics* (New York: Schocken Books, 2005) 6. Originally published as “Philosophy and Politics” in *Social Research*, vol. 57, no 1 (Spring 1990).

<sup>84</sup> Arendt, “Socrates,” 5.

<sup>85</sup> Arendt, *Eichmann in Jerusalem* (New York: The Viking Press, 1963) 9.

<sup>86</sup> Edward Said, *Reflections on Exile* (Cambridge: Harvard, 2000) 356.

<sup>87</sup> Said, *Reflections on Exile* 367.

<sup>88</sup> *Notes* 164.

countless millions today...against the ever-present threat of destruction and a world in chaos.”<sup>89</sup> These readings of Melville move between literal and figural legal scenes and question the blind reproduction or “spectacle” of juridical power. For instance, the ritual of “hangman’s noose” within the trial setting points to the brutal punishment and regulation of the non-citizen.

Like Arendt, James identifies a “crowning irony”<sup>90</sup> within a Western genealogy of citizenship and traces the “decline of democracy” as an ideal.<sup>91</sup> These melancholic writings offer a counterpoint to the jubilant and hopeful mood of democracy in Whitman’s poems. Instead, James reads *Moby-Dick* as a futuristic allegory about the advent of post-war mass culture and names Melville the “prophet of destruction.”<sup>92</sup> His writings account for the shock of statelessness on the body, referring to the figure of the non-citizen as the “flesh of the flesh” and “blood of the blood of the majority.”<sup>93</sup> By recuperating Melville as a philosopher of tragic drama, the following chapters account for a “genuine Aeschylus approach” that draws from scenic conventions and the “Greek concept” of democracy in novels from *Redburn* to *Moby-Dick*. The readings of *Redburn* and *Moby-Dick* as tragic drama make explicit how the entrenched regulation of the non-citizen persists within the juridical form of democracy.

These readings of Melville not only present the porous relation between literature and political philosophy, but also present a critique of statelessness linked to the faculty of the imagination.<sup>94</sup> Arendt turns to the scene of Billy Budd’s execution and poetic verse to critique a contractual understanding of the social after the French Revolution. James also turns to Melville and interprets *Moby-Dick* as an epic drama about the tragedy of the liberal state.<sup>95</sup> He writes American democracy is a “spectacle” where state violence exceeds “the bounds of reason”<sup>96</sup> celebrated in the nation’s original documents. A sustained reflection on statelessness coincides with a simultaneous inquiry into dramatic form. Throughout these writings, dramatic techniques parody the legal scene, question coercive notions of citizenship, and offer models of non-violent redress.

In addition, political theory’s turn to the literary reflects on the role of linguistics and semiotics in the political sphere. Readings of Melville excavate a pervasive gap between the idiom and the ideal of democracy as “of the people.” For instance, Arendt questions how state functionaries manipulate the term “social” (for instance, Rousseau’s

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<sup>89</sup> *Mariners* 25.

<sup>90</sup> *Mariners* 154.

<sup>91</sup> James, *Every Cook Can Govern: A Study of Democracy in Ancient Greece...Its Meaning for Today* (Detroit: Bewick Editions, 1992) 16-19. Originally published in 1956 in *Correspondence*, vol. 2. no. 12. Hereafter referred to as *Every Cook*.

<sup>92</sup> *Notes* 97.

<sup>93</sup> *Notes* 201.

<sup>94</sup> See Hannah Arendt’s chapter “Imagination” in the *Lectures on Kant’s Political Philosophy* (Chicago: University of Chicago Press, 1992) 84. Arendt states, “The same faculty of imagination, which provides schemata for cognition, provides examples for judgment,” 80.

<sup>95</sup> *Mariners* 157. See also *Notes on American Civilization* (Cambridge, MA: Blackwell, 1993) 83. Hereafter referred to as *Mariners* and *Notes*.

<sup>96</sup> *Notes* 83.

*Social Contract*) and James writes the phrase “life, liberty, the pursuit of happiness” loose meaning with mass production.<sup>97</sup> Arendt writes the American and the French Revolutions coin “a new appearance” and “a new word” in the political realm but in fact sanction state terror in the name of democratic terms such as equality, liberty, fraternity, and the “people.” At the same time, James argues mass military spectacles reify terms such as “liberty, freedom, individuality, the pursuit of happiness”<sup>98</sup> and reify the term democracy.

James implies that an egregious corruption of language takes place. *Notes* testifies to a brutal contradiction between the *Declaration of Independence’s* rhetoric and institutionalized legal exclusion within liberal forms.<sup>99</sup> As James observes, the presence of suffering and misery in the public sphere offers a counter-narrative of American democracy. The “hopelessness of misery of modern man in general” and the “special hopelessness of youth”<sup>100</sup> attest to the material and the psychic consequences of a destructive power. Both Arendt and James note that this semantic corruption is tragic and erodes initial idealizations of democracy as an ethics of participation, equality, and shared rights. For Arendt, the denial of the non-citizen’s status as human is the denial of a “human condition of plurality” necessary for equality to become. Equality is not the principle of a unity as the harmony of similar figures found in the face only of an identical twin, but respect for the “absolute distinctness of one equal from another.”<sup>101</sup>

Instead, Arendt specifically invokes poetry as a contrast to political rhetoric, arguing it is verse that shows “openly and concretely, though of course poetically and metaphorically, upon what tragic and self-defeating enterprise the men of the French Revolution had embarked without knowing it.”<sup>102</sup> Poetry reproaches the orderly prose of governance and legal proceedings, occupying a marginal rather than privileged status *vis a vis* the state. Like the non-citizen often speechless in Melville’s staging of the law, verse dramatically enters novellas such as *Billy Budd* as marginal to the polis. The perception of poetry as deviant thus resembles the non-citizen’s status as a “rogue” individual, a figure deemed outside national law but nonetheless constrained by its rhetorical and referential rules.

References to Melville in the writings of Arendt, James, and Said take stock of an explicit literary flight from the “main road,” the doctrine of common sense. Far from coincidence, this turn to linguistic and aesthetic questions, more generally, in American

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<sup>97</sup> *Notes* 28.

<sup>98</sup> See Arendt’s *On Revolution*, ed. Jonathan Schell (New York: Penguin, 2006) 25-26; Schmitt’ *The Nomos of the Earth: In the International Law of the Jus Publicum Europaeum* (Telos Press Publishing: 2006) 77-96; James’ *Notes* 30.

<sup>99</sup> Consider James following study of liberalism in *Mariners*:

In years past I have smiled indulgently at the grandiloquent statements and illusions of these old liberals [Voltaire].... Today it is not their limitations I am conscious of, but rather the enormous service they do to civilization, as decade after decade they struggled for the right of habeas corpus, freedom of assembly, freedom speech, went to jail for them, died for them,” 164. [*parentheses mine*]

<sup>100</sup> *Notes* 29.

<sup>101</sup> Arendt, “The Tradition of Political Thought,” 62.

<sup>102</sup> Arendt, “The Social Question,” 208.



Renaissance writings is also the desire for a new lexicon of democracy. There is an important correlation between the stateless figure and the specific status of the literary and the poetic. For instance, the following passage from *Billy Budd* asserts the “literary sin” as a type of deviance, “enticement,” and “divergence” from the main road:

In the matter of writing, resolve as one may to keep to the main road, some bypaths have an enticement not readily to be withstood. I am going to err in such a bypath. If the reader will keep me company I shall be glad. At the least, we can promise ourselves the pleasure which is wickedly said to be in sinning, for a literary sin the divergence will be.<sup>103</sup>

The passage acknowledges the overt role of fabrication, error, and digression as constitutive traits of all narratives; however, the literary as a technique makes these errors explicit. In Melville’s novels, questions about narrative coincide with critiques of common sense, exclusion, and punishment. Similar to the non-citizen’s status, literary language attains the status of being outside the norms and narratives of the law. It is not surprising that critiques of statelessness turn to the literary, as it is the *aporia* of the non-citizen within writings in political theory from Hobbes to Rousseau that exposes the fable of citizenship as a universal, coherent, and inclusive form.

## 2.1 The Obligations of Sight: Spectatorship and the Social Question

*Melville and Dostoevski.....show openly and concretely, though of course poetically and metaphorically, upon what tragic and self-defeating enterprise the men of the French Revolution had embarked without knowing it. If we want to know what absolute goodness would signify for the course of human affairs (as distinguished from the course of divine matters), we had better turn to the poets, and we can do it safely enough as long as we remember that ‘the poet but embodies in verse those exaltations of sentiment that a nature like Nelson’s, the opportunity being given, vitalizes into acts’ (Melville).*

Hannah Arendt, “The Social Question (On Melville and Dostoevski)”

The essay “The Social Question” looks outside political philosophy to aesthetics.<sup>104</sup> Reading *Billy Budd, Sailor (An inside narrative)*—Melville’s last and incomplete novella set during the “Reign of Terror” but written in the late 1880s at the

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<sup>103</sup> *BB* 441.

<sup>104</sup> Arendt’s writings distinguish different types of revolutions. The American and French Revolutions are often contrasted, as she is somewhat utopian about democracy in the United States and fond of Jefferson’s writings on the potential for democracy in the township. Her hopefulness about U.S. democracy (which wanes by *On Violence*) has been a source of debate. It is important to note that her somewhat utopian picture of the U.S. is not naïve but insists on constitutional democracy.

end of Reconstruction. Arendt identifies a tragic silence within the courtroom scene at the moment of Billy Budd's conviction and recuperates this silence as the non-citizen's trace. In the novella, Billy's execution by hanging is set amidst "revolutionary chaos" and cast as a scene resembling Christ's crucifixion or a "martyr" sacrificed to "martial discipline."<sup>105</sup> Arendt returns to this scene to insist upon the spectator's obligations to the silenced figure and pose questions of both legal and religious judgment again. She offers a critique of Rousseau's "'enlightened' rationalism": "Where passion, the capacity for suffering, and compassion, the capacity for suffering with others, ended, vice began."<sup>106</sup> Despite the insistence on the obligation to see, she challenges the Christian association between suffering as the "terrifying question of good and evil...in the framework of Western traditions."<sup>107</sup> Dogmatic figurations of good and evil in the public realm and within a Euro-American legal tradition, thus, ironically coincide with the advent of state violence.

Arendt turns to *Billy Budd* immediately after writing her commentaries on the Eichmann Trial in Jerusalem (1962-63), reflecting on how legal proceedings convert the "social question" into moral absolutes and, hence, convert the adjective "social" or the phrase "social democracy" into its opposite or into a trite term that legitimizes totalitarian rule. Again, she expands upon her observation in *Eichmann in Jerusalem* that the trial resembles "a play in that each begins and ends with the doer, not the victim."<sup>108</sup> Through a subtle critique of the secular logic of law in "The Social Question," she troubles the dichotomy between agent ("doer") and victim by asserting the latter's agency, although this is an agency the trial setting denies. As she writes in the essay on *Billy Budd*:

The great maxim of all civilized legal systems, that the burden of proof must always rest with the accuser, sprang from the insight that guilt can be irrefutably proved. Innocence, on the contrary, to the extent that it is more than "not guilty," cannot be proved but must be accepted on faith, whereby the trouble is that this faith cannot be supported by the given word, which can be a lie.<sup>109</sup>

The above passage from the "Social Question" contains a subtle recollection about the Eichmann Trial where her commentaries attest to her outrage with the Nazi's propensity for lying. She is listening to the dynamics of speech and silence while interpreting the scene of the law in terms that exceed the rhetoric of proof. She remains uneasy with how much Eichmann talks, as if the trial is intended for his redemption. This type of speech—a lie—stands in contrast to the silence of "innocence" that is "more than" simply "not guilty." However, she remains disturbed by forms of law where innocence "that is more than 'not guilty'" is not only subject to a charade of "civilized" reason but never "given word" or silenced. Thus, her reading between *Eichmann in Jerusalem* and *Billy Budd* also speaks to how the law silences rather than enfranchises speech. Again, bearing witness to

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<sup>105</sup> *BB* 495.

<sup>106</sup> Arendt, "The Social Question," 207.

<sup>107</sup> Arendt, "The Social Question," 209.

<sup>108</sup> Arendt, *Eichmann in Jerusalem* (New York: The Viking Press, 1963) 9.

<sup>109</sup> Arendt, "The Social Question," 213.

silence as the invisible trace of the non-citizen as “faith” is imperative and obligatory; however, there is also an inquiry into what form preserves the dignity of the innocent figure.

The innocent figure Arendt conjures but leaves unnamed is the non-citizen, a recurring trace not simply in *Origins of Totalitarianism* but throughout her writings from the essay on Socrates’ tragic trial in the *Promise of Politics*, to her introduction to Walter Benjamin’s essays, as well as her reading of *Billy Budd* as a Jewish figure whose condemnation by juridical modernity is presupposed and pre-ordained. While Socrates is not a non-citizen in the same sense, the scene of his death and condemnation represents juridical punishment as the homogenization of thought and the spectators’ complicity with state violence as detrimental to democracy.

For Arendt, Socrates’ trial is a “philosophical shock” and his silence a “speechless wonder” attesting to the figure’s singularity. Thus, the isolation of concepts of the *political* from other social spheres—the private, religious, economic—and, particularly, the critical practice of philosophy, reproduces a false opposition between friend and enemy.<sup>110</sup> Socrates is a singular figure as he stands before the law “neither in his equality with all others nor in his absolute distinctness from them.”<sup>111</sup> The singularity of Socrates’ dual status as both friend and enemy of the Republic presents a paradox within one of the foundational scenes of political philosophy.

Outrage, shock, and melancholy about the conditions of citizenship permeate Arendt’s own prose, while the essay form offers a way to retrace the condition of statelessness from the scene of Socrates’ condemnation to the present as philosophical dilemmas.<sup>112</sup> In “The Tradition of Political Thought,” she writes: “The mere tendency to exclude everything that was not consistent developed into a great power of exclusion, which kept the tradition against all new, contradictory, and conflicting experiences.”<sup>113</sup> Political exclusion is thus “a great power” and, similarly, the “tradition of political

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<sup>110</sup> This is one of the key problems with Carl Schmitt’s *The Concept of the Political* (Chicago and London: University of Chicago Press, 1996), translated by George Schwab.

<sup>111</sup> Arendt, “Socrates,” 35. She writes:

In this shock, man in the singular, as it were, is for one fleeting moment confronted with the whole of the universe, as he will be confronted again only at the moment of his death. He is to an extent alienated from the city of men, which can only look with suspicion on everything that concerns man in the singular.

<sup>112</sup> See Theodor Adorno’s “The Essay as Form” in *Notes on Literature* (New York: Columbia University Press, 1991) 3-23. When the essays of Simmel, Luckacs, Kassner and Benjamin were barred from the German academy, Adorno writes: “The academic guild accepts as philosophy only what is clothed in the dignity of the universal and the enduring – and today perhaps the ordinary. It gets involved with the particular cultural artifacts only to the extent to which the particular becomes transparent when seen in terms of them,” 3. For Adorno, the philosophical essay is a disciplinary hybrid and, more importantly, awards a place to the particular. This chapter recuperates the essay style of Arendt, James, and Said to account for the essay’s statelessness and to trace a critique of statelessness in a rogue body of writings that I understand as philosophy.

<sup>113</sup> Arendt, “The Tradition of Political Thought,” 47.

thought” also establishes its rule through the erasure of difference. As the following sections demonstrate, the singularity of the non-citizen changes the tradition of political thought to face the limits of its own reason, narratives, and foundations. In Socrates’ and Billy’s trials, restrictions on citizenship and speech sanction violence.

In both *Eichmann in Jerusalem* and the “Social Question,” deliberations on spectatorship, vision, and speech are central to a critique of exclusion from state membership. *Billy Budd* dramatizes how states instrumentalize the terms of the social contract while public space is increasingly regulated and ruled through violence. For instance, Arendt poses an analogy between Robespierre, Eichmann, and Vere, condemning the use of “catch phrases” and “stock phrases” in the political realm. Robespierre’s vehement memorialization of revolutionary compassion reduces political passion to a tale of “stark, unsophisticated simplicity.”<sup>114</sup> Similarly, in the state’s manipulation of language and the phrase “social democracy” during the Holocaust, she writes language becomes an instrument of rule. The state’s violence reflects in the regulation of speech: “language rules...proved of enormous significance in the maintenance of order” and the state converted “ordinary language” into “a lie.”<sup>115</sup> In exchange for a contractual promise of social equality, the “lie” is an absolute rhetoric of morality—vice, virtue, good and evil—instrumental in sanctioning state violence or, as Arendt writes, state terror under the aegis of a “social” democracy. In “Greek tragedy—its drama, its enacted events—is based on this fundamental conviction,” she writes, “speech itself was from the start considered a form of action.”<sup>116</sup>

*Billy Budd* also inquires into the relation between the voice (*phone*) or speech, political language, and a condition of legal exclusion. The novella contrasts the “exceptional” character, Captain Fairfax Vere, and the “mere” Apollonian figure, Billy Budd.<sup>117</sup> As an interpretative enigma, Billy’s “vocal defect” or the one thing amiss in this otherwise Apollonian figure points to something unverifiable and unrecognizable within the language of the law. When Vere addresses Billy as a “fated boy,” the non-citizen’s pre-ordained accusation as guilty is apparent; but Billy, like Socrates, chooses to remain mute although he could sing and his “vocal defect” poses an interpretative mystery. However, narrator introduces Billy to the audience with compassion:

Like the beautiful woman in one of Hawthorne’s minor tales,  
there was just one thing amiss in him. No visible blemish indeed, as with the  
lady; no, but an occasional liability to vocal defect.<sup>118</sup>

The staging of silence dramatizes the non-citizen’s pre-determined accusation, as Arendt writes: “Billy Budd could have spoken with the tongues of angels, and yet would not

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<sup>114</sup> Arendt, *Eichmann in Jerusalem* 84-85 and 115; “The Social Question” 208.

<sup>115</sup> Arendt, *Eichmann in Jerusalem* 84.

<sup>116</sup> Arendt, *The Promise of Politics* 125.

<sup>117</sup> Melville writes Billy Budd as an Apollonian “all but extinct” and “superb figure” but then poses a challenge to this reading when Billy strike Claggart dead. In the beginning, the story the “moral nature was seldom out of keeping with the physical make” but subsequently reverses this assumption. See *BB* 430-431.

<sup>118</sup> *BB* 438.

have been able to refute the accusation of the ‘elemental evil’ that confronted him.”<sup>119</sup> A particular and non-secular mode of testimony spoken, in the “tongues of angels,” is not recognizable as political speech within the trial scene.

While the remote possibility exists that Billy “could have spoken,” Arendt writes he “would not have been able to refute the accusation.” As a result, Billy could not have been heard, no matter how eloquently he spoke and the figuration of a speechless hero like “one of beautiful women in Hawthorne’s minor tales” dramatizes a paradox of citizenship. Billy’s accusation is a foregone conclusion and his guilt already established, and Arendt’s essay demonstrates the weight of how the trial scene operates through a pre-established verdict about the stateless figure. The assertion that even if Billy “could have spoken” he would be “would not have been able” to defend his action brings to light the role of pre-judgment or prejudice in the trial scene as well as attests to the silence of the singular. The “tragic element” in Melville’s last novella is neither Billy’s fall nor Claggart’s vice, but rather Captain Vere’s legal “right” to adjudicate and to punish the stateless figure. Through reading *Billy Budd* (a novel staging the trial as tragedy), Arendt prepares a case against the absolutist language underwriting the state “spectacle” of exclusion in many nation-states.

By reading *Billy Budd*, Arendt bears witness to the trial’s monophonology and the state’s monopoly on violence against citizens and non-citizens as well as restrictions on free association in the public sphere. Similarly, her essay on Socrates’ speechlessness during his trial questions the Aristotelian separation between speaking and political being as well as a paradoxical notion of citizenship within the Republic. She is struck in both trials by the spectators turning away from suffering coinciding with great political oratory and moralism. Through Melville’s literary allusions, Arendt accounts for statelessness as a mode of political violence that acts on the senses including voice (*phone*), movement (action), and sight. *Billy Budd* highlights the monophonology of the figure, Vere, acting both as judge, lawyer, and friend as the state’s univocal claim to violence. This attention to the senses thus recuperates the non-citizen as a corporeal existence and political animal, despite the state barring the figure from recognized rights of participation, speech, and representation.

The comparison between literal and the figural courtroom scenes does not suggest that *Billy Budd* is a historical allegory for the Eichmann Trial, an event not cited in “The Social Question.” To the contrary, in the essay, Arendt’s essay on *Billy Budd* is ambivalent about the association of law with retributive justice. The turn to *Billy Budd* in the aftermath of the Eichmann Trial is in part a reckoning with the inability to account for the non-visible trace, a trace she understands not as secular but also divine, in every trial scene. She exposes the common-sense language of accusation—vice, virtue, good, and evil—as bound with the exclusion of the non-citizen: “Neither Rousseau nor Robespierre was capable of dreaming of a goodness beyond virtue, just as they were unable to imagine that radical evil would “partake nothing of the sordid or the sensual” (Melville), that there could be wickedness beyond vice.”<sup>120</sup> Indeed, Arendt is perceptive in her close reading of *Billy Budd* as parodying foundational political maxims from the French Revolution reliant on Christian narratives of original sin; as she writes: “Clearly, Melville

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<sup>119</sup> Arendt, “The Social Question,” 209.

<sup>120</sup> Arendt, “The Social Question,” 209.

reversed the primordial legendary crime; Cain slew Abel, which has played such an enormous role in our tradition of political thought.”<sup>121</sup> The novella does stage a foundational scene of political modernity through Christian allusions and allegories; in turn, presenting the thesis that man is naturally good or evil as fable.

Again, as we see, Captain Vere’s tyrannical rule asserts itself by severing sensuous experience from judgment. Contrasting Rousseau’s simple use of the terms “good” and “evil” to Melville’s “poetic reproach” becomes crucial to Arendt’s critique of a contractual use of the term “social.” She writes,

Compassion and goodness may be related phenomena, but they are not the same. Compassion plays a role, even an important one, in *Billy Budd*, but its topic is goodness beyond virtue and evil beyond vice, and the plot of the story consists in confronting these two...Both are outside society, and the two men who embody them come, socially speaking, from nowhere.<sup>122</sup>

Referring to the opposition between Billy’s innocence and Claggart’s pathological envy at the novella’s start, Arendt uncouples associations of the social with the moral terms good and evil. Whereas good and evil are absolute adjectives, vices and virtues are acts. Instead, she again advocates for an ethics of compassion (etymologically a term where suffering and passion meet) outside stark notions of vice and virtue to assert a mode of inhabiting and sharing (a very important word in her writings) social space. She remains skeptical, as in her writing on the foundational scene of Socrates’ trial, of locating a concept of the political in a foundational story or original scene. Instead, “compassion” she argues comes from “outside” and is a shared act between differently positioned actors rather than a moral essence.

The deliberations on exclusion and law from the essays on the Eichmann Trial published in the *New Yorker* to the more abstract text of “The Social Question” are not incidental but reflect more broadly on the weight that Arendt assigns to the obligations of gesture, emotion, and sensation or, more generally, compassion in the public realm. Consistently assuming the position of the spectator, she invokes both perception and listening as an obligation to the “nonvisible” and argues these faculties are crucial to democratic life. As she writes in “The Social Question,”: “Passion and compassion are not speechless, but their language consists in gestures and expressions of countenance rather than in words.”<sup>123</sup> For Arendt, compassion embodied in gesture and sight is integral to a political ideal of *vita contemplativa*. While Aristotle deems that the speechless figure is barred from recognition as active being, political thought that accounts for gesture and countenance acknowledges a face, figure, and memory in silence. Compassion then is not a narrative of empty words, but “vitalizes into acts” through gestures and signs exchanged between actors despite the censorship of certain forms of speech.

*Billy Budd* probes the moral enigmas in the legal scene by staging the tribunal on the “great warship” where the “complexities of factitious life” have a “phenomenal

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<sup>121</sup> Arendt, “The Social Question,” 213.

<sup>122</sup> Arendt, “The Social Question,” 209.

<sup>123</sup> Arendt, “The Social Question,” 211.

effect.”<sup>124</sup> In *On Violence*, Arendt undertakes a study of how violence becomes a common denominator in a “century of wars and revolutions”<sup>125</sup> across ideological lines. Arendt is clearly searching in both instances for linguistic forms and embodied techniques that might express and also counter more adequately the effects of political violence. Through the example of Cold War arms race, she identifies the period as marked by the similar “political bankruptcy, the bankruptcy of the nation-state and its concept of sovereignty” following the French Revolution and authorizing the Reign of Terror as the “terror of virtue.”<sup>126</sup> Disillusioned with the increasing militarism of the U.S. state, the use of force in the public realm, as well as the complicity between the rhetoric of sovereignty and violence, she laments the loss of “a clearheaded and proud separation from the traditional language and conceptual political frame of the European nation-state” in the *U.S. Constitution* and Jefferson’s writings on township democracy.<sup>127</sup> Instead, constitutional democracy and laws are sacrificed to instruments of violence targeting international and domestic populations at once. For Arendt, the scene of nuclear proliferation in the aftermath of the Holocaust signals a “reversal between power and violence, foreshadowing another reversal in the future relationship between small and great powers.”<sup>128</sup> As a division between “small” and “great” powers or “strength” and “weakness” shapes the world map, the idea of sovereignty as a corollary to law, freedom, or democracy proves increasingly bankrupt.

Arendt is drawn to *Billy Budd* again in *On Violence* because of its capacity for staging this “reversal” between the productive power of democracy and the proliferation of violence as constitutive problem. Citing *Billy Budd* again in *On Violence* (1970) seven years later, she remains compelled by the novella’s capacity to identify the late eighteenth-century rhetoric of government as violence and the post-revolutionary citizenry’s consent to these laws. As she would write in the “Social Question,” not only does the novella “show...poetically and metaphorically...human affairs” but it also accounts for reversals where appearance does not signify a character’s essence or equate the “moral nature” with “the physical make,” as is customary in many dramatic tragedies. It is precisely Melville’s reversal of Rousseau’s naturalist maxims of good and evil that prompts Arendt to describe *Billy Budd* as a “poetic reproach” to the Enlightenment. As she writes: “The trouble now is that the good man, because he has encountered evil, has become a wrong-doer too.”<sup>129</sup> Troubling the associations of innocence and guilt with fate and character, her essay grapples with the law’s failure to function as a mode of redress and also with the banal moralism of political rhetoric.

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<sup>124</sup> *BB* 459.

<sup>125</sup> Arendt, *On Violence* 10.

<sup>126</sup> Arendt, *On Violence* 6.

<sup>127</sup> Arendt, *On Violence* 6.

<sup>128</sup> Arendt, *On Violence* 10. One of the most remarkable aspects of this text is her criticism of Sartre’s reading of Marx and the instrumentalization of Marxist thought as a rationalization for violence of any kind. As she writes: “If one turns the ‘idealist’ concept of thought upside down, one might arrive at the ‘materialistic’ concept of labor; one will never arrive at the notion of violence,” 13.

<sup>129</sup> Arendt, “The Social Question,” 210.

When she writes Melville as “in a better position to know what it [the French Revolution] had all been about” than Rousseau and Robespierre, she critiques the institution of the social contract in the tradition of political thought. For Arendt, the Platonic separation of politics from philosophy is a “blow” to thought “at the very beginning of our tradition.”<sup>130</sup> Stating “we had better turn to the poets,” she contrasts the use of verse at the conclusion of *Billy Budd* with Rousseau’s influential political maxims and Plato’s oratory. For Arendt, a “poetic reproach” counters the common-sense prose of the *Social Contract*, just as her skeptical essay begins to unravel the rule of liberal reason in the aftermath of the French and the American Revolutions. The line from *Billy Budd* which interests Arendt reads “the poet but embodies in verse those exaltations of sentiment that a nature like Nelson’s, the opportunity being given, vitalizes into acts.” She is perhaps drawn to Melville’s phrase “to vitalize into acts” as it pursues the question of how responsibility appears not through generalized proclamations but through particular acts, gestures, and compassion but also, perhaps, the linking of judgment to the senses in various scenes.

Dramatic techniques in *Billy Budd* trouble absolute notions of innocence and guilt, as the novels present actors and terms as changing places. The theatrical space questions the validity of “proof” in the courtroom scene and also how the entire polis coheres in the moment of Billy’s punishment. Whereas dramatic space asserts vision as central to judgment (as judgment must be beheld in order to be a judgment), dramatic verse at the novella’s end petitions a technocratic prose and the judge’s common-sense. Although Billy “could have spoken with the tongue of angels,” Arendt writes, he would not have been able to “refute the accusation that confronted him.” The poetic and divine language of angels is one the state forcibly censors; the law rules through common-sense and the banal moralistic duality of good versus evil. Speechlessness in the trial scene is not the sign of a “natural depravity” but an embodied testimony appearing through gestures, glances, and moments of wonder refusing to collude with the law’s violence. Again, the Aristotelian association between speaking being (*zoon logon echon*) and political being (*zoon politikoon*) disappears in *Billy Budd*. In fact, the silent and accused figure is the most contemplative and compassionate in the scene; as Billy breaks his silence and utters the final words, ““God bless Captain Vere!””<sup>131</sup>

In *Billy Budd*, the real tragedy is not as Billy’s strike against Claggart or even Captain Vere’s judgment to execute Billy but the onlookers’ silence, acquiescence, consent, and complicity. Although Captains Nelson and Vere throughout the story are relatively banal figures, they nonetheless yield tremendous authority over others, but their authority over the crew arises from the chorus’ consent.<sup>132</sup> Melville depicts authority as ruling through again and again in his return to sketching the ship, although the specter and the question of mutiny linger in the background as an alternative. Despite espousing a life devoted to the “welfare of mankind,” when the opportunity is given, Nelson and

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<sup>130</sup> Arendt, “The End of Tradition,” *The Promise of Politics* 85.

<sup>131</sup> *BB* 497.

<sup>132</sup> Similarly, she is struck also by Eichmann’s stupidity, “boundless confidence,” foolish, lying, and grotesque lack of compassion during the trial. She remarks that he led a humdrum life and proved unpromising in several jobs but excelled only the punishment drills.



Vere “terrorize the crew into base subjection.” Both Nelson and Vere attain by the pure arbitrary impact of events unusually high posts: Nelson becomes a Lord and Vere the consummate judge. Vere’s banality is clearly evident in his vulgar taste in books as he prefers naval history, biographies of great men, and books that will “be lasting institutions” versus the “invading waters” of poetry and “novel opinions.” Again, the notion that empirical narratives are superior to literature or that the heirs of an institutional learning alone earn the right to adjudicate has lethal effects. Hence, when the narrator describes Vere as “an exceptional character,” an irony resounds in the sentence. It is both Vere’s absence of imagination and his banal “reason” that cause Billy’s death; he ends Billy’s life without contemplation, invoking a rational narrative of law and knowledge of great books to authorize instruments of political violence: the warship and the public execution.

The scene of Billy’s trial contrasts Vere’s “reason” with Billy’s absolute silence. Vere is at once a paternal figure—feeling like a “father”—and a “military disciplinarian.” Undoubtedly, *Billy Budd* is a wartime text but it is also Melville’s reflection on the pervasiveness of violence in declarations of peace: Vere is at “war” to ensure “the peace of the world.” The loudest voice in the trial scene is Vere’s voice. Vere’s command “Speak Man!” resembles the monophony of the state while Billy stands in still silence. As the scene dramatizes, Billy stood “impaled and gagged...in silence mechanically obeying.”<sup>133</sup> The scene of the execution presents an uncanny figure almost but not entirely cast out of recognizable speech, as Billy was illiterate; he could not read, but he could sing, and like the illiterate nightingale was sometimes the composer of his own song.<sup>134</sup> Thus, Billy’s stutter is not indicative of a state of nature but something audible and the trace of an injured voice. In addition, both singing and dramatic verse indicate forms of expression present but not recognizable by the law.

In contrast to Vere’s banal and loquacious soliloquy, Billy sings in an angelic voice but his song is unrecognizable to the court and the warship as speech. Embodying a stateless position, lacking any national affiliation, Billy is described during the scene of the trial as “alien...belonging only to certain uncatalogued creatures of the deep” and finally revealed by the novella ends as a “young barbarian.”<sup>135</sup> At the moment of Billy’s execution, a Christian chaplain enters the scene to “impress the young barbarian with ideas of death” and “bring home to him the thought of salvation.”<sup>136</sup> However, Billy silently refuses; although “out of natural courtesy” he received the words, Billy “did not appropriate”<sup>137</sup> Christian theology. As Billy stands before the law, the face of the “handsome sailor” converts to a countenance “loosing human expression.” One can only speculate, Arendt returns time and again to this novella to attest to the stateless figure’s dignity, conjure silence as the wonder of compassion, and reveal the subtleness of refusal in the face of mass violence.

*Billy Budd* also reverses traditional modes of emplotment in tragedy and interrogates the narrative of retributive justice as vengeance. The narrator describes the

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<sup>133</sup> *BB* 476.

<sup>134</sup> *BB* 437.

<sup>135</sup> *BB* 495.

<sup>136</sup> *BB* 495.

<sup>137</sup> *BB* 495.

following scene: “The external provocations a man-of-war’s man’s spilled soup....justified animosity into a sort of retributive righteousness.”<sup>138</sup> Dramatic techniques trouble the characterization of Billy as “essentially good natured,” Claggart as embodying “the mania of evil” and Captain Vere emerging as “the exceptional character” with a “marked leaning toward everything intellectual.”<sup>139</sup> A narrative of fate and character centering on Billy’s goodness, Claggart’s evil, and Captain Vere’s virtue, is ambiguous and transitory.<sup>140</sup> *Billy Budd’s* readers overlook the tragic source of the story that resides in the inability of any of the actors to imagine an alternate and a non-punitive resolution to Billy’s execution; the “moral emergency” is produced in the absence of the faculty of the imagination to perceive the condemned figure as more than a fearful “thing.”

To Arendt, this pervasiveness of fear within a body politic marks the condition of a “perverted democracy” and consents to violence. In several separate writings, she makes note of the transition from traditional to a modern “mere form of government” where fear becomes an instrument of ruling “masses of people who are perfectly obedient.”<sup>141</sup> In a separate essay on Montesquieu and revision, she makes note again of the relation between fear and “powerlessness” within democracy and writes:

The laws, which are intended to limit the strength of those considered equals, are broken down to such an extent that the strength of one cancels the strength of the other....Out of this general powerlessness, fear arises, and from this fear come the will of the tyrant to subdue all others and the preparation of his subjects to endure domination.

As “the strength of one cancels the strength of the other,” Arendt describes fear as not only imposed by a “bankrupt concept of sovereignty” but also reproduced through the spectator’s passive vision and senselessness. The pervasiveness of fear signifies a corruption in the ideal of constitutional democracy and attests to a regression in ways of seeing as well as the Tocquevillian ideal of free association.<sup>142</sup> In light of political writings on totalitarian rule, the role of unwritten laws, psychological fear, and state violence in the scene of Billy’s punishment come to fore.<sup>143</sup> The production of fear, the manufacturing of people’s consent, and the lack of compassion in the public realm all produce statelessness as a permanent rule.

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<sup>138</sup> *BB* 461.

<sup>139</sup> *BB* 462, 458, and 446.

<sup>140</sup> Sharon Cameron notes that the “drama of violently different characters” leads to questions not of character or “types based on distinction.” See Cameron’s “Line of Stones”: The Unpersonified Impersonal in *Billy Budd*” in *Impersonality* (Chicago and London: The University of Chicago, 2007) 181-182.

<sup>141</sup> Arendt, *Origins of Totalitarianism* (San Diego, New York, and London: Harcourt Brace & Company, 1973) 6.

<sup>142</sup> See Corey Robin’s *Fear: The History of a Political Idea* (New York: Oxford University Press, 2004).

<sup>143</sup> The term “free association” from Tocqueville’s *Democracy in America* and becomes crucial for both Arendt and James.

Reading *Billy Budd* during the suspension of free speech and association, however, Arendt does uncover the possibility for action outside the terms of declared and polarized political morality. Arendt's brief but powerful critique can be extrapolated to make the case for obligations of spectatorship and compassion in democratic life. She invokes allegories of vision to foreground an extra-judicial obligation to see suffering in the trial setting. Elaborating on spectatorship as making visible the "nonvisible," she argues for a mode of extra-judicial or ethical reflection when the law fails. She writes in *Responsibility and Judgment*, the "moral point...is reached when we realize that this happened within the frame of a legal order."<sup>144</sup> In *Billy Budd*, the riddle resides not in the question of Billy's or Claggart's state of nature as either good or evil, as each embodies dual and conflicting positions, but rather how the juridical form of war itself evades prosecution.<sup>145</sup>

Poetry "embodies in verse" like Billy's song an ethics, offering a notion of sociality distinct from the state's monophony and moralism. To an extent, what I am arguing for is an interpretation law as a reciprocal set of bonds and obligations. Melville's "verse" and literary allusions present a distinct gap (what Arendt understands as the critical "abyss") between the law's forceful voice and possibilities for thought, perception, and action. Arendt invokes the spectator's obligation precisely to redress the homogenization of thought and speech in foundational trial scenes. In addition, her reading presents the need for linking aesthetics and poetry to political philosophy. Susannah Young-Ah Gottlieb, the editor of *Reflections on Literature and Culture*, demonstrates the relevance of Arendt's political thought for aesthetic theory. In the introductory remarks, Gottlieb makes a crucial point, stating Arendt departs from debates on the aestheticizing of political life and argues for the importance of the faculty judgment and imagination to democratic culture. As a result, it can be deduced that Arendt is not arguing for the aestheticization of suffering but rather for modes of "living together" that engage critical judgment through the senses.

In another essay entitled the "Permanence of the World and the Work of Art," Arendt describes verse as "the most human...of all the arts" because it is "closest to thought."<sup>146</sup> Indeed, as intimated by the interpolation of verse and Billy's singing, the novella was originally written as a ballad. In the place of a narrative ending, the story culminates with a ballad (both a poem and a song) "Billy in the Darbies." Commenting on the ballad at *Billy Budd's* end, Melville writes:

The symmetry of form attainable in pure fiction cannot so readily be achieved in narration essentially having less to do with fable than with fact. Truth uncompromisingly told will always have its ragged edges;

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<sup>144</sup> Arendt, *Responsibility and Judgment*, ed. Jeremy Kohn (New York: Schocken Books, 2003) 42.

<sup>145</sup> In the essay "The Permanence of the World and the Work of Art," Arendt comments on "works of art" as "the most intensely worldly of all tangible things." Arendt is drawn to this text more than once in her writings precisely because of her interest in moving beyond equating the term human with *homo faber*.

<sup>146</sup> Arendt, "The Permanence of the World and the Work of Art," in *Reflections on Literature and Culture* 174.

hence the conclusion of such a narration is apt to be less finished than an architectural final.<sup>147</sup>

The novella awards a divine and even mystical place to poetry, underscoring the difficulty of assimilating verse into the narrative on the trial. Similarly, in *White-Jacket*, Melville highlights the particularity of poetry and writes of “the pursuit of poetry under the difficulties” of war.<sup>148</sup> Although “the business of writing verse is a very different thing on the gun-deck of a frigate, from what the gentle and sequestered Wordsworth found it at placid Rydal Mount in Westmoreland,” despite jeers and taunts from the others, a poet persists so “thoroughly inspired with the divine afflatus, that not even all the tar and tumult of a man-of-war could drive it out of him.”<sup>149</sup> Lyrical language contrasts with the secular and violent prose of the juridical form of war, while the remnants of something divine remains and perseveres.

If poetry is closest to thought, then the ballad at the novella’s end brings to light the significance of the dramatic elegy in the tragic tale of Billy’s execution. As if a liturgical memorialization, the poem imbues Billy’s life with a posthumous recognition not available to the stateless figure in a court of law or in the prose of common sense. The mournful verse contrasts the law’s formal permanence and “might” with the fragility of the figure: the condition of being bound, controlled, and defined to political forms yet excluded from legal recognition.<sup>150</sup>

When states consolidate rule through the homogenization of thought, sociality, in the sense of acting in concert, is supplanted by violence and obedience. As Arendt writes in “The Social Question,” the state narrative of “goodness” after the Revolution converts the “haloed transformation of the Jesus of Nazareth into Christ” as the “experience of Western mankind.”<sup>151</sup> While readers have interpreted *Billy Budd* as a Christian allegory, Arendt brings to light the trace of a perpetually dislocated Jewish non-citizen within the narrative of civilization as a political actor. This interpretation of *Billy Budd* as a stateless Jewish figure both bound to political modernity but excluded from legal recognition exposes the pervasive construction of the non-citizen as also a recurring violence in the tradition of political thought. Melville, she claims “dared to undo the haloed transformation of Jesus of Nazareth into Christ, to make him return to the world of men.”<sup>152</sup> Billy’s tragic mortality and fragility is contrasted to the permanence of the violent setting, the perpetual man-of-war ships crossing the sea.

Arendt’s reading of *Billy Budd* introduces the problematic of perception in both literary and political writings. In the encounter between the political essay and the novella’s dramatic scenes, a sublime consent for legally sanctioned exclusions appears to underwrite “social democracy.” The “tragic” element following the French Revolution springs from the disintegrating faculty of the imagination once espousing “the capacity to lose oneself in the suffering of others” and propelling the “great effort of a general human

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<sup>147</sup> *BB* 501.

<sup>148</sup> *W-J* Chapter XI, “The Pursuit of Poetry under Difficulties.”

<sup>149</sup> *W-J* Chapter XI, “The Pursuit of Poetry under Difficulties.”

<sup>150</sup> *BB* 493.

<sup>151</sup> Arendt, “The Social Question,” 208

<sup>152</sup> Arendt, “The Social Question” 208.

solidarization.”<sup>153</sup> This critical capacity “to lose oneself,” once a divine concept, enters the public realm during the Revolution when the state form replaces religious institutions as the arbiter of morality. The beneficiaries of the Revolution assert “the problem of good and evil” and notions of “human dignity” as secular themes.<sup>154</sup> Legislators in the Revolution’s aftermath assume a divine and dangerous power over subjects to dictate morality and determine the conditions for political membership.<sup>155</sup>

Not coincidentally Billy, for example, disembarks the homebound ship named the *Rights of Man* for the outbound warship *Bellipotent*, uttering the famous words: “‘And good-bye to you too, old *Rights-of-Man*.’”<sup>156</sup> Exposing the “wantonness of atrocity” in the juridical setting, a forceful mode of sanctioning exclusion emerges in the ship as a “silent auxiliary” to civilization’s “mantle of respectability.”<sup>157</sup> Arendt’s reading of Billy’s speechlessness as wonder brings forth the ontological destitution of the non-citizen and dramatizes “the rule of law on the living”<sup>158</sup> within modern political forms. Again, the point seems to be that punishment functions as a form of political exclusion.

Part of Arendt’s critique of the instrumentalization of the “social” by modern nation-states is related to a critique of the initial “shock” represented in Socrates’ punishment, the separation of politics from the critical practice of philosophy. Returning to the “spectacle of Socrates submitting his own *doxa* to the irresponsible opinions of the Athenians, and being outvoted by a majority,”<sup>159</sup> the accused and singular figure’s silence stands in opposition to the blinding “spectacle” of the trial. Arendt describes Socrates’ trial as an astonishing sight, implicating the Athenian spectators in his murder and exposing capital punishment as foundational to republican rule.<sup>160</sup> The tragedy of Socrates’ situation is the community’s failure to “glimpse the nonvisible” in the scene, while his *doxa* or irony is a wonder. Neither the law nor Plato’s direct rule are explained as the cause for his banishment from the community, but only the juror’s univocal consent and ruthless complicity with authorizing their friend’s condemnation.

Plato punishes Socrates not only for his refusal to conform, but because he deviates from the speech of common sense: “deviant speech” results in death. Thus, questions of speech and exclusion intertwine; as Arendt writes, “the tragedy of Socrates’ death rests on a misunderstanding” between the spectators and the philosopher. The structuring irony in the scene of Socrates’ exclusion is the paradoxical emergence of citizenship as common sense and an instrument of violence; that is to say, an instrument of rule. The tyrannical rise of *peithein* or political speech as absolute law and common sense also banishes philosophy, severing verse, deviant, and non-citizen from the polis.<sup>161</sup>

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<sup>153</sup> Arendt, “The Social Question” 208.

<sup>154</sup> Arendt, “The Social Question” 208.

<sup>155</sup> While skeptical of political theology, Arendt is critical of the secularization of ethics in the political sphere in “The Social Question.”

<sup>156</sup> *BB* 435.

<sup>157</sup> *BB* 457-458.

<sup>158</sup> Walter Benjamin, “Karl Krauss,” *Reflections* (New York: Schocken, 1978) 273.

<sup>159</sup> Arendt, *The Promise of Politics* 8.

<sup>160</sup> Ferguson, *Law and Letters in American Culture* 287-288.

<sup>161</sup> Here, Arendt suggests the Aristotelian distinction between *logon echōn* and *dzōon politikon* is a foundational moment severing philosophy from political thought. She

Instead, Arendt turns to *Billy Budd* as well as to Socrates' trial to elucidate the obligations of sight in the trial scene. In *The Promise of Politics*, statelessness or the "condition of *apolitia*" coincides with the "defeat for philosophy."<sup>162</sup> The recurring trace of the non-citizen in Arendt's writing is closely aligned with a concept of "preserving the memory of the philosopher."<sup>163</sup> "If the citizens could condemn Socrates to death," she writes, "they were only too liable to forget."<sup>164</sup> The non-citizen's exclusion coincides with the exiling of philosophy from the polis, as the spectator's betray their friend and consent to violence. Socrates' death is the "initial" and the "initiating shock" within the tradition of political thought, exposing a juridical ritual of "complete....bodily punishment."<sup>165</sup> Arendt's essays bear witness, again and again, to statelessness as coinciding also with the exile of philosophy or *vita contemplativa*.

## 2.2 Reason of the Strong: The "Spectacle of Democracy" in C.L.R. James' Prison Notebooks

*The mass spectacle in which free citizens participate is a product of the French Revolution....They have almost disappeared in modern life. Modern festivals are routine, flags are hung, notables drive past and make conventional speeches; at military parades the people watch....But mass participation—that is beyond them.*

C.L.R. James, November 28, 1952

*When the pressure of coercion is exercised over the whole complex of society...puritan ideologies develop which give an external form of persuasion and consent to the intrinsic use of force.*

Antonio Gramsci, "Americanism and Fordism,"  
*Prison Notebooks*

Detained, indefinitely, in an Ellis Island prison cell, allegedly for immigration violations, C.L.R. James stages a defense not through the first-person but through the act of reading *Moby-Dick*. After being served with a deportation order in 1948, under the scrutiny of prison censors and the House Committee on Un-American Activities, he observes that the regulation of "free citizens" coincides with the "increasingly ceremonial aspect of American democracy" including the ritual of political "eloquence" and oratory

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writes, "Since his ultimate experience is one of speechlessness, he has put himself outside the political realm in which the highest faculty of man is, precisely speech "*logon echōn* is what makes man a *dzōon politikon*, a political being," 35.

<sup>162</sup> Arendt, *The Promise of Politics* 26.

<sup>163</sup> Arendt, *The Promise of Politics* 8.

<sup>164</sup> Arendt, *The Promise of Politics* 8.

<sup>165</sup> Arendt, *The Promise of Politics* 17.

at “military parades the people watch.” This military manipulation of the term “people” leads him to describe the scene of American democracy as a “spectacle” not “within the bounds of reason”<sup>166</sup> professed in the neat prose of the *Declaration of Independence*. Democracy, he laments, is an astonishing “spectacle” of reason while the proliferation of “death and destruction,” “fear,” and “bewilderment” intensifies. Again, as in Arendt’s essays, the figuration of passive vision indicates a destruction of democracy and perception takes place when the citizenry consents to political violence.

Returning to questions about democracy and aesthetics in American Renaissance writings, James performs a *contrapuntal* reading between the eighteen and the nineteen fifties. His chronicles relate how on a train-ride from Los Angeles to Chicago, he experienced an “expansion” of thought, observing a pervasive psychological state of “bewilderment” within the United States. By altering Tocqueville’s phrase “spectacle of democracy” to describe the scene of post-World War II America, James undertakes a study of the social and psychological effects of mass culture: “The questions and problems posed by Whitman, Melville and Poe are finding their answers not in T.S. Eliot and Hemingway but in the popular arts of the American people.”<sup>167</sup> Unlike *Black Jacobins*, the notion of an existential subject as a “stranger” emerges in both *Mariners* and *Notes*.<sup>168</sup> The merging of existentialist tropes with the reflection on the conditions of his detention deliberates on citizenship, free association, and dramatic form. For instance, the “crowning irony”<sup>169</sup> in James’ critique of American civilization appears as the mass production of statelessness within a declared democracy.<sup>170</sup>

To be sure *Notes* is a narrative of alienation and accumulation, as James draws from existential allegories to evoke the condition of “a stranger who has lived in the United States for twelve crucial years.”<sup>171</sup> However, the actual conditions described in *Mariners* include the details of the prison where he is held, the emerging rhetoric of security, the effects of mass culture on direct democracy, war, and the regulation of the private sphere beyond an account of individual alienation. Both *Mariners*, *Renegades and Castaways: Herman Melville and the World We Live In* and *Notes on American Civilization* expose gaps between the idiom and the practices of American democracy. As he writes:

I propose to analyze the concepts of liberty, freedom, individuality, the

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<sup>166</sup> *Notes* 83.

<sup>167</sup> See Jennifer Greiman’s *Democracy’s Spectacle: Sovereignty and Public Life in Antebellum American Writing* (New York: Fordham University Press, 2010).

<sup>168</sup> *Notes* 210-211. References to Richard Wright in *Notes*, with who he was in conversation, also provide some indication of his interest in the tropes of existential fiction, race, and psychology. He states, “Richard Wright . . . represents the extreme peak of American revolt against the intolerable psychological burdens placed upon individuals in every part of the modern world,” 211.

<sup>169</sup> *Mariners* 154.

<sup>170</sup> See James’ *Every Cook* 16-19. The turn to the question of decline is influenced by a reading of Oswald Spengler’s *The Decline of the West*.

<sup>171</sup> *Notes* 30-35.

pursuit of happiness.<sup>172</sup>

Technology, paradoxically, reifies the terms “liberty,” “happiness” and “freedom” while the ideal of citizenship and participatory democracy embodied in dramatic form wanes. As he writes, “the whole social arrangement of life bears the stamp of this mechanization.”<sup>173</sup> Both mechanical reproduction and the advent of war technology produce, distort, and restrict citizenship.

*Mariners, Renegades, and Castaways* and *Notes* is a deliberation on “American civilization” and security as hegemony. The immigration prison becomes an allegory for a future stateless world captive to security, as he writes: “The whole of the world was on Ellis Island... I began to be aware that what was happening to me and the others on Ellis Island was, in miniature, a very sharp and direct expression of what was taking place in the world at large.”<sup>174</sup> At stake in these writings on the United States is a critique of the hegemony of the “strong” state or the superpower as a regime of liberal “reason” premised on the colonial division between citizen and non-citizen or “strength” and “weakness.”<sup>175</sup>

Although not cited explicitly, one finds here the echoes of Gramsci’s initial questions on Americanism as coercion, the rhetoric of crisis, the transformation of the private sphere, the militarization of labor, and the imprint of Gramsci’s literary style from “Americanism and Fordism” in the *Prison Notebooks* inform the *Notes on American Civilization*. Like Gramsci, the conditions of his own imprisonment and the jail cell augment his political thought which includes critiques of mass production and Fordism as they merge with security and war. Both Gramsci—who would read six newspapers daily and eight books weekly, undertake a study of comparative linguistics, and teach himself to read nine languages—and James—who read Cooper, Byron, Wordsworth, Melville, and Wendell Phillips on Ellis Island—describe reading as a requisite for survival under conditions of imprisonment. Questions of how language and comparison can contest a hegemonic understanding of the nation-state enter into both their writings.

In the essay on Americanism, Gramsci expands the concept of hegemony to include the impact of “American rationalisation” as the accumulation of “arms taken from the old European arsenal taken from the old European arsenal, bastardised, and therefore ‘anachronistic’ compared with the definition of ‘things.’”<sup>176</sup> The Americanization of war and military science alters the term hegemony for Gramsci who writes: “The fundamental question of hegemony has not yet been posed.”<sup>177</sup> In

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<sup>172</sup> *Notes* 30-35.

<sup>173</sup> *Notes* 117.

<sup>174</sup> *Mariners* 127.

<sup>175</sup> For an elaboration of the phrase “weak sovereignty” see Gautam Premnath’s “The Weak Sovereignty of the Postcolonial Nation-State,” in *World Bank Literature*, ed. Amitava Kumar (Minneapolis and London: University of Minnesota Press, 2003) 253-64.

<sup>176</sup> Antonio Gramsci, *Prison Notebooks* (New York: International Publishers, 1971) 286-287.

<sup>177</sup> Gramsci 268. Gramsci’s definition of “hegemony” is distinct from Ernesto Laclau and Chantall Mouffe’s definition *Hegemony and Socialist Strategy: Towards a Radical Democratic Politics* (London and New York: Verso, 1985 and 2001).



“Americanism and Fordism,” writes Gramsci, hegemony takes place when “pressure is fragmented” and now more dispersed than even before.<sup>178</sup> Coercion under conditions of war appears as a central problematic in the *Prison Notebooks*, as the conditions of his own imprisonment as a political prisoner prompt Gramsci to account for the advent of the “war of position,” state disciplining of sexual relations, and increased regulation of civil society.<sup>179</sup>

*Notes* implicitly elaborates Gramsci’s study of America as a national form and “planned economy” as well as the coercive impact of abstract science and technology on the restriction of civil liberties, rights, and citizenship. Both Gramsci and James focus more on the effects of violence on the superstructure—the “spectacle”—of American power and the commodification of human beings. James writes that the terms “liberty, freedom, individuality, the pursuit of happiness” are virtually devoid of meaning in a world of “manufactured men” like Captain Ahab.<sup>180</sup> His descriptions of the material conditions of the prison merge with readings and citations from *Moby-Dick*; as the *Pequod* mirrors the cell, it also provides a concrete allegory for security.<sup>181</sup>

The depiction of the cell contrasts with Franklin Delano Roosevelt’s liberal invocation of a homogenous “world” in his post-World War radio speeches. F.D.R.’s *Realpolitik* continuously imagines the modern world as “one” unitary space structured by the expansion of U.S. democracy. Wary of Roosevelt’s narrative of one world and influenced perhaps by a reading of Oswald Spengler’s *Decline of the West* (cited by James), *Notes* emphasizes instead a world divided by “an enormous tension”<sup>182</sup> between North and South. Reading *Moby-Dick*, James invokes a world in crisis: “The world is heading for a crisis which will be a world crisis, in every total sense of the word.”<sup>183</sup> Through the rhetoric of crisis in *Mariners*, an analogy between the ship and the prison elaborates on the brutal effects of security, labor internment, and war on statelessness.<sup>184</sup>

*Mariners* testifies to the corporeal effects of security and its effects on the stateless body. Although James suffers from a duodenal ulcer, the prison officials deny him health care because he is classified as a “security patient.”<sup>185</sup> The classification of prisoners as either political, mental, or security prisoners (with the latter regulated more

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<sup>178</sup> Gramsci 299.

<sup>179</sup> Gramsci 235.

<sup>180</sup> *Mariners* 29.

<sup>181</sup> Although I am aware of Ranajit Guha’s argument that under colonialism there can be no hegemony, I read Gramsci and James as offering a critique of security. For Guha’s critique see in *Dominance Without Hegemony: History and Power in Colonial India* (Cambridge: Harvard, 1997).

<sup>182</sup> *Notes* 126.

<sup>183</sup> *Mariners* 34.

<sup>184</sup> See Paul Buhle and Paget Henry’s comments on labor internments in *C.L.R. James’ Caribbean* (Durham: Duke, 1992) 124. Buhle and Henry state, “Underfed, overworked, poorly housed, and terrorized, they were the objects of the most extreme forms of exploitation produced by the labor internments that sustained the colonization of the Americas.”

<sup>185</sup> *Mariners* 136.

than any other group) have material corporeal effects.<sup>186</sup> After eating inadequate food, James' stomach perforates and he vomits blood for days. While his attorney protests the conditions and petitions to bring him food, he speaks of the "regulations" barring him from care: "The Ellis Island authorities replied that it was against regulations, this in a place where not only regulations but law is disregarded at will."<sup>187</sup> James' testimony proves how governmentality and an entrenched mode of regulating the non-citizen in the name of security coincide with the juridical form of American citizenship.

James writes, "All I said was: I am a sick man with an illness known to you." They responded, "if I didn't like it, I could leave."<sup>188</sup> Chronicling being increasingly watched by the prison authorities due to his status as an "alien," *Mariners* testifies to the racial logic of detention and immigration law: "I was not being detained at my will. I could always leave and go to Trinidad, where I was born, and drink my papaya juice."<sup>189</sup> This repetitive refrain in immigration courts, on borders, and in the Director of Immigration's words (who addresses James as if a primitive figure in one Melville's novels) is, again, the hegemonic reason of the "strong" state.<sup>190</sup> Apparent is also the spurious construction of "free will," as an illegality is assumed to be committed by the simple act of entry or crossing borders.

Without any memory of how the "strong" state violates borders—wars, colonial practices, and exploitation that often produce the need for migration on a mass scale—this juridical rationality—"if you don't like it, you can go back"—justifies a violent infraction of rights.<sup>191</sup> This repetitive legal refrain severs the appeals process from a

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<sup>186</sup> I cannot but help mention that this practice continues today in immigration detention facilities across the United States, particularly in relation to transgender and HIV positive undocumented prisoners. See Olga's testimony, "Soy tu Madre, No Te Acuerdas de Mi?," about the death of her daughter Victoria in *En las sombras de Estados Unidos: Narraciones de Inmigrantes Indocumentados* (San Francisco: McSweeney's Books, 2009). Victoria was detained by ICE in Ventura, California on a traffic infraction but died in a ward designated for transgender detainees because the authorities denied her medication. Despite appeals from the Mexican Consulate, her mother and sister, as well as a protest staged by all the transgender detainees, ICE also did not allow her a respirator during her final moments. Olga remembers Victoria's words from prison: "Me contaba que la maltrataban a ella y a los otros detenidos transexuales. Los humillaban...los agentes de Inmigración, las guardias de seguridad, hasta las enfermeras las trataban mal. Se reían y burlaban de ellas. También me decía que no le están dando cuidado médico," 111.

<sup>187</sup> James, *Mariners* 138.

<sup>188</sup> James, *Mariners* 142.

<sup>189</sup> James, *Mariners* 138

<sup>190</sup> See also Jacques Derrida's comments on Tocqueville and American democracy in *Rogues: Two Essays on Reason* (Stanford: Stanford University, 2005).

<sup>191</sup> See Abel's testimony "Somos Indígenas, No Tenemos Fronteras" en *En las sombras de Estados Unidos*, where he describes the necessity to migrate during the American sponsored atrocities in Guatemala, 119-138. He writes: "Un día, recientemente, cuando estaban fumigando las plantaciones de arandano, oír a los aviones me transportó al pasado. Recuerdo cuando nos bombardeaban en Guatemala. El trauma que experimenté nunca me dejará. Lo llevo dentro de mí. Y continúa e este país. Muy a menudo pienso,

larger context; the trial literally demarcates the “alien” as an insect and a “pest.” As in Arendt’s writing, a bitter irony and brutal contradiction resounds in the general rhetoric of citizenship depicted in *Mariners*: “legal procedures that have developed in the United States” present the law as an “expression...designed and intended to help the alien,” yet the “Department of Justice as a whole is now engaged on a policy whose main aim can be described as the extermination of the alien as a malignant pest.”<sup>192</sup> Classifying the non-citizen as an insect (as Kafka’s stories so perceptively register), the law rationalizes its own destruction as a mode of “extermination” based on the semantic division between citizen and “alien” at the same time that it is supported by a banal nationalism that celebrates the universal melting pot.

In 1978, James would rewrite the dedication of *Mariners* and allude to the following passage from *Redburn*:

There is something in the contemplation of the mode in which American has been settled, that, in a noble breast, should forever extinguish the prejudices of national dislikes...No: our blood is as the flood of the Amazon, made up of thousand noble currents all pouring into one. We are not a nation, so much as a world.<sup>193</sup>

Again, while presenting a dichotomy between nationalist and worldly notions of belonging, *Redburn*’s “contemplation of the mode in which American has been settled” inquires into the specific racial and economic formation of the United States.<sup>194</sup> Whereas for Melville the recurring figure of the orphan is a prototype for a nation of immigrants, the rhetoric of multicultural inclusion contradicts the exploitation of the very racial mode on which the nation depends. James reiterates that the world is not only a territorial notion of the earth external to the United States, but within the national form. It is precisely the reliance of the American mode of mass production or Fordism on labor from the “made up of thousand noble currents all pouring into one” that illustrates the nation’s dependency on the very “aliens” it condemns.

In both *Mariners* and *Redburn*, discourses of contamination and disease accompany the punitive regulation of statelessness, as if a disease were invading a homogenous and racially pure national body. In Melville’s novel, rumor of an “everlasting Asiatic Cholera... forever thinning our ranks” induces panic and death “purely induced by her fears” aboard a ship transporting immigrants between Liverpool and New York.<sup>195</sup> Much like the manner in which James’ illness is both recorded and ignored on Ellis Island, the “sailors, officers, cabin-passengers, and emigrants – all

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‘¿Acaso no estamos en un país que se identifica como democrático?’... Muchos turistas van a Guatemala. Nunca les diríamos, ‘Tu no tienes papeles’.”

<sup>192</sup> *Notes* 143.

<sup>193</sup> *Redburn* 239.

<sup>194</sup> See Stuart Hall, “Race, Articulation and Societies Structured in Dominance,” in *Black British Cultural Studies*, edited by Houston Baker Jr., Manthia Diawara, and Ruth Lindeborg (Chicago: University Of Chicago Press, 1996) 16-60; Colleen Lye *America’s Asia: Racial Form and American Literature, 1893-1945* (Princeton and Oxford: Princeton University Press, 2005).

<sup>195</sup> *Redburn* 377.

looked upon each other like lepers” aboard the ship in *Redburn*.<sup>196</sup> Again, the perception of others as “lepers” reproduces rhetoric of contamination and culture of surveillance about illness versus an ethics of care.

In arguing “the principles of authority and democracy face each other,”<sup>197</sup> James identifies a brutal contradiction in American law:

I was an alien. I had no human rights. If I didn’t like it, I could leave.  
How to characterize this otherwise than as inhuman and barbarous? And  
What is its...origins except that overweening national arrogance which is  
sweeping the world like some pestilence?<sup>198</sup>

America rules, he writes, as if an *ipseity* in the world and the telos of democracy and freedom; it claims to be the strong protector of the “free” world. Returning the gaze of the law and reversing the narrative of contamination, the above passage captures the circular reason in the reason of the strongest state “sweeping the world like some pestilence.” The passage displaces the narrative logic of civilization and humanitarianism, naming the circular logic of the law as “inhuman” and “barbarous.” In addition, an abstract and legal definition of the “human” fails just as it fails the immigrant passengers in *Redburn* who are regarded as no more than “living freight.” Who then does “the human” include? As Ellison argues, the human is one of the most ambiguous in American literary history.

*Notes* presents statelessness as a question, the “question of questions stands naked” but “not in the common sense of the word.”<sup>199</sup> Again the common-sense word fails in the course of James’ testimony: “‘Freedom is the name for a thing that is not Freedom.’”<sup>200</sup> Standing accused before the law, the Department of Justice defines the permission to travel and to lecture in the United States as “one of grace not right.” James’ testimony documents how the voice of the law invokes racial epithets; like Arendt’s critique of social exclusion, *Mariners* interrogates legal semantics and a reason that decrees “an alien is not a human being.” The “human” emerges then as an abstract construction divorced from the actual living body standing before the law; the semantic division between the citizen and the non-citizen produces institutions, detention facilities, racial modes, and bureaucracies regulating the non-citizen. The regulation of the non-citizen sanctions security, highlighting the limits of the term human to adequately include the “inhuman” – those who fall outside its established form.

Unlike Arendt, however, James does not recuperate the term “human” as a term of redress. The figures of the non-citizens imprisoned on Ellis Island transform into “sea ravens” that “persistently perch on the stays, though repeatedly driven away.” Identifying with the sea ravens in *Moby-Dick*, just as Gramsci would identify with the sparrows on the prison yard, James writes:

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<sup>196</sup> *Redburn* 377.

<sup>197</sup> *Notes* 42.

<sup>198</sup> *Mariners* 141.

<sup>199</sup> *Notes* 201-202.

<sup>200</sup> *Mariners* 75.

For Ishmael these birds see in the ship some drifting uninhabited craft, a thing appointed to desolation and therefore a fit resting-place for their homeless selves...As the *Pequod* rounded the stormy waters of the Cape of Good Hope these birds and the fish seem to him to be guilty beings condemned to swim on everlastingly without any haven in store or to beat that black air without any horizon.<sup>201</sup>

Retrieving the migratory figures of birds, transcendental “homeless selves,” the passage poses an analogy between the non-citizen and the “thing appointed to desolation.” For James, the non-citizen is figured as a “thing appointed to desolation,” a perpetually homeless sea raven without a resting-place.<sup>202</sup> Judged as “guilty beings,” the sea ravens, like rightless prisoners, are “condemned” to a life “without any horizon.”

In addition, detailed descriptions of bodily pain while prison officials watching James retch and plea for healthcare show how rightlessness registers in the non-citizen’s body. While for Arendt the non-citizen’s exclusion fails democracy as an ideal, for James the regulation of stateless bodies is both material and, implicitly, biopolitical. Both Gramsci’s and James’ writings account for the fragmented pressure and colliding effects of emergent modes of security, labor power, and governmental reason on the lived body. The non-citizen then emerges as the paradigmatic limit figure, exposing a point at which state power reaches into the management of non-national populations and violates sovereign borders.

Despite the gap between Arendt’s and James’ philosophical affiliations and theories, they each point to the complex plurality of the stateless question and attest to its material violent effects. As in the writings of Arendt, the non-citizen emerges in *Mariners* as a limit figure challenging the liberal rhetoric of multicultural inclusion, reason, and representation. Citizenship as a concept appears increasingly ambiguous, divided, and contradictory. In the name of sovereignty, America crosses “national limitations,” furthering a “world... not moving towards the peaceful enlightened solution of minority or national problems.”<sup>203</sup> Like James, Arendt also notes how the policy of “deportations” within modern-states is linked to the commodification of the non-citizen’s labor. Both James and Arendt argue that the figure of the non-citizen appears as a central *aporia* in political philosophy, permitting states to institutionalize exclusion in the name of security and even the safeguarding of “democracy”! Situated within an immigration detention facility, the mariners, renegades, and castaways in *Moby-Dick* emerge as shadows mirroring the condition of detainees within the security facility.<sup>204</sup>

These commentaries also underscore the inextricable link between statelessness and colonialism, as does Arendt’s writing on “racial imperialism” in *Origins of Totalitarianism*. James attests to the expanding scale of statelessness and forced transfers after World War II and the establishment of post-colonial nation-states, his writings bring to light the racial logic of transfer and the specter of Jim Crow through a reading of the restrictive economy in *Moby-Dick*. Whereas American narratives of democracy privilege

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<sup>201</sup> Notes 41.

<sup>202</sup> See Tocqueville’s *Democracy in America* 193.

<sup>203</sup> Notes 201.

<sup>204</sup> *Mariners* 151.

the “relation between individual freedom, individual liberty and democracy,” citizenship constituted by the dual effects of mass imprisonment and colonialism reveals itself to be myth.<sup>205</sup> As *Notes* states:

One must imagine an America worried about democracy and individualism as America was worried at that time. One must imagine a Melville aware of the fact that the whole nation would gather on a certain day of national festival to listen to *Moby Dick* as a play or a film. . . . Then think of the character Ahab and others, and Melville’s profound thesis presented to the people and a tremendous response by the whole nation to *the dramatic presentation of fundamental problems.*<sup>206</sup> [*italics mine*]

*Moby-Dick*’s demonstration of American “strength” through the allegory of whaling and, particularly, the chapter entitled “Knights and Squires” draws James’ *Notes*. A critique of the destructive reason of the liberal state emerges through descriptions of the “house in which Ahab lived” as epitomizing “American civilization of the nineteenth century.” For James, Ahab, like Hamlet and Don Quixote, characterizes a “totalitarian type as early as 1851.”<sup>207</sup> However, Ahab’s house “had fallen into ruins about him.”<sup>208</sup> The chapter dramatizes the tension between the Knights and the Squires as an allegory of colonial rule at the same time that it probes the hermeneutic capacities of “dramatic presentation.”

Staging the crew with “democratic dignity,”<sup>209</sup> Melville’s chapter dramatizes narratives of honor and glory while revealing the tremendous dignity of the non-citizen amidst a sea consumed by suffering.<sup>210</sup> *Moby-Dick*’s tragic techniques are crucial because they capture the “anguish” and the “remorse” as well as “democratic dignity” of the non-citizen. Thus, theatrical techniques foreground the sensuous traces and dignity of the non-citizen, aligning drama with a democratic ethos. Interspersing citations from *Moby-Dick* with brief accounts of the conditions of detention, James writes:

The black sea heaved and heaved as if its vast tides were a conscience and the great soul of the world was in anguish and remorse for the long sin and suffering it had bred.<sup>211</sup>

The polyphony of the chorus stands as a counterpoint to the univocal sound of Ahab’s commands.

There are also Weberian resonances in the *Notes on American Civilization*, as the writings caution against the prospect of bureaucracy replacing direct democracy. As opposed to the ideal of an inclusive, participatory democracy, *Notes* describes the tragic

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<sup>205</sup> See James’ *Notes* page 32 and also *Every Cook*.

<sup>206</sup> *Notes* 156.

<sup>207</sup> *Mariners* 16.

<sup>208</sup> *Mariners* 13.

<sup>209</sup> *M-D* 103.

<sup>210</sup> See James Bohman’s *Democracy Across Borders: From Dêmos to Dêmoi* (Cambridge, MA: MIT Press, 2010) for a theorization of *demos*.

<sup>211</sup> *Mariners* 41.

consequences of American democracy as a “vast and ever-growing bureaucracy”<sup>212</sup> where power is “inseparably connected with the bureaucratization and centralization of social life – and/or perhaps some incurable recession in human nature.”<sup>213</sup> An increasingly regulatory logic puts forth a managerial rhetoric of efficiency where for “government to be effective” only “certain substantial citizens” can have rights.<sup>214</sup> Ironically, the managerial rhetoric of efficiency produces an entire state bureaucracy tasked with the restricting of citizenship.

The need for forms of political and social recognition increases when states produce a “minority” as a permanent institution. Statelessness puts pressure on the promise of citizenship as a condition of belonging and living together.<sup>215</sup> As James writes, while spending time in a deportation cell: a citizen should “be of some value to his fellow-citizen.”<sup>216</sup> In contrast, James poses a series of questions about democracy as the “Negro question,” “regional question,” “woman question” as the “flesh of the flesh” and “blood of the blood of the majority.”<sup>217</sup> In this sentence, the minor figures are in fact situated *within* the national imaginary and corporeally *within* the “majority.”

Through these questions James also seeks to relate and imagine “new worlds” across axes of subordination and vulnerability. Commenting on the Korean War while in a cell on Ellis Island, James reflects not just on his own but the increasing numbers of the stateless and the interned. In *Notes*, he argues that the struggle for Black civil rights is linked with the condition of refugees in Korea and in Japan as well as “the fate of six million Jews in Europe, of perhaps twice or three that number of individuals in the prison-camps of Russia, of Poles enslaved by Germans as a subordinate nation, ... other nationalities uprooted and transported like over wide expanses of territory, the fierce conflict in India, in the United States the uprooting of the Japanese during the war.”<sup>218</sup> The identification across axes of subordination implies a notion of belonging that goes beyond the territorial boundaries of nation-states.

Somewhat idealistically, James reiterates time and again that “dramatic presentation” and its capacity for invoking an active notion of citizenship is crucial. In *Every Cook Can Govern: A Study of Democracy in Ancient Greece Its Meaning for Today* (1956), for instance, he returns to the scene of Athenian theater to write about the possibilities of “democratic drama”:

Here is some idea of the extent to which the Greeks believed in democracy  
One of the greatest festivals in Greece, or rather in Athens, was the festival of  
Dionysus, the climax of which was the performance of plays for four days,  
from sunrise to evening. The whole population came to listen... There

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<sup>212</sup> James, “Introduction” to *Every Cook*.

<sup>213</sup> *Notes* 38.

<sup>214</sup> *Notes* 42.

<sup>215</sup> I borrow from Arendt in *Origins*: “Minorities had existed before, but the minority as a permanent institution, the recognition that millions lived outside normal legal protection and needed an additional guarantee of their elementary rights from an outside body,” 275.

<sup>216</sup> *Mariners* 166.

<sup>217</sup> *Notes* 201.

<sup>218</sup> *Notes* 201.

is evidence that the spectators had a preponderant influence on the judges... The law allowed dissatisfied citizens to impeach... There you have a perfect example of the Greek attitude to the capacities, judgment and ability to represent the whole body of citizens, which they though existed in every citizen.<sup>219</sup>

The practice of “democratic drama” where opinions, disagreements, and judgments are “stamped and shouted” embodies that Tocquevillian ideal of “free association” that one finds in both Arendt and James, although the latter insists that these performative interruptions are a requisite for *direct* democracy. Democracy and equality are inseparable, as the Greek word *isonomia* was used interchangeably with democracy.<sup>220</sup>

As music is to Edward Said, so the understanding of public space as a dramatic arena linked to an ideal of civil society and equality for James.<sup>221</sup> Citing Aeschylus, James reiterates the audience’s capacity to contest “mass distraction” as the norm and to produce an ideal notion of equality as the “sense of common inter-relation.”<sup>222</sup> The idea of equality as a set of reciprocal bonds and obligations emerges through dramatic enactments and even parody. It is dramatic form’s very capacity to enact equal relations and interrupt the everyday that draws James’ attention to *Moby-Dick* where the “mariners, renegades, and castaways” are figured as agents of democracy.<sup>223</sup> The chorus’ capacity to parody Ahab is linked with the potential of the audience in the modern cinema house; parody offers an account of agency, despite the overwhelming dominance of mass culture and production.

While acknowledging the restrictive effects of the culture industry on perception and participatory democracy, James offers an alternate to Adorno’s writings on aesthetic passivity in the age of mass culture:

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<sup>219</sup> *Every Cook* 14-15.

<sup>220</sup> Arendt also writes of the term *isonomia* in *The Promise of Politics*. For Arendt also, equality is not a birthright but a becoming: “We are not born equal; we become equal as members of a group on the strength of our decision to guarantee ourselves mutually equal rights. Our political life rests on the assumption that we can produce equality through organization, because man can act in and change and build a common world, together with his equals and only with his equals,” in *Origins of Totalitarianism* (300).

<sup>221</sup> Edward Said, “On the Transgressive Elements in Music,” in *Musical Elaborations* (New York: Columbia University Press, 1991) 70-72.

<sup>222</sup> *James Notes* 151.

<sup>223</sup> See also Jacques Ranciere’s *Staging the People: the Proletariat and His Double* (London and New York: Verso, 2011). Ranciere writes, citing the 1830s and 1850s as a moment when a discourse of the people emerges alongside the development of a science of life: “The former involved the nomination of the proletarian as a social actor, the latter defined the space of his activity. The idea of social emancipation passed by way of certain forms of popular appropriation of the intellectual universe, or—if you like—a certain idea of science, responding to a double requirement: the constitution of a plebian ‘care of self’ that was at the same time ‘a care for others, an idea of the human individual that was also an idea of a solidarity between beings,” 37.



To believe that the great masses of people are merely passive recipients of what the purveyors of popular art give to them is in reality to see people as dumb slaves.....No, we have to examine more closely, the conditions in which these new arts, the film, and with it the comic strip, the radio and jazz have arisen, in order to see exactly why they become an expression of mass response to society, crises, and the nature and limitations of that response...The mass is not merely passive. It decides what it will see.<sup>224</sup>

Moving away from a notion of the crowd as “merely passive recipients,” the passage suggests interrupting scenes in the cinema house, listening to the radio, and improvising music such as jazz are all sites of potentially resisting hegemony through performative disruptions. As he writes, “The mass is not merely passive.”

The role of laughter and parody aboard the *Pequod* (a metonymy for both the regulations of the factory and the prison cell), for instance, describe humor and parody as an “assertion of life” under imprisonment:

The humor and the wit of the mariners, renegades, and castaways are beyond the cultivated inter-changes of those who sit around mahogany tables. They have to be...for them their unfailing humor is an assertion of life and sanity against the ever-present threat of destruction and a world in chaos.<sup>225</sup>

Reminiscent of Gramsci’s comments on humor under imprisonment, James understands jokes and parody as cathartic prerequisites for survival amidst security. These notions of aesthetic response and active engagement contest conditions and assert an ideal of equality; as acts of humor and parody disrupt the totalizing effects of the prison’s power, an analogy also for Ahab’s tyranny over the crew. Humor among the prisoners is an act of refusal, prohibiting the brutal regulations and authoritarian logic of security to destroy the inner life of the non-citizen.

In fact, both James and Melville engage dramatic form as a distinct hermeneutic tool for destabilizing hegemony and actively invoking a democratic future. For instance, James recuperates the ideal embodied in *Moby-Dick’s* chorus because it draws upon a plurality of voices. As he writes:

Aeschylus ‘passionately loved the new democracy as did the great body of the people... ‘Was there some interior harmony and meaning to life? The new democracy felt it had to have guidance and new insights in these questions. It found them in the tragedy begun by Aeschylus.<sup>226</sup>

Like Arendt, noting the theatricality of political space, James criticizes an aesthetic passivity for limiting democracy. When bureaucracy replaces the ideal of direct democracy and freedom, it engenders the “hopelessness of misery of modern man in

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<sup>224</sup> Notes 122.

<sup>225</sup> *Mariners* 25.

<sup>226</sup> Notes 153.

general” and the “special hopelessness of youth.” James directs his attention away from the entire scope of modernity toward antiquity or the “best days of the democracy” and writes: “The Greek democrat... did not understand individualism as we know it.”<sup>227</sup> An active notion of citizenship emerges through a polyphony of voices who “did not understand individualism” as the constitutive trait of citizenship.<sup>228</sup> Dramatic techniques highlight the chorus’ and the audience’s contingency as well as their capacity to intervene upon, and interrupt, the staged scene. The chorus embodies an epic notion of democracy as *demoi* or what Arendt would call the “plurality” of the human condition.

As we can see, James connects dramatic form to democracy through a retrospective reading of both Aeschylus and Melville, spanning classical and modern sources. In a separate section on “popular arts” in his *Notes*, the study of classical tragedy is extended to “the serious study of, above all, Charles Chaplin, Dick Tracy, Gasoline Alley, James Cagney, Edward G. Robinson, Rita Hayworth, and Humphrey Bogart.”<sup>229</sup> Turning to film to re-introduce the idea of the common inter-relatedness characteristic of the *demoi* in Athenian drama, he argues that a theatrical concept of space enables a “relation” and also a “deep insight into modern political psychology.”<sup>230</sup> Through the audience’s mimicry of the moving-image, an element of the classical ideal of participatory democracy and civil society can emerge in the future.

A literary phenomenon beholds multiple readers of Melville: the prophetic temporality and foreshadowing of a future. In the tragic but prophetic scenes in *Moby-Dick*, the division between drama and reality, past and future collapse. Prophecy offers a distinct version of political time. The end of *Mariners* slips from a reading of *Moby-Dick* to addressing the state’s “venomous anti-alien policy.” The scenes of reading on Ellis Island impart an uncanny “secret of futurity” of their own: a footnote states, “The authorities on Ellis Island insist on the word ‘detainees’ instead of prisoners.”<sup>231</sup> The ethical litmus test then of democracy resides not in the production of a general will as a univocal majority, but rather in recognizing the “democratic dignity” of the non-citizen. The non-citizen, dangling between life and death, is figure, prisoner, and reader in both *Mariners* and *Moby-Dick*.

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<sup>227</sup> *Every Cook* 20-31.

<sup>228</sup> *Every Cook* and Tocqueville’s *Democracy in America*.

<sup>229</sup> *Notes* 119.

<sup>230</sup> *Notes* 119.

<sup>231</sup> *Mariners* 144.

### 2.3 Acoustic Democracy

*I muse upon my country's ills—  
The tempest bursting from the waste of Time  
On the world's fairest hope linked with man's foulest crime.*

Melville, "Misgivings" (1860)

Why Melville now? Why drama now? In "Misgivings," an ambivalent voice doubts nationalism's moral absolutes and questions its crimes. This skepticism echoes throughout several depictions of war in Melville's writings. When looking upon a sea consumed by war, *Billy Budd's* narrator comments on the futility of the Manichean rhetoric of war and asks: "Who in the rainbow can draw the line where the violet tint ends and the orange tint begins?"<sup>232</sup> In the actual scene of a naval battle, the "line" between friendly and enemy fire disappears, as does Ahab's narrative of vengeance.

Melville would in *Moby-Dick* and some of his poems collected as *Battle-Pieces* extract, cite, and fabricate newspaper headlines as interludes within a larger narrative frame.<sup>233</sup> The explicit staging of citations disrupts causality, a method avowed in *Moby-Dick*:

I care to perform this part of my task methodically; but shall be content to produce the desired impression by separate citations of items, practically or reliably known to me as a whalerman; and from these citations, I take it – the conclusion aimed at will naturally follow of itself.<sup>234</sup>

*Moby-Dick* breaks down the formal coherence of journalistic prose to produce an impression instead by the separate citations of items. Not only do the separate citations "perform" in the novel but the presentation of quotations as "extracts" appear as if they formed an archaeology of various discourses. In the above passage, citations interrupt a seamless narrative of war and linear notion of time; the mixture of citations and narration contrast the scene's temporality with the "real time" of the news; citations invoke a different concept of history.<sup>235</sup> As Benjamin has maintained, citation is a method of

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<sup>232</sup> *BB* 479.

<sup>233</sup> See the poem "Further" in "Battle-Pieces," *The Poems of Herman Melville* (Kent, Ohio and London: Kent State University Press, 2000) 67-74.

<sup>234</sup> Melville, *Moby-Dick*, "The Affidavit," 170.

<sup>235</sup> Consider Walter Benjamin's comments on citation in "On the Concept of History," Said another way: only for a resurrected humanity would its past, in each of its moments, be citable. Each of its lived moments becomes a citation *a l'ordre du jour* [order of the day] – whose day is precisely that of the Last Judgment.

resurrecting fragments and troubling the “strength” of certain narratives of the past in the present.<sup>236</sup>

Indeed, the “miracle” of *Moby-Dick* is that it paints a “picture of the world in which we live,” the bloody battle in Afghanistan - America’s longest war to date - as early as 1850. In the first chapter of *Moby-Dick*, “Loomings,” a fictitious newspaper citation interrupts the narrative introduction to *Moby-Dick* as if it were a musical interlude. It reads:

It came in as a sort of brief interlude and solo between more extensive performances. I take it that this part of the bill must have run something like this:

"GRAND CONTESTED ELECTION FOR THE PRESIDENCY OF THE UNITED STATES.

"WHALING VOYAGE BY ONE ISHMAEL.

"BLOODY BATTLE IN AFFGHANISTAN."<sup>237</sup>

The counterpoint between an electoral farce, the “GRAND” yet “CONTESTED” presidential race, and the war in Afghanistan (misspelled in the newspaper headline) disrupts the novel’s narrative temporality by articulating a permanent condition of war with democracy in the text. The staging of newspaper citations in the novel also questions the increasing influence of mechanical reproduction, information, and journalistic prose in the public realm. What is remarkable about this particular passage is its prescience, as it speaks to our present and the extracted headlines could be from today’s newspapers. The problem of political “strength” and sovereignty exceeding its territorial jurisdiction persists; the problem of a perpetual war as also a crisis of participatory democracy remains.

Said’s reading of *Moby-Dick* eerily confirms James thesis that Melville’s scenes are both tragic and prophetic. Thus, the lessons and paradoxes in one final scene of reading returns to the “uncanny” in *Moby-Dick*: five days after September 11, 2001, Edward Said cites *Moby-Dick* in an article entitled “Islam and the West are Inadequate Banners” in which he implicitly criticizes the stark simplicity of media reports that equate the “war on terror” with the “clash of civilizations.” There is an imperative in the passage, as there is in James’ *Notes on American Civilization*, to “understand America’s role in the world” as a rule of Western and “strong” reason over religion and, in particular, Islam. Ahab personifies this Manichean logic in Said’s reading of *Moby-Dick* as an allegory of “America’s role in the world”:

What is most depressing, however, is how little time is spent trying to understand America's role in the world..... Inevitably, then, collective passions are being funneled into a drive for war

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<sup>236</sup> See Benjamin on the quotable gesture in “What is Epic Theater?” in *Illuminations* (New York: Schocken, 1968) 151.

<sup>237</sup> *M-D* 22.

that uncannily resembles Captain Ahab in pursuit of Moby Dick.....  
Manichaeic symbols and apocalyptic scenarios are bandied about  
with future consequences and rhetorical restraint thrown to the winds.<sup>238</sup>

Said writes there is an “uncanny” resemblance between the persecuted figure of Moby-Dick and the rhetoric of terror in the aftermath of 9/11. Moby-Dick is uncanny, a figure at once familiar and strange, and the object of Ahab’s aggression. Thus, the *Pequod’s* chase resembles the Manichean rhetoric of war after 9/11, a rhetoric that gravely impacted the regulation of citizenship and deportations as well.<sup>239</sup> For Freud, the uncanny is a projection of the public eye and the figuration of a certain blindness or myopia.

For Said, the stateless figure’s “uncanny” condition mirrors the statelessness of literature and music. Recalling James, Said asserts in conversations with Daniel Barenboim in *Musical Elaborations* that “Performance as an Extreme Occasion” can imagine co-existence, account for difference, and trace silence through sound. Between 1998 and 2000, Said and Barenboim discuss the phenomenology of sound and its democratic potential:

*EWS: I think one of the things Daniel and I have in common is a fixation on the ear rather than on the eye...As a follower of Kant, I hate computers...*

*I find music fascinating in part because it encompasses silence, even though it is, of course, made of sound.*

*DB: As if to defy silence...*

*EWS: As a way of defying silence and prolonging the sound. Do you see that?*

*DB: I see that very well. But I see music, in many ways, as a defiance of physical laws—one of them is the relation to silence...That is the phenomenology of sound—the fact sound is ephemeral ...That is why courage is an integral part of making music.<sup>240</sup>*

In the conversation, music’s ephemeral and mobile quality defies the physical barricades of the state. “In part because it encompasses silence...but prolongs the sound,” musical counterparts provide both Barenboim and Said with a mode of conjuring the stateless trace and redressing the silence on this issue. In this sense, the non-citizen is also an acoustic figure.

Said later elaborates on music as a proto-literary language where disparate notes travel and meet. As such, music proves crucial to imagining a civil society whose “pleasures and discoveries are premised upon letting go, upon not asserting a central

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<sup>238</sup> Edward Said, “Islam and the West are Inadequate Banners,” *The Observer*, (London) 16 September 2001.

<sup>239</sup> See Irum Sheikh’s “Racializing, Criminalizing, and Silencing 9/11 Deportees,” in *Keeping Out the Other: Immigration Enforcement Today* (New York: Columbia University Press, 2008), eds. David Brotherton and Philip Kretsedemas; Sunaina Maira’s *Missing: Youth, Citizenship, and Empire After 9/11* (Durham: Duke University, 2009) on the targeting of mosques and Muslims.

<sup>240</sup> Daniel Barenboim and Edward Said *Parallels and Paradoxes: Explorations in Music and Society* (New York: Vintage, 2002) 3-62.

authorizing identity, upon enlarging the community of hearers and players.”<sup>241</sup> Music, nomadic and de-territorialized, accounts for how dramatic techniques become crucial to scholarly debates about citizenship, self-determination, democracy, and peace. Utopian and dystopian reflections not only coincide with literary questions but initiate a consideration of a democratic future through dramatic art and musical performance. Implicit in the conversations with Barenboim is an idealist search that parallels Emerson’s open question “What Music Shall We Have?” and argues for the renewal of active modes of viewing, listening, and speaking. Music’s capacity to interrupt, imagine, and travel, to evoke as well a meeting between disparate notes, opens the image of a future, an ideal democracy to come. In Said’s idealist ethics, as well as in Emerson’s writings and Du Bois’ *Souls of Black Folks*, there is focus on an acoustics that does not erase the particular trace of the atonal and melancholic notes.

In *Reflections on Exile*, Said cites *Moby-Dick* again, referring to the novel’s style as a constant restlessness, displacement, and “moving away from the expected or the known.”<sup>242</sup> He writes that Melville’s style resembles music which, “rather than resolving the tension” between Apollonian and Dionysian notes, maintains that very tension.<sup>243</sup> Like the “singing ghosts” in Wagner’s opera, “something of same uninhibited and all-consuming energy courses through *Moby-Dick*, and is most centrally rendered in Ahab’s frenzied pursuit of the White Whale.”<sup>244</sup> A contradiction and a limit appear in Said’s reading of Melville; *Moby-Dick*—the non-citizen—is not just the uncanny figuration of the enemy but he is also an animal. The uncanny figure in the novel is thus the “monster” cast as the *Pequod*’s enemy, the source of both Ahab’s disgust and his drive.

This chapter has reflected on the importance of readings of Melville to argue that the stateless question is both ubiquitous in political, literary, and aesthetic theory, relying on dramatic form for its articulation. Sections of this chapter raise questions about whether citizenship serves as the telos for the human, and whether full humanization is the political goal. Since the non-citizen never has been considered to belong within the domain of the human, the question *Moby-Dick* poses is, “What does post-human citizenship entail?” The trace of the animals in *Moby-Dick* prompts a considering of how to rethink citizenship as requiring the inclusion of the inhuman non-citizen.

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<sup>241</sup> Said, *Musical Elaborations* (New York: Columbia University Press, 1991) 105.

<sup>242</sup> Edward Said, “Introduction to *Moby-Dick*,” *Reflections on Exile and Other Essays* (Cambridge: Harvard, 2000) 359. Hereafter referred to as *Reflections*.

<sup>243</sup> Said, *Reflections* 367.

<sup>244</sup> Said, *Reflections* 367.

## Chapter Three

### **Melville's Grievance: The Dramatization of Law in *Benito Cereno*, *Billy Budd*, and *White-Jacket***

*You see a human being, stripped like a slave; scourged worse than a hound. And for what? For things not essentially criminal, but only made so by arbitrary laws.*

*White-Jacket: or, The World on a Man-of-War*, 1849

*But, under the circumstances, precisely this condition of things was to have been anticipated.*

*Benito Cereno*, 1855

*Never did it occur to Billy as a thing to be noted or a thing suspicious.*

*Billy Budd, A Sailor (An Inside Narrative)*, circa 1886-1889

Uneasy with the formal conventions of the novel and the law, two forms of reifying character development as emancipation, Melville prefers to craft an ensemble of figures as also “things,” embodying the juridical predicament of the non-citizen. Captive to “arbitrary laws” yet denied equal protection, due process, or the right to testify, the stateless figure encounters in the courtroom scene an inescapable yet brutal condition of institutional exclusion. How a permanent condition of social death and legislated silence can coincide with the juridical form of American democracy, moreover, during a period of purported political enfranchisement after the Civil War, and how the literary registers but also questions legal history is the subject of this inquiry. Melville’s dramatizations of the law diverge from national declarations of “independence.”<sup>245</sup> Instead, dramatic scenes demarcate entrenched inequities, historical contingencies, as well as obstructions of legal protection, redress, and testimony in the trial scene. In the place of a discernible character as the central actor, dramaturgical terms and devices illustrate the non-citizen’s juridical predicament through ambiguous figures legible only as ellipses, gesture, shadow, murmur, suffocated sounds, whispers, and elective muteness. Interplays between dramatic and juridical forms—gesture and sensation exceeding semantic content—invite reflection and criticism about the law’s conceit of its own procedures—proclaimed

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<sup>245</sup> Abraham Lincoln frequently reverently cites *The Declaration of Independence* in the antebellum speeches and the clause “all men are created equal.” Debates over the clause are reanimated during the time as Lincoln invokes the document as the foundational text of the Republic. See also Emerson’s “Abraham Lincoln” in *Essential Writings* 829-833.

neutrality amidst sanctioned segregation—during an epoch of American history rife with public contestations over citizenship rights.

As an anonymous voice divulges in Melville’s last manuscript, the law’s fabrications and inventions are the “secret part of the tragedy.”<sup>246</sup> Not only tragic but “protectively secretive,”<sup>247</sup> the law appears on stage as a diabolical and a destructive character wearing the mask of morality while systematizing a criterion of violent exclusion. Melville’s incomplete and posthumous manuscript *Billy Budd* confronts a captain arbitrarily acting as judge “in case of an injury but suspected” and ruling by “secretiveness.” On trial in *Billy Budd* are also influential Enlightenment political ideals, narratives, and promises found in a series of texts from Rousseau’s *Social Contract* to Paine’s *The Rights of Man*. Dramatic scenes stage the dual sides of these narratives as at once proclaimed “enlightenment” and an unconscious “disillusion.”<sup>248</sup>

In fact, the law’s furtive rule appears when a surreptitious interrogation and a “closeted interview” transpires in a “closeted stateroom” on stage but beyond the view of the other actors and spectators figured in the novella.<sup>249</sup> Knowledge of the encounter in the “closeted state-room” remains hidden from all others on board the *Bellipotent* and is narrated as follows:

Beyond the communication of the sentence what took place at this interview was never known. But in view of the character of the twain briefly closeted in that state-room, each radically sharing in the rarer qualities of our nature--so rare indeed as to be all but incredible to average minds however much cultivated-- some conjectures may be ventured.<sup>250</sup>

As an imperceptible but tumultuous encounter takes place between the captain acting as judge—Captain Edward Fairfax Vere—and the sailor—Billy Budd—condemned by a court martial, the space behind closed doors leaves traces of an encounter at once unspeakable and uncounted.<sup>251</sup> The “closeted” room—an undisclosed but pivotal space in the novella—assumes a tremendous power in the trial, as “passion, and passion in its profoundest” without a “palatial stage whereon to play its part.”<sup>252</sup> As Vere succumbs to fear over passion in the public space of trial, he demonizes Billy as if the ship’s singular enemy and increasingly assumes the voice of the law. The dramatization of the “closeted” or enclosed room on the “stage” registers the force of Vere’s betrayal, suggesting another encounter and conversation takes place than his claim in public that has informed Billy of the legal outcome. Thus, an act driven by fear becomes central to the legal making of exclusion and the subjection of some figures as less valuable than others or of an unequal status.

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<sup>246</sup> *BC* 246.

<sup>247</sup> *BB* 458.

<sup>248</sup> *BB* 461.

<sup>249</sup> *BB* 490.

<sup>250</sup> *BB* 489.

<sup>251</sup> See Anne-Lise Francois’ “Toward a Theory of Recessive Action” in *Open Secrets: The Literature of Uncounted Experience* (Stanford: Stanford University, 2008) 1-65.

<sup>252</sup> *BB* 461.



Whereas Raymond Williams writes of the cultural continuity between “enclosed rooms on enclosed stages”<sup>253</sup> and “a represented dramatic state,”<sup>254</sup> Eve Sedgwick turns to *Billy Budd* and articulates a socialized silence in the novella is marked by the epistemology of the closet.<sup>255</sup> Enclosed rooms, transactions, narratives, and interrogations—the plot’s elisions, the state’s secrets, the law’s lie, the desire’s denied in public—leave traces of a brutal contradiction between the rhetoric of democratic legal protection and public legal procedures excluding entire populations from the right to democratic representation. Perched between Williams’ theory of drama as inextricably social and Sedgwick’s understanding of the epistemological effects of sanctioned silence, this chapter offers a reading of hidden encounters, repressed passion, and elective muteness throughout Melville’s writing as traces of a forcibly censored and uncounted political experience.

In fact, the law intervenes with violence in order to simultaneously preserve juridical forms of slavery, sexual normativity, and war, as figures forcibly enslaved, dislocated, censored, and regulated but without the prospect of state membership or legal protection move through the novellas. As *Billy Budd*’s narrator makes explicit, “such events cannot be ignored, but there is a considerate way of historically treating them.”<sup>256</sup> Dramatic techniques account for traces and figures debilitated, forcibly excluded, and silenced, exposing the restrictions on testimony in the trial scene.<sup>257</sup> *Benito Cereno* and *White-Jacket* dramatize a history of legal exclusion not “readily to be found in libraries.”<sup>258</sup> Distinctions between written and unwritten records tales attests to what is left out of declarations of universal rights, the specific quandary of the non-citizen, while the complex interplay between aesthetic forms—drama and novella—leave traces of unrecorded and censored tales.

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<sup>253</sup> In *Writing in Society*, Raymond Williams writes the following of dramatic form:

Drama is a special kind of use of quite general processes of presentation, representation, signification. The raised place of power—the eminence of the royal platform—was built historically before the raised place of the stage. The presentation of power, in hierarchical groupings, in the moving emphases of procession, preceded the now comparable modes of a represented dramatic state...Drama is a precise separation of certain common modes for new and specific ends...It is specific, active, interactive composition: an action not an act; an open practice that has been deliberately abstracted from temporary practical or magical ends; a complex opening of ritual to public and variable action; a moving beyond myth to dramatic versions of myth and history (15).

The ideas of drama as an “open practice” in public life and also as dramatization of history remain important. Williams reading of the enclosed rooms in plays as signifying a “represented dramatic state” is crucial for the reading of the moments Melville crafts as hidden encounters beyond of the view of the audience figures in the text.

<sup>254</sup> Williams 15.

<sup>255</sup> Eve Sedgwick, *Epistemology of the Closet* (Berkeley: University of California, 1990).

<sup>256</sup> *BB* 440.

<sup>257</sup> *M-D* 116.

<sup>258</sup> *BB* 440.

This exegesis demonstrates the centrality of an unrecorded and an “unwritten” experience to a critique of juridical power. The use of theatrical technique within the novel becomes crucial for accounting for the pervasive presence of an unrecorded history as signs of the forcible denial of rights of due process, unveiling the fissures in the juridical process and the failures of deliberative democracy as they are reflected or enacted by a specific literary dramatization of the trial.<sup>259</sup> The continuity between silence in Melville’s scenes and American legal trials on the rights of non-citizens highlights the invisible but ubiquitous presence of the non-citizen, as figures silent but present account for what Ishmael in *Moby-Dick* calls the “unwritten life.”<sup>260</sup> “Confined to scientific description,” the “unwritten life” may appear “scientific or poetic” but demarcates, as Ishmael repeats, “lives not complete in any literature.”<sup>261</sup> Staging time and again the centrality of a tragically incomplete and “unwritten life” to the ship’s sociality, Melville’s dramatic scenes offer not just description or a purely realist depiction of the event, but chronicle the elisions in grand chronologies of national battles and laws. Conditions increasingly endangering lives from being fully “complete” attest to the violent effects of American expansion: the naval frigate, *Neversink*, invading Brazil and at war with Peru, the U.S. Captain Delano’s surveillance of a Spanish slave ship moored near Chile, and a ship named *the Bellipotent* are allegories for juridical forms rationalizing empire, slavery, and war.

While numerous novels and legal narratives in the nineteenth-century fail to offer a critique of the conditions that obstruct equality, championing emergent literary forms as embodying an age of emancipation and a contractual notion of individualism,<sup>262</sup> the

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<sup>259</sup> For readers unfamiliar with Melville, the three novels *White-Jacket*, *Benito Cereno*, and *Billy Budd* dramatize the law in the allegorical space of the sea. *White-Jacket* chronicles daily scenes of regulation and public flogging aboard the fictitious U.S. frigate the *Neversink*; *Benito Cereno*, alluding to the Haitian Revolution, renders the law in the aftermath of a slave mutiny aboard the *San Dominick*; *Billy Budd* depicts the trial and the execution of a sailor by a decree mandated by his own commanding officers aboard the *Bellipotent*.

<sup>260</sup> *M-D* 116.

<sup>261</sup> *M-D* 116.

<sup>262</sup> See Ian Watt’s “‘Robinson Crusoe’, Individualism and the Novel” in *The Rise of the Novel* (Berkeley and Los Angeles, 1957) 63. Watt’s comments on the relation between “political individualism” and the novel’s rise:

Defoe, whose philosophical outlook has much in common with that of the English empiricist of the seventeenth century expressed the diverse elements of individualism more completely than any previous writer, and his work offers a unique demonstration of the connection between individualism in its many forms and the rise of the novel...Robinson Crusoe has been very appropriately used by many economic theorists as their illustration of *homo economicus*...The idea of contract played an important part in the theoretical development of political individualism (62-63).

While Watt’s comments remain relevant to the study of the novel form, Melville’s novels depart from the depiction of individual progress and rhetoric of character. See James B. Salazar’s “‘Philanthropic Taste: Race and Character in Melville’s *The Confidence-Man*,”

staging of restricted and “muffled” voices throughout Melville’s fiction outline the forcible effects of law and a brutal mode of regulation within the juridical form of American democracy.<sup>263</sup> A “muffled murmur” and “murmurous indistinctness,”<sup>264</sup> however, also interrupt the central dialogue between commanding officers and the voice of law. These acoustic traces and figures can be found in the early works, *White-Jacket* and *Benito Cereno*, until the last, *Billy Budd* where a “muffled murmur” attests to an experience deliberately suppressed and also to the specter of an unutterable not to mention horrific history of juridical exclusion.<sup>265</sup> Sound and acoustic figures outline a persistent condition of vulnerability within the juridical setting, two indirect ways of indicating the violence in the trial scene.

Three novels, published as seminal debates on slave rights, war, and mutiny ensconce the public sphere, persistently present a prolonged “suppressed cry”<sup>266</sup> throughout the “lowermost depths of the ship” and query the conditions impeding vocalization, visibility, and even poetry in the juridical setting. *White-Jacket* chronicles the lawful practice of the American Navy flogging its own personnel, invoking the sea as an allegory for the “everlasting suspension of the Habeas Corpus,”<sup>267</sup> the military ship is a space of “disciplinary degradation”<sup>268</sup>; *Benito Cereno* presents lordship and bondage as a theater of cruelty, reifying life by “transforming the man into a block, or rather a loaded cannon” with “nothing to say”;<sup>269</sup> *Billy Budd* profiles a figure sentenced to death aboard a warship, an allusion to the juridical form of war. At the moment of his death, Billy has “the face like that of a condemned vestal priestess in the moment of being buried alive, and in the first struggle against suffocation.”<sup>270</sup> The “suppressed cry” and the “face...condemned” bears the wounds of juridical vulnerability and exclusion. Persistent sketches of figures being “buried alive” and animate life turning still—a block, a loaded cannon, and a “thing suspicious”—subtly attests to the ironic and the violent effects of a

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in *Bodies of Reform: The Rhetoric of Character in the Gilded Age* (New York: New York University Press, 2010). Salazar offers a counter-history, “the closing of the era of character.” He writes:

The emergence of the confidence-man in literature, popular periodicals, and advice manuals of the 1850s has been seen as marking a breakdown of character as a regulatory principle within the social and economic exchanges and far-flung market culture in American expanding empire in the mid-nineteenth century. Melville’s portrait of the facility and the ease with which the confidence-man is able to pass off his counterfeit character has thus been seen as a particularly sustained diagnosis of not only a new and troubling social type but a more troubling crisis of confidence in the concept of character itself (36-37).

Contrary to Watt, Salazar critiques the “regulatory principle” of character.

<sup>263</sup> *BB* 499.

<sup>264</sup> *BB* 499.

<sup>265</sup> *BC* 267.

<sup>266</sup> *W-J* 158.

<sup>267</sup> *W-J* 117.

<sup>268</sup> *W-J* 312.

<sup>269</sup> *BC* 246.

<sup>270</sup> *BB* 476.

language of man in political treatises such as Paine's *The Rights of Man* (a text parodied in *Billy Budd*), the logic of "martial utilitarians," or the "Benthamites of war."<sup>271</sup> Allusions to a utilitarian rationalization of war instead exposes a condition of permanent violence and war permeating universal terms, as the hyphenated term "man-of-war" consistently makes clear.

"Every figure greatly needs the artist's repairing hand, and sadly needs a dusting,"<sup>272</sup> writes Melville. Figures internally located within an apparatus—the ship—but excluded as subjects with rights re-circulate through Melville's novels, as dramatic techniques stages this contradiction. Merging inanimate and animate terms, theatrical techniques render artificial a juridical division between the "man" and the "thing" while calling into question the legal terminology of rights and a utilitarian institutional logic. "Chained,"<sup>273</sup> "flogged,"<sup>274</sup> and "gagged,"<sup>275</sup> multiple figuration of the non-citizens in Melville's novels make known the effects of extreme legal vulnerability—a condition with no protection or prospect of appeal—and reveal the non-citizen's juridical condition as a condition of captivity.

Exclusion does not appear in one socially discernible form or exemplified by a single character or figure: it is a generalized and pervasive condition of silence and confinement laying bare the lie to claims of universal inclusion through suffrage within democracy. The moment Billy disembarks from the ship christened as *Rights-of-Man* (abbreviated by the sailors in the text as just the *Rights*) for the *Bellipotent*, transitioning from the ship allegorizing Enlightenment ideals to the ship in a permanent war, so does dramatic staging offer a critique of law-preserving violence.<sup>276</sup> While Billy's transition is a reenactment of political theorems from John Locke to Thomas Hobbes that a notion of natural rights and obligations precede legal institutions, the staging of seminal theses in political philosophy (narratives enormously influential in the drafting of the foundational documents of the United States) extracts the temporal argument (which forms of laws and obligations precede the other) and instead dramatizes the ontological effects of legal violence as a "condition of things."<sup>277</sup>

When the law legitimates such a "condition of things," citizenship becomes a restricted, divided, ambiguous, and fully contradictory form. In fact, as Richard Chase's still relevant thesis in *The American Novel and Its Traditions* indicates, a "culture of contradictions" and not the "unities" or "harmonies" of literary form shapes the American novel from James Fennimore Cooper, Melville, Henry James, Mark Twain, and F. Scott

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<sup>271</sup> *BB* 442.

<sup>272</sup> *M-D* 333.

<sup>273</sup> *BC* 255.

<sup>274</sup> *BC* 239.

<sup>275</sup> *BB* 476.

<sup>276</sup> Throughout this chapter, I allude to Walter Benjamin's "Critique of Violence" in *Reflections* (New York: Schocken Books, 1986) as well as the distinction between law-making and law-preserving violence.

<sup>277</sup> *BC* 244.

Fitzgerald to William Faulkner.<sup>278</sup> As the subsequent readings demonstrate, the aesthetics of contradiction, ambiguity, and dissonance in *White-Jacket*, *Benito Cereno*, and *Billy Budd* are not mere coincidence but directly link to the emergent juridical form of the United States and its pervasive condition of exclusion. Ambiguous workings of law within the hierarchy of slave and warships—allegories for regulation at the juncture between law and punishment—persistently makes known the pernicious implementation of seemingly self-evident juridical terms and “truth.”<sup>279</sup> Between the publications of *Pierre* (1852) until *Billy Budd* (1886), the replication of a “sound not easily to be rendered”<sup>280</sup> and a “no perceptible trace”<sup>281</sup> reverberate throughout dramatizations of the law as significant data about an indecipherable and vulnerable legal condition before the law.<sup>282</sup>

Additionally, the interplay between dramatic and literary techniques invites critical reflection on the effects of normative terms and narratives in trial proceedings while also posing the question of spectatorship amidst restrictive laws. *Benito Cereno* presents slavery as a dialectical “scene” that is “heightened by the contrast in dress, denoting their relative positions,”<sup>283</sup> while *Billy Budd* and *White Jacket: or, the World on a Man-of-War* highlight the “theatricals in a man-of-war”<sup>284</sup> in order to expose the scene of war as “a sort of sham-fight with an imaginary foe” and a “ridiculous fight of shams and pretensions.”<sup>285</sup> Theatricality thus enters the novellas as a technique not only for dramatizing imaginary and symbolic mechanisms at work but also for critiquing violence, as the absolutist divisions referred to as the “principal divisions in a man-of-war ship”<sup>286</sup> attain the status of the absurd, “ridiculous,”<sup>287</sup> and a “sham-fight”<sup>288</sup> between adversaries.

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<sup>278</sup> See Richard Chase’s “The Broken Circuit: A Culture of Contradictions” in *The American Novel and its Traditions* (Baltimore and London: The Johns Hopkins University Press, 1957) 1-21.

<sup>279</sup> I am alluding here to the clause “we hold these truths to be self-evident” in the *Declaration of Independence*.

<sup>280</sup> *BB* 499.

<sup>281</sup> *BB* 430.

<sup>282</sup> In *Pierre: or, The Ambiguities* (Evanston, Illinois: Northwestern, 1999) originally published in 1852, Melville avows an aesthetic of ambiguity and this persists until his last novella *Billy Budd*. He alludes to the ambiguity of the face and a “gesture ambiguous to the canine intelligence.” (484) Ambiguity poses an epistemological challenge to positivist perception. In *Pierre*, ambiguity links to the “shadowy, but vacant and desolate trace” (87) of a family portrait once hanging on the wall not unlike the painting of the shipwreck in *Moby-Dick*. As a result, ambiguity alludes to the lingering afterlives of an aesthetic work, trace, and gesture: the trace.

<sup>283</sup> *BC* 250.

<sup>284</sup> Melville, *White-Jacket: or, The World On a Man-of-War* (North Hollywood: Aegypan Press, 2000) 72. Hereafter referred to as *W-J*. Originally published in 1850.

<sup>285</sup> *W-J* 52.

<sup>286</sup> *W-J* 13.

<sup>287</sup> *W-J* 20.

<sup>288</sup> *W-J* 52. In the chapter “General Training in a Man-Of-War,” the narrator describes the following:

This illusory construction of slave and enemy registers in a dramatic form that insists also on a capacity for aesthetics to counter these terms.

As a result, the use of dramatic technique within literary fiction such as Melville's can offer critical insights into the staging of citizenship, as explicit references to the ship's deck as a "stage" situate the question of political action and recognition in a dramatic arena as well as in relation to a number of elements such as lighting, sound, and space. For instance, Melville frequently presents the ship's deck as a "field of action" where "surprise" narrative turns and tense confrontations between actors take place in relation to pre-established semantic hierarchies. An avid reader of dramatic form in Aeschylus, Aristotle, Cervantes, and Shakespeare, notes in the margins of his manuscripts reflect on the specific capacity of theatrical techniques including masquerade, soliloquy, gesture, and mime to dramatize narratives as if actors.<sup>289</sup> Transposing a mode of reflection integral to drama into the novel form, the presentation of scenes as a "field of action"<sup>290</sup> allows for figures to assume various positions but also present "contingencies present and to come."<sup>291</sup> Dramatization thus makes explicit the role of contingency at play in every scene and encounter.

"Staging" is a precise term in dramatic theory, as it connotes more than the proscenium stage and presents a concept of space as a composition of relations between actors and non-verbal theatrical elements. Techniques of staging also localize particular actors in relation to a dramatic space where the movement, setting, and acoustics, as well as lighting and sound either heighten or reduce visibility and audibility.<sup>292</sup> As a result, the use of "staging" techniques provides a hermeneutic tool for interrogating the construction of voice, figure, and action within a novelistic scene.

To argue that the law stages rights and truths is to initiate a critique of those juridical discourses damaging rights and regulatory practices restricting citizenship. Both *White-Jacket* and *Billy Budd* render the ubiquity of violence, exposing the war scene as conditioning all legal forms and explicitly stating that law cannot be trusted as an alternative to war but that the violence of war conditions the violence of the law. The juridical form of war is not divorced from restrictive laws instrumental in colonial

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As the specific object for which a man-of-war is built and put into commission is to fight and fire off cannon, it is, of course, deemed indispensable that the crew should be duly instructed in the art and mystery involved. Hence these "general quarters," which is a mustering of all hands to their stations at the guns on the several decks, and a sort of sham-fight with an imaginary foe.

Theatrical terms alluding to the farce in the scene of war, a recurring thematic from Melville's early to late fiction, function as a critique of the absolutist construction of the enemy and, more generally, state violence.

<sup>289</sup> See Walker Cowen's *Melville's Marginalia* (New York: Garland, 1987) 56-89.

<sup>290</sup> *W-J* "Chapter LV."

<sup>291</sup> *BB* 443.

<sup>292</sup> Anne Ubersfeld's *Lire le theater 1* (Toronto: University of Toronto, 1999).

settlement and deratifying citizenship, as the violence sanctioned by the former leaves a trace in the regulatory mechanism of the latter.<sup>293</sup>

Through dramatic ambiguity, a technique in use from Sophocles to Shakespeare, *Benito Cereno* and *Billy Budd* implicitly cast invisible spectators as complicit with legal outcomes and judgments. For example, the scene stages the dynamics of the trial; when Vere announced the verdict at Billy's trial "a confused murmur went up" that "was pierced and suppressed."<sup>294</sup> Dramatizations of the trial as theater invoke, time and again, the spectators' complicity and responsibility for the wrongfully accused figure. Scenes of a collective passively acquiescing to public displays of punishment, terror, and execution recur from *White-Jacket* to *Billy Budd*. For instance, although disagreeing with the severity of punishment, the passive response of the crew during Billy's trial resembles "dumbness like that of a seated congregation of believers in hell listening to the clergyman's announcement of his Calvinistic text."<sup>295</sup> The crafting of the trial as a theatrical scene mandates an inquiry into how passive viewing of violence and punishment limits the law's potential to serve as an equalizing medium. The chapter "Flogging Note Lawful" in *White-Jacket* chronicles this conversion of law into authority acting without impunity, stating "there is no law to restrain the Captain from imprisoning a seaman" and "keeping him confined" indefinitely "at his pleasure."<sup>296</sup> The scene refers to the detention of a sailor for a month, despite any cause and at the captain's whim. *White-Jacket* dramatizes the scene of flogging as a ritual sacrifice and emphasizes the arbitrariness of law.

Broadly, the subsequent reading argues that in fact the dramatization of spectators insists on the contingent interplay between actors and spectators as a "political obligation." Obligation is not an abstract but a seminal term in political philosophy, offering an understanding of reciprocal bonds and social relations separate from legal outcomes. Derived from Latin stem of *obligātiō*, obligation is defined as a "binding, an equivalent." When the term obligation enters into political thought, it is not a legal concept or synonym for duty but an act and the understanding of a relation. As such, it becomes crucial for imagining modes of sociality outside the legal framework of rights

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<sup>293</sup> See Catherine Kellogg's *Law's Trace* (New York: Routledge, 2010) 119. Kellogg further elaborates on the "law of law," arguing the opposition between natural and positive law is the product of flawed historiography. Instead, she offers an explanation of law's trace as the "'truth' of each law...buried in the other." For example, the "human law of universality" reflects the "divine law of particularity." The shadow accounts for how the particular figure is always and already buried in universal law, unraveling the importance of the ambiguous trace in Melville's critique of law.

<sup>294</sup> *BB* 492.

<sup>295</sup> *BB* 491.

<sup>296</sup> See chapter XXXV in *W-J*. The passage reads: "In the American Navy there is an everlasting suspension of the Habeas Corpus. Upon the bare allegation of misconduct there is no law to restrain the Captain from imprisoning a seaman, and keeping him confined at his pleasure. While I was in the *Neversink*, the Captain of an American sloop of war, from undoubted motives of personal pique, kept a seaman confined in the brig for upward of a month."

and their individuating effects.<sup>297</sup> Drama is historically and philosophically intertwined with the idea of obligation, a binding of two differently situated actors as socially recognizable equivalents.

White-Jacket, a naval sailor and narrator in the novel, reflects on how the conditions aboard the *Neversink* deliberately induce sleep deprivation: “I cannot quit this matter of the hammocks without making mention of a grievance among the sailors that ought to be redressed.”<sup>298</sup> The young sailor, shocked by his first experience of discipline and regulation under war, obediently attends and listens to the ritual reading of the Articles of War, concluding the public reading of the document “admonishes you to take all bad usage in good part, and never to join in any public meeting that may be held on the gun-deck for a redress of grievances.”<sup>299</sup> Fears of mutiny convert into an entrenched juridical paranoia in *White-Jacket*, *Benito Cereno*, and *Billy Budd*; as the ironic classification of revolt as illegitimate violence and war as legitimate, law preserving vengeance, authorizes the trial setting. In these novellas, death is not attributed to enemy fire but rather results from punitive regulations and violence *within* the ship, as White-Jacket states this is “one reason why men-of-war’s men are, generally, short-lived.”<sup>300</sup> Again, the depiction of untimely deaths and truncated lives indicates the severity of the violence within the juridical form of war.

Melville’s dramatizations of the law enact a “grievance” to the “flag of founded law and freedom,”<sup>301</sup> and show, again and again, an original violence and a violation destroying the juridical promise of citizenship. The term “grievance” appears first in *White-Jacket*, a book literally lobbying Congress to abolish the naval policy of flogging

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<sup>297</sup> Consider, for example, Dean Spade’s argument for political obligation outside a rights framework, as he states the following in “Law as Tactic” printed in the *Columbia Journal of Gender and Law* (New York: Columbia University, 2011) 442--475:

Viewed through an understanding of law as a tactic of governance in which we are invited to survey a broader field of conditions, we might see the sharp rise of both immigration and criminal imprisonment as a feature of neoliberalism targeting racialized communities and recognize that the deployment of racialized imprisonment in the name of law enforcement always operates to mine and control certain populations marked as drains or threats at the population level regardless of a window dressing articulated through a individual culpability and individual rights....Critical race theorists and other legal scholars have named these limitations by discussing the limits of “formal legal equality” demands and how law reform demands often operate to transform systems facing resistance just enough to stabilize things and preserve the status quo. The danger of merely thinking with the legal window dressing and actually stabilizing relations of disparity attends the fiction that if we change what the law says about a vulnerable population, we will necessarily change the key conditions of vulnerability (458-460).

<sup>298</sup> See chapter LXX in *W-J*.

<sup>299</sup> See chapter XXI in *W-J*.

<sup>300</sup> See chapter XXI in *W-J*.

<sup>301</sup> *BB* 439.



its own personnel, again in *Moby-Dick* as the “world’s grievances”<sup>302</sup> and, finally, in *Billy Budd*. Nearly fifty years later, in a far less realist mode, Melville mobilizes the language of the grievance again. However, the figures of the men-of-war are less obedient and mutinous, as passages contemplate the limits of the law as a mode of redress through figurations of mutiny as anarchy. *Billy Budd* begins by conveying how “reasonable discontent grows out of practical grievances on the fleet” and ignites “into irrational combustion as by live cinders blown across the Channel from France in flames.”<sup>303</sup> The allusion is to the Nore Mutiny in particular but also to the “practical grievances” of the crew against the ritual punishment of sailors.

As the language of redress and the grievance persists, so does the critique of lawful forms of violence. The language of the grievance—a political form intended for redressing grief, injury, and restrictive laws—is intimately tied to an understanding of dramatic form and redress and an impulse to petition the U.S. Constitution. Thus, the complexity in Melville’s final novella: the stateless figure with “no birthplace or kin” wears the dual mask of a non-citizen and a career sailor in the Royal Navy, subjected to military law and yet outside its protection and its norms of recognition.

### 3.1 Empire of Law: The Erasure of the Non-Citizen before the Law

*The line between alien and citizen is soft...This principle is important because it recognizes the moral and political imperative of equality that is central to liberal democracy. Yet the promise of citizenship only applies to the legal alien, the lawfully present immigrant. The illegal immigrant has no right to be present....The illegal alien crosses a territorial boundary, but, once inside the nation, he or she stands at another juridical boundary.*<sup>304</sup>

#### *Impossible Subjects*

In *White-Jacket*, the sea is “settled by law and usage.”<sup>305</sup> Usage—a term in both linguistic and legal scholarship—is closely intertwined with the establishment of unwritten laws in jurisprudence and complicit with the ad hoc administrative protocols used to rationalize colonial law. *Billy Budd* also cites a “strict adherence to usage” at the moment of the execution: “In this proceeding as in every public one growing out of the

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<sup>302</sup> *M-D* 107. The passage reads: “An Anacharsis Clootz deputation from all the isles of the sea, and all the ends of the earth, accompanying Old Ahab in the Pequod to lay the world’s grievances before that bar from which not very many of them ever come back. Black Little Pip—he never did—oh, no! he went before. Poor Alabama boy! On the grim Pequod’s fore-castle, ye shall ere long see him, beating his tambourine; prelude of the eternal time, when sent for, to the great quarter-deck on high, he was bid strike in with angels, and beat his tambourine in glory; called a coward here, hailed a hero there!”

<sup>303</sup> *BB* 439

<sup>304</sup> Mae M. Ngai *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton and Oxford: Princeton University Press, 2004) 6.

<sup>305</sup> *W-J* 64.

tragedy strict adherence to usage was observed.”<sup>306</sup> William Blackstone’s *Commentaries on the Laws of England* (1766)—a treatise enormously influential in the making of American law—suggests “usage” designates a set of unwritten laws (*leges non scriptæ*) that become binding precedents,<sup>307</sup> establishing the “force of laws” and prejudgments as “prejudice” influential in adjudication. Dramatizations of the “severest restrictive laws” aboard a U.S. frigate bearing the name *Never sink*—as if permanently at war—demonstrates the force of unwritten laws and punishments on citizenship, presenting juridical power as intertwined with the “settling” of semantic codes and usages.

*White-Jacket*, *Benito Cereno*, and *Billy Budd* situate the trial scene in an interstitial space between nations. During this time, major procedural shifts take place in American law and scientific protocols that increasingly inform juridical rationality. In contrast, dramatic techniques expose a construct of perceptions at work in the trial scene through a specifically literary form of dramatization, challenging received ideas about the neutrality of observation and fact as presupposed in juridical claims. Gesture, veiled narratives, silence, secret rooms, and vulnerable voices form part of the legal drama itself, as the dramatic and the juridical themes intertwine in the novels to expose the brutal contradictions in forms of law. The law, on the one hand, excluding, enslaving, and killing, restricts figures to an enclosed escape while, on the other hand, producing an omnipotent tale of universal justice and mobility professes adherence to impartiality. Thus, in the scene of lawful flogging and in the trial condemning slave mutiny but not slavery, a brutal contradiction emerges between the apparent justice in whose name a legal proceeding takes place and the radical injustice that it enacts.

Melville’s staging of slave silence in the trial scene coincides with a procedural shift towards positivist law in American courts, classifying the non-citizen as non-human—a specimen, a thing-in-itself, and a creaturely figure.<sup>308</sup> Echoes of debates and

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<sup>306</sup> *BB* 492.

<sup>307</sup> Blackstone writes:

It may seem a little improper at first view to rank these laws under the head of *leges non scriptæ*, or unwritten laws, seeing they are set forth by authority in their pandects, their codes, and their institutions; their councils, decrees, and decretals; and enforced by an immense number of expositions, decisions and treatises of the learned in both branches of the law....That it is not on account of their being *written* laws that either the *canon* law, or the civil law, have any obligation within this kingdom: neither do their force and efficacy depend upon their own intrinsic authority, which is the case of our written laws, or acts of parliament. But all the strength that either the papal or imperial laws have obtained in this realm, or indeed in any other kingdom in Europe, is only because they have been admitted and received by immemorial usage and custom in some particular cases, and some particular courts; and then they form a branch of the *leges non scriptæ*, or customary laws; or else because they are in some other cases introduced by consent of parliament; and then they owe their validity to the *leges scriptæ*, or statute law (79-80).

<sup>308</sup> The scene registers the absence of deliberation or “deliberative democracy” in the nineteenth-century American courtroom, rendering the disparity of address and an unequal distribution of “choices.” See David J. Smigelskis’ “Cultivating Deliberating:

political oratory in the new republic about the extension of citizenship rights such as those posed in the *Dred Scott v. Sanford* reverberate through literary depictions of the law in *Benito Cereno*.<sup>309</sup> In *Dred Scott v. Sanford*, those denied citizenship are written into law as “not-being,”<sup>310</sup> a legally decreed nullity. Slavery as an institution produces a discourse on the non-citizen within the law. Thus, juridical decrees not only produce an ontology of exclusion or language of nullity but a legal deprivation of a person’s humanity, so that the law can also deprive that person of the right to have rights, as Hannah Arendt has claimed.<sup>311</sup>

In what way does the law’s presumption of the *a priori* nullity of the non-citizen naturalize exclusion as central to an accepted version of justice? In fact, the law disavows its own power to deprive that human creature of ontological standing, acting as if that deprivation is an ontological fact, prior to the intervention of any law. Once that deprivation is presumed as ontological, then the law can say that it is under no obligation to extend rights to a nullity.<sup>312</sup> The wretched example of the *Dred Scott* decision, citing ironically the two references about people of African descent in the *U.S. Constitution*, makes explicit the entrenched legal rationality that actively deprives enslaved populations to rights of citizenship based on an *a priori* legal construction of slaves as both “articles of property” and “foreigners.”<sup>313</sup> The anxiety over the lack of the nation as coherent and unified fuels the erroneous construction of the non-citizen as an “outsider,”<sup>314</sup> an error

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Mindfully Resourceful Innovation In and Through the Federalist Papers” in *A Companion to Rhetoric and Rhetorical Criticism* edited Walter Jost and Wendy Olmstead (Oxford: Blackwell, 2004).

<sup>309</sup> See Andrew Delbanco’s *Herman Melville: His World and Work*, (Cambridge, MA: Harvard University Press, 1984) explaining the influence of *Dred Scott* on Melville.

<sup>310</sup> Transcript from *Dred Scott* at <http://www.ourdocuments.gov>.

<sup>311</sup> See Arendt’s *The Origins of Totalitarianism* 295-296: “We became aware of the existence of a right to have rights...and a right to belong to some kind of organized community, only when millions of people emerged who had lost and could not regain these rights.”

<sup>312</sup> I am grateful to Judith Butler for her insightful comments on the status of legal nullity in *Dred Scott* and the implications of this legal status for theories of ontology.

<sup>313</sup> See Stephen Best’s *The Fugitive’s Properties: Law and the Poetics of Possession* (Chicago: University of Chicago, 2004).

<sup>314</sup> See several studies that offer an account of legal exclusion in the nineteenth-century not accounted for in *Law and Letters in American Culture* include Daniel Kanstroom’s *Deportation Nation: Outsiders in American History* (Cambridge and London: Harvard, 2007), Mae M. Ngai’s *Impossible Subjects: Illegal Aliens and the Making of Modern America* (Princeton: Princeton University, 2004), Alexander Saxton’s *The Indispensable Enemy* (Berkeley: University of California Press, 1971 and 1995) and David Kazanjian’s *The Colonizing Trick: National Culture and Imperial Citizenship in Early America* (Minneapolis: University of Minnesota, 2003). In addition see Martha Gardner’s *The Qualities of a Citizen: Women, Immigration and Citizenship, 1870-1965* (Princeton: Princeton University Press, 2005) for a specific genealogy on how discourses of morality, gender, and family law restrict citizenship. Gardner provides the useful analytic of “derivative citizenship” to describe the condition of women seeking citizenship rights

replicated in American historiography on both slavery and immigration in the nineteenth-century.

Implicit in the law's language—including legal judgments such as the Supreme Court's decree in *Dred Scott v. Sanford* (1857) denying all persons of African descent constitutional privileges and legal recognition as citizens—is the double construction of the non-citizen. In the landmark Missouri Supreme Court decision overturning Dred Scott's emancipation rights, the court's reason follows:

A free negro of the African race, whose ancestors were brought to this country and sold as slaves, is not a "citizen" within the meaning of the Constitution of the United States. When the Constitution was adopted, they were not regarded in any of the States as members of the community which constituted the State, and were not numbered among its "people or citizen." Consequently, the special rights and immunities guaranteed to citizens do not apply to them.

And not being "citizens" within the meaning of the Constitution, they are not entitled to sue in that character in a court of the United States, and the Circuit Court has not jurisdiction in such a suit. The only two clauses in the Constitution which point to this race, treat them as persons whom it was morally lawful to deal in as articles of property and to hold as slaves. Since the adoption of the Constitution of the United States, no state can by any subsequent law make a foreigner or any other description of persons citizens of the United States, nor entitle them to the rights and privileges secured to citizens by that instrument.<sup>315</sup>

*Dred Scott v. Sanford* demonstrates how the court's interpretation of the *Constitution*—a legal decision that becomes written law—inscribes an unwritten double and circumscribes the trace of the non-citizen. In the above text, the law defines the slave as "not a citizen" and a "foreigner" while simultaneously rendering a narrative about the original "meaning of the Constitution." This type of legal exegesis often operation in conservative interpretations of the Constitution parallels also a notion of literary reading as the task of retrieving some original meaning or intentionality in the text.

In fact, the non-citizen is "within" the law and the nation's territorial boundaries, contesting the law's claim to inclusiveness and universality. Several legal historians note the lack of a written legal tradition from the early republic to the nineteenth-century. Robert A. Ferguson's *Law and Letters in American Culture* offers a legal history, documenting how anxieties about the lack of written juridical codes prompts fervent

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before the law. In most cases, the right to entry is derivative of the status of women as wives in the "boundaries of a legal marriage," 31. These works not only contextualize different forms of exclusion, but substantiate an important argument that I am making. That is to say, while formal citizenship in different historical moments comes to define an abstract and legalistic notion of citizenship, it was and is still not a universal right. Again, the tension between norms and rights permeates the American archive.

<sup>315</sup> The Transcript of *Dred Scott v. Sanford* (1857) is available at <http://www.ourdocuments.gov>.

efforts to institutionalize juridical procedures and eventually leads to the dominance of positive law.<sup>316</sup> The courtroom scene becomes a public spectacle; as he writes, the “trial in republican society was a central ceremony and the courtroom speech its most visible ritual.”<sup>317</sup> Seeking to manage certain anxieties about the social exclusions conducted by law itself, the trial as a public “ceremony” reproduces only a republican form of democracy and attempts to give the nascent nation a coherent appearance of lawful sovereign rights that constantly exceed its territorial boundaries. *White-Jacket*, *Benito Cereno* and *Billy Budd* parody the rhetoric of international law, staging the illusory effects and fissures in this juridical fantasy.

Despite Ferguson’s meticulous legal history, he does not adequately account for the history of how the law excludes certain populations from citizenship, and how this exclusionary power of the law is crucial to the making of national law. Absent from his account is an explanation of how the exclusion of certain populations from legal status emerges as a necessary concomitant to the appearance of the nation as a seemingly unified form. Moreover, Ferguson fails to specify the meanings of dramatic form when it emerges within the novel. As the Chapter “Fast-Fish and Loose-Fish” in *Moby-Dick* makes clear, “Thus the most vexatious and violent disputes would often arise between the fishermen, were there not some written or unwritten, universal, undisputed law applicable to all cases.”<sup>318</sup> Despite dramatizing the absence of a consensus on law, the need for agreed upon universal and legal standards “applicable to all cases” persists. The deliberation between the fishermen in the above scene also reflects the need for forms of legal knowledge beyond a specialized and scientific understanding of jurisprudence.

Legal history alone does not probe the hermeneutic differences between dramatic and juridical form or written laws and unwritten usage. The interplay between theatricality and law is far more complex in Melville’s writings, exposing the “shadows” as a zone of exclusion integral within the trial scene and inquiring into role of external legislations on figures and particular cases in the scene. Counteracting established nineteenth-century images of law as an equalizing institution, a sign of national progress, a perfected evidentiary power, and a set of written codes isolated from the public realm, dramatic scenes account for a history of forced silence, political invisibility, and violent

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<sup>316</sup> See Robert Ferguson’s *Law and Letters in American Culture* (Cambridge, MA: Harvard University Press, 1984) 69. Ferguson writes:

Few have noticed how frequently the writers of the American Renaissance resort to higher law as a mode of explanation.....Melville, Emerson, Thoreau, and Hawthorne are reacting against the past, against civic tones and the themes of early republican literature, nonetheless, it is Melville, the romantic novelist, who reaches back to natural law to condemn flogging...Nor is Melville alone. Emerson and Thoreau both rely upon what Emerson calls ‘the transcendent simplicity and energy of the Highest Law.

The clear flaws of positive law prompt writers such as these to seek recourse to a higher law to explain the law’s complicity in suffering and disenfranchisement of the non-citizen in the national scene and also an understanding of law as a reciprocal set of obligations

<sup>317</sup> Ferguson 69.

<sup>318</sup> *M-D* 308.

exclusion in the trial scene.<sup>319</sup> Contrasting the terms of republicanism in the last two decades of the antebellum period—Abraham Lincoln’s celebrated citation “all men shall be created equal”—with the habitual punishment and violence aboard slave and naval ships at sea, key democratic terms—citizen, equality, justice—appear completely destroyed. In fact, the anti-slavery rhetoric famously popularized by Lincoln’s antebellum speeches vigorously argued against equality and restricted the idea of emancipation to “free labor.”<sup>320</sup>

Staging disputes about law on the “lawless seas,”<sup>321</sup> scenes inquire into egregious applications of the law and cast the sea as space where forms of power act without impunity while legal judgments are imposed through an external rubric without regard for the particular case. *Billy Budd*’s narrator describes a condition where “every sailor, too, is accustomed to obey orders without debating them; his life afloat is externally ruled for him; he is not brought into that promiscuous commerce with mankind where unobstructed free agency on equal terms – equal superficially, at least.”<sup>322</sup> As in *White-Jacket*, the scene of law in *Billy Budd* uncouples the association between “free agency” and “equality” with positive law or the juridical postulate of practical reason. Philosophical debates on natural versus positive law, virtue ethics, as well as the juridical postulate of practical reason from Bentham to Kant are evident in this passage and the novellas at large. The juridical form of war and Captain Vere are associated instead with “practical reason,”<sup>323</sup> as Melville subtly questions pragmatism’s and philosophical apologies for war through the placement of the name “William James” in parentheses.<sup>324</sup> Thus, dramatic techniques foreground a philosophical approach to law while illustrating the contradictory application of utilitarian and moral theories.

Melville’s crafting of dramatic ambiguity exposes the trace of one form of law in the other, suggesting the rhetoric of positive law colludes with the increasing dominance of the juridical form of war.<sup>325</sup> While legal histories put forth a narrative of transition

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<sup>319</sup> For accounts of nineteenth-century law see David Kennedy’s problematic but thorough book *Of War and Law* (Princeton and Oxford: Princeton University Press, 2006), Antony Anghie’s “Finding the Peripheries: Colonialism in Nineteenth-Century International Law” in *Imperialism, Sovereignty, and the Making of International Law* (Cambridge: Cambridge University, 2004), Robert F. Ferguson’s *Law and Letters in American Culture* (Cambridge, MA: Harvard University Press, 1984) and *The Trial in American Life* (Chicago: University of Chicago Press, 2007).

<sup>320</sup> See Abraham Lincoln’s speech given in Lewiston Illinois in 1858.

<sup>321</sup> *M-D* 123.

<sup>322</sup> *BB* 467.

<sup>323</sup> Sophocles’ technique of dramatic ambiguity is apparent in both Hawthorne and Melville’s writings.

<sup>324</sup> *BB* 440. *Billy Budd* is an earnest interrogatory on the consequences of philosophical apologies for war from Paine, Mill, to a certain conservative pragmatism. William James would, of course, elaborate and change his position on war in the speech “The Moral Equivalent of War” in 1909.

<sup>325</sup> See Immanuel Kant’s *The Metaphysical Elements of Justice* (New York and London: Macmillan, 1965), translated by John Ladd. Kant critiques positive law in “Introduction to the Elements of Justice,”: “The body of those laws that are susceptible to being made

from one form of law to another, the dramatic staging of the law in several texts accounts for multiple discourses at work in the trial scene. Ferguson's influential reading of *Billy Budd*, for example, does not account for how distinct forms of law reflect upon each other. In fact, in the mixing of aesthetic forms, seemingly distinct narratives become reflections of the accounts they claim to oppose, as natural and positive forms of law are not distinct but rather are reflected and even buried in each other. The explicit dramatization of space enables an understanding of the law as a relational form—a set of reciprocal bonds and obligations—rather than as a contractual individuality; the scene also foregrounds the law's dependence on the very figures it condemns.

For instance, the legal form of slavery under scrutiny in *Benito Cereno* leaves traces in the juridical form of war in *White-Jacket* and *Billy Budd*, suggesting histories of law and historical narratives intersect at the same time that they are effectively buried in one and other. While altering the context, *Billy Budd* restages a similar juridical predicament from *Benito Cereno* through the staging of silence. Staging divergent narratives as intersecting with one another rather than as isolated tales or purely empirical, singular, or chronological histories allots a place to the subordinated or “unwritten” trace of law, while also accentuating the contingent interplay between seemingly antithetical points of view. Some political theorists have sought to show that exclusion is a necessary feature of liberal democracies. For instance, Chantal Mouffe, a political theorist of exclusion, turns to Carl Schmitt's critique of liberal democracy, arguing the liberal dialogic between the rhetoric of inclusion and exclusion is a “constitutive paradox.”<sup>326</sup> Mouffe, however, does not account either for the violence of restricting citizenship or the political consent authorizing brutal modes of regulating the stateless figure. It is precisely these features that are dramatically brought to the fore in Melville's dramatizations of the law in the novel form.

Interestingly, it is through dramatic form's capacity for rendering the non-verbal as part of the story-line that the effects of political exclusion as violence acting on the non-citizen's flesh become apparent. Melville's dramatization of the vulnerable voice in the trial scene makes public not only how legal exclusion becomes constitutive in the making of American law but also how restrictive citizenship sanctions a permanent mode of violence.<sup>327</sup> Through the recurring trace of the non-citizen in various novellas, exclusion from legal protection materializes not as the “logic of inclusion-exclusion,”<sup>328</sup> but as an irrational yet legally maintained mode of violence. As a result, exclusion from political recognition is its own kind of violence as is evident in the historically charged scenes of silence in the trial scenes from *White-Jacket*, *Benito Cereno*, to *Billy Budd*.

While jurists frequently detach legal exegesis from context, relying on citations of precedents, legal intention, and abstract universals, something quite different occurs in

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into external laws, that is externally legislated [constitutes justice and here] is called jurisprudence (Jus). Where these laws have been externally legislated, the body of them is called positive Law,” 33.

<sup>326</sup> Chantal Mouffe, *The Democratic Paradox* (London and New York: Verso, 2000) 42-45.

<sup>327</sup> In “Critique of Violence,” Walter Benjamin defines militarism as the “compulsory, universal use of violence as a means to ends of the state,” 284.

<sup>328</sup> Mouffe 43.

the context of Melville's novellas; diffuse but plural voices in the margins of these texts transmit an alternate tale of the particular exclusions built into the drafting of American law.<sup>329</sup> Figures mute before the law, from *Benito Cereno* to *Billy Budd* mirror the historical restrictions on testimony in literal trial scenes impacted by the *Fugitive Slave Act* (1850), *Emancipation Proclamation* (1863), and *Reconstruction Act* (1867). Melville scholar Shari Goldberg argues in fact that the mute aspects in *Benito Cereno* offer an embodied testimony, an undelivered history of slave and fugitive lives denied the right in nineteenth-century courts to appear as a juridical subject.<sup>330</sup> One can also view the constant reflections on vocalization as the lingering afterlife of unanswered Aristotelian inquiries on the relation between political being (*zōon politikoon*) and speaking being (*logon echōn*). Reflections on vocalization, *logos*, and the prerogatives of citizenship are a central feature of political philosophy from Aristotle to Arendt, suggesting that silence can be read as the impact of laws that restrict democratic life and evidence of a mode of political exclusion that acts directly on the organs of vocalization.<sup>331</sup>

The staging of silence challenges ideas of pure vision and bring forth the restrictive effects of legal narratives through the crafting of a scenic effect. Setting the law in the allegorical space of the sea and amidst the “nautical deception of vapors,”<sup>332</sup> dramatic techniques unveil the “effect of enchantment” as a “deception” and dramatize a construct of pre-established semantic divisions as playing a decisive role in the trial. In the presentation of the trial as *mise-en-scène*, a brutal violence emerges between the legal point of view and the regulatory apparatus restricting citizenship. Invoking theatrical terms, literary space also becomes a “stage,”<sup>333</sup> an “amphitheatrical bay,”<sup>334</sup> and a “living spectacle”<sup>335</sup> of “strange costumes, gestures, and faces.”<sup>336</sup> A construct of perceptions, narratives, and gestures form part of the legal drama itself,<sup>337</sup> challenge received ideas

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<sup>329</sup> Although Melville scholars disagree over the correlation between the novellas and historical context in his novellas, a relation he also did not wish to render transparent, historical allusion enters the trial scenes as a critique of the writing and the recording of history.

<sup>330</sup> Shari Goldberg “Benito Cereno’s Mute Testimony: On the Politics of Reading Melville’s Silences,” *Arizona Quarterly: A Journal of American Literature, Culture, and Theory* 2:65 Summer 2009 1-26.

<sup>331</sup> See also Adriana Cavarero’s *Toward a Philosophy of Vocal Expression* (Stanford, Stanford University Press, 2005); See *Can the Subaltern Speak? Reflections of the History of an Idea* (New York: Columbia University Press, 2010), ed. Rosalind C. Morris.

<sup>332</sup> *BC* 240.

<sup>333</sup> *BB* 460.

<sup>334</sup> *W-J* 141.

<sup>335</sup> *BC* 242.

<sup>336</sup> *BC* 242.

<sup>337</sup> In “Theatricality,” Elizabeth Burns elaborates on the specificity of dramatic representation as a “construct of perceptions and interpretations” 14. She writes:

The perception of a possible dramatic construction of action and theme by the dramatist is interpreted by the producer who projects his interpretation to the actors who in turn project it to the audience. The spectators then see something



about the neutrality of observation, and make implicit restrictions on the right to speak freely as it is presupposed in legal forms, terms, and protocols.

Accentuating ambiguity or the “hazy distance”<sup>338</sup> and “the deadly space between”<sup>339</sup> figures highlights pre-established roles between actors. The pivotal aesthetics of ambiguity in Melville’s writing does not translate immediately into either a transparent history or an abstract form of critique; rather, it implies through dramatic means that legal judgments conducted under the aegis of truth tend to be illusions. Melville stages the trial scenes as a “living spectacle,” contrasting its manufactured visual wonder with the “blank ocean which zones it.”<sup>340</sup> Inverting the presupposed association between beauty and nature, the ocean is but a vague, sublime and “blank” zone overrun by modern ship’s “effect of enchantment.” Again, aesthetic terms condition the power of judgment in the scene. Contrasting the ocean’s void with an enchantment with the law dramatic techniques denaturalize theories of world, human behavior, or ordinary laws. The law’s stories and promise of contractual equity have the “effect of enchantment” as if they were works of art, seemingly distancing law from punitive, military, and regulatory mechanisms at the same time secretly sanctioning slaughter and death without impunity.<sup>341</sup>

In particular, dramatic technique parodies legal rationality, naturalism, and, hence, juridical discourses of positive law influential at the turn of the nineteenth-century. For instance, dialogue is distinct in dramatic texts and more akin to the concept of discourse; as Raymond Williams notes in “Drama in a Dramatized Society,” dialogue is derived from the Greek *dialogos* meaning conversation or discourse.<sup>342</sup> Discerning certain authoritarian discourses as presented in the captains’ dialogue in several novellas, Melville traces the ontological effects of juridical science by contrasting an audible and gruff voice of captain as the “law” with a number of non-verbal codes. As a result, the interpolation of dramatic technique uncovers the surreptitious management of “truth” and a set of sublimated laws, usages, and unwritten brutal social codes influencing adjudication in the courtroom scene.

Law as the institutional embodiment of a natural rights text—personified in the trope of “natural man” and the “free and equal clauses”—appears instead as an American

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which has moved a long way from the dramatist’s original perception and which they severally perceive according to their own experience and perspectives derived from their own...perspectives....This multiplicity of perceptions introduces an element of illusion into every performance....In relation to the theatre, reality and illusion are shifting terms. They do not denote opposites.

Everything that happens on the stage can be called real, because it can be seen and heard to happen. It is perceived by the senses and is therefore as real as anything that happens outside the theatre (15).

<sup>338</sup> *BC* 240.

<sup>339</sup> *BB* 456.

<sup>340</sup> *BC* 243.

<sup>341</sup> See Eric Slaughter’s *The State as a Work of Art* (Chicago: University of Chicago, 2009).

<sup>342</sup> Williams, *Writing in Society* (London: Verso, 1983) 31-64.

fable.<sup>343</sup> In contrast to a legible dialogue, vulnerable voices linger in the shadows of the trial scene: a chorus of “impulsive cries,”<sup>344</sup> a “wailing chant,”<sup>345</sup> and “tremulous voice”<sup>346</sup> disrupt the authoritative dialogue and outline a figure injured beyond social recognition in the three novellas under consideration in this chapter.<sup>347</sup> Drawing attention to the gaps between recognizable and explicit dialogue and “muffled” voices in the novellas, scenes represent how the enforcement of law restricts equality and manufacture fear in the juridical setting. Subsequently, the scenes offer a counter-narrative to histories of American law conceived as the telos of democracy and lay bare the destruction of constitutional “privileges.”<sup>348</sup> Dramatic scenes enact instead the violence of classifying “dark moving figures”<sup>349</sup> as “living freight”<sup>350</sup> and legal exclusion as a rule by decree that acts on the organs of vocalization.<sup>351</sup>

A convergence between legal exclusion, juridical science, and racial discourses in the nineteenth-century authorizes as a mode of brutal regulation based on prejudgments or, as White-Jacket’s narrator would phrase it, the “prejudice of justice.” The racialization of law codifies a particular *a priori* figuration of the non-citizen, as Antony Anghie’s argues in “Defining and Excluding the Uncivilized” from *Imperialism, Sovereignty, and the Making of International Law*, which historicizes the impact of discourses of law and civilization in the nineteenth-century. The institutionalization of positivist protocol and law emerges alongside a discourse on bodies of color in international law, a discourse about human geography, and the classification of species:

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<sup>343</sup> Robert M. Cover’s *Justice Accused: Antislavery and the Judicial Process* (New Haven: Yale University Press, 1975) 42-61.

<sup>344</sup> *BC* 298.

<sup>345</sup> *BC* 298.

<sup>346</sup> *W-J* 153.

<sup>347</sup> As Antonin Artaud writes in the influential work *The Theater and Its Double* (New York: Grove Press, 1958) 37, dramatic technique has the distinct capacity to “renounce our empiricism of imagery” by presenting a double as a significant negativity and datum in the scene that distinguishes it from painting and literature. Artaud also explains how dialogue is the least significant and most empirical aspect of a dramatic text. The non-empirical elements within a dramatic scene offer more of a hermeneutic tool for elucidating conditions of subordination and challenging exegesis.

<sup>348</sup> For a recent study on nineteenth-century liberalism, see Katherine Henry’s *Liberalism and the Culture of Security: The Nineteenth-Century Rhetoric of Reform* (Tuscaloosa, AL: University of Alabama, 2011) 43-44. In a reading of Harriet Beacher Stowe’s *Dred: A Great Tale of Dismal Swamp*, Henry historicizes the emergence of an “ideal of protected citizenship” and considers its “charged tension with the slave’s complete lack of legal protection,” 43. Her study initiates an important inquiry into the contradictory claims and divisive effects of a liberal notion of citizenship as abstract civic enfranchisement.

<sup>349</sup> Herman Melville, *Benito Cereno* in *Great Short Works* (New York: Harper Collins, 1962 and 2004) 240. Originally published in *Putnam’s Monthly* in 1855. Hereafter referred to as *BC*.

<sup>350</sup> *BC* 283.

<sup>351</sup> *BC* 240.

Positivist jurisprudence was so insistent on this distinction that any system of law which failed to acknowledge it was unacceptable...., a shift which facilitated the racialization of law...Once non-European states were excluded from the realm of sovereignty, they were precluded from making any claim in the realm of international law.<sup>352</sup>

Anghie accounts for how the “non-European”—denied the right to testimony and due process—either appears in the court as the condemned outlaw figure through citations of treaties.

Anghie’s legal history illuminates the predicament presented in *Benito Cereno*, as the American Captain Delano enters the scene of slave ship moored off the coast of Chile, instantly differentiating himself as a lawful subject from the “the lawlessness and loneliness of the spot.”<sup>353</sup> In fact, the novella dramatizes imperial discourses classifying both Europe and North America as the terrain of law while constructing Latin America as “lawlessness.”<sup>354</sup> Additionally, the advent of positivist protocol personified in Melville’s dramatization of the juridical gaze—the look with “one eager glance” that “took in all faces” as if no more than “every other object about him”—reproduces a legal rationality perceiving non-citizen’s living body as merely a thing-in-itself and an article of property outside the purview of rights. In the nineteenth-century, “international law” thus emerges as a discourse on sovereignty rationalizing the “rule of law” and land seizure.

### 3.2 “Prejudice of Justice”: Punishment as Political Theology in *White-Jacket*

*So, at last I was fain to return to my old level, and moralize upon the folly, in all arbitrary governments, of striving to get either below or above those whom legislation has placed upon equality with yourself.*

*White-Jacket: or, The World on a Man-of-War, 1849*

In *White-Jacket*, there is a sound notably wounded by the pain and humiliation of “our man-of-war world.” The “hoarseness of the cry, its unrelenting prolongation, its being caught up at different points” resonates through the “lowermost depths of the ship,” producing a “most dismal effect upon every heart not calloused by long habituation to

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<sup>352</sup> Antonin Anghie, *Imperialism, Sovereignty, and the Making of International Law* (Cambridge, UK and New York: Cambridge University Press, 2005) 55.

<sup>353</sup> *BC* 239.

<sup>354</sup> Jurists such as Carl Schmitt cite the development of international law in the nineteenth-century Americas and the legalization of land appropriation as informing twentieth-century treaties and legal norms. See *The Nomos of the Earth in the International Law of the Jus Publicum Europaeum* (New York: Telos Press, 2003).

it.”<sup>355</sup> The passage suggests war is made permanent by the “long habituation” to another’s anguish, a diminished capacity to sense, listen, and respond to an unrelenting cry. In this scene, the striving to “get either below or above” aboard a man-of-war ship negates and contradicts the legislative promise of equality. The novel offers realist sketches about regulations aboard the “man-of-war”<sup>356</sup> ship, adumbrating “penal laws”<sup>357</sup> and a “prejudice of justice.” In contrast the democratic township imagined in Jefferson’s and Toqueville’s writings on American democracy, scenes reveal the acute effects of penal laws side and the naval practice of flogging sailors far from the New England shores.<sup>358</sup>

Punishment becomes a way of deratifying a claim to citizenship. For instance, the subordination even of the citizen-sailor to the naval laws of conscription and flogging in *White-Jacket* lays bare the capacity for the principles of citizenship and equality to be arbitrarily revoked.<sup>359</sup> In the chapter “The Genealogy of the Articles of War,” *White-Jacket*’s narrator poses this juridical dilemma:

Form the ark and constitution of the penal laws of the American Navy, in all sobriety and earnestness it may be well to glance at their origin. Whence came they? And how is it that one arm of the national defenses of a Republic comes to be ruled by a Turkish code, whose every section almost, like each of the tubes of a revolving pistol, fires nothing short of death into the heart of an offender? How comes it that, by virtue of a law solemnly ratified by a Congress of freemen, the representatives of freemen, thousands of Americans are subjected to the most despotic usages, and, from the dockyards of a republic, absolute monarchies are launched, with the ‘glorious stars and stripes’ for an ensign? By what unparalleled anomaly, by what monstrous grafting of tyranny upon freedom did these Articles of War ever come to be so much as heard of in the American Navy?

Whence came they? They cannot be the indigenous growth of those political institutions, which are based upon that arch-democrat Thomas Jefferson’s Declaration of Independence.<sup>360</sup>

The juridical form of war authorizes the state to suspend, violate, and restrict citizenship and, ironically, by invoking the “virtue of law.” Again, the staging of the law at sea is posed in contrast to the numerous novels dramatizing the utopian fulfillment of a

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<sup>355</sup> *W-J* in Chapter XXI, “The Gunner Under Hatches.”

<sup>356</sup> *W-J* 96.

<sup>357</sup> *W-J* 151.

<sup>358</sup> Subaltern is a maritime term Melville employs throughout his fiction, including *White-Jacket* and *Moby-Dick*. In *White-Jacket*, Melville describes “various sailors who, from time to time, were billeted...to do the duty of subalterns,” 102.

<sup>359</sup> In “Critique of Violence,” Benjamin defines militarism as the “compulsory, universal use of violence as a means to ends of the state,” 284. See *Reflections: Essays, Aphorisms, Autobiographical Writings* (New York: Schocken Books, 1986).

<sup>360</sup> *W-J* 151 and 244.

Jeffersonian ideal of democracy as the separation of powers and enfranchisement of townships.

In *White-Jacket*, it is not the virtue of its citizens that grounds the state, but its own monopoly on violence and monophony, including the right to arbitrarily decide who belongs to the state, and who does not. The novel is loosely based on Melville's years as a sailor aboard a naval frigate appropriately named the *United States*, and so the warship not only emerges as an allegory of a nascent national power but also a general "social state in a man-of-war."<sup>361</sup> Terms such as "equality" explicitly proclaimed as the ship's political structure contrast sharply with invented legal procedures and pervasive hierarchies aboard the *Neversink*. Dramatizations of the banality of the routine on a warship persistently disclose citizenship and law as a means of sanctioning exclusion, "striving to get below and above" another, producing hierarchical taxonomies dividing populations, and blatantly violating constitutional promises.<sup>362</sup> The novel stages liberal discourses amidst the space of naval frigates and calls analogies between law, justice, and equality into question.

Legal historians and scholars note, the effects of nineteenth century juridical taxonomies curtailing the law's purview over conduct in battlefields and navies generated a rigid structure of norms—virtue and vice, legitimate and illegitimate violence, innocence and guilt—instrumental in absolving political institutions and state functionaries from legal rebuke. The dramatization of the trial scene in *Billy Budd* and *White-Jacket* capture the ironic use of moral terms such as virtue and vice in nineteenth-century juridical discourses.<sup>363</sup> The scenes of flogging, for instance, detail instead a brutal mode of regulating internal populations and social space, while dramatic techniques contrast the dissonance between "moral" claims of virtue and equality with the brutal and quotidian violations of democracy that occur in its name. Commanding officers in *White-Jacket* proclaim the ideal of "equality" to rationalize and normalize punishment as a just

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<sup>361</sup> *W-J* 308-310.

<sup>362</sup> *W-J* 65.

<sup>363</sup> In *Of War and Law*, Kennedy writes:

We should remember, however, that the military professional also benefitted from the nineteenth-century structure of clear norms marking virtue from vice and regulating the battlefield as a space marked off from civilian or commercial routine. Of course, in the nineteenth century, these sharp boundaries were built around an image of sovereign authority to make war that was itself unrestrained....Moreover, a sharp separation between the law of war, regulating the justice of declaring war in the first place, and the law in war, regulating conduct in the battlefield, separates the responsibility of political leaders—the sovereign—from that of the military. It becomes reasonable for the military professional to feel that the justice of war is simply not his or her responsibility (102).

The words of Captain Vere—the diabolical character figuring in *Billy Budd* at once as lawyer, judge, and executioner—exactly mirrors Kennedy's analogy showing how the impact of the "nineteenth-century structure of clear norms marking virtue from vice" justifies the juridical form of war, protects the sovereign figure from legal rebuke, and sanctions the commanding figure on the battlefield to act without impunity.

end, as the ship as an analogy for governmentality—an enclosed, hierarchical, and militarized space—makes visible coercive mechanisms of managing populations as a way of deratifying a claim to citizenship.<sup>364</sup>

Scenes instead reverse the metaphysical misuse of moral and legal terms and denounce the “prejudice of justice,” as the application of a set of “immutable laws” as prejudgments in purportedly objective legal decisions. When “prejudice” enters into the political and the legal arena, however, a construct of pre-established perceptions and hierarchical semantics (*logos*) condemns figures prior to any legal finding—a juridical act contradicting the principle of innocent until proven guilty.<sup>365</sup> Staging the trial amidst the scene of war counters the image of legal principles considered cornerstones of democracy—due process, equal protection, and an impartial trial—as equal rights. In addition, “prejudice” in adjudication subjects particular cases and figures to the rule of an abstract temporality, unwritten precedents, and pre-established laws evading responsibility for the present context or particular case.

“Striving to get either *below* or *above* those whom legislation has placed upon equality with yourself,” exclaims the novel’s narrator, is the “moral folly” of “arbitrary governments.” The passage indicts the “arbitrary” application of law; as the scene of arbitrary punishments and ritual public floggings of subordinate sailors dramatize the legislative term “equality” as evacuated of ethical content. Foregrounding the “folly” of “all arbitrary governments,” Melville transfigures the ship *Neversink*’s gun-deck into “stage.” Equality—a principle frequently cited by legislators but under public contestation in the final decades of the antebellum period—appears in novels such as *White-Jacket* as a juridical paradox arbitrarily cited. Scenes emphasize the ironic usage of the term and the bellicosity of the legal scene within a “man-of-war world.” The novel details the impact of war not on an external enemy and territory—although these effects are implicit—but on internal regulatory mechanisms. Detailing the effects of a war-state on everyday life, the novel describes the “entire interior” as a space saturated by animosity, “mutual repulsion,” a “body of discipline,” “cruel cogs and wheels,” “spiteful detraction,” and “torture by official treatment.” Here, the state maintains the “impossibility, on the part of the common seaman, of appeal from incidental abuses,” while the actions of superior officers are not only the law but beyond “legal rebuke.”<sup>366</sup>

Laws sanction officers to act “on” and violate the sailors celebrated as consummate patriots, as irony calls into question why citizenship is so restrictively managed even during displays of nationalist fervor. For example, the narrator explicitly refers to the active role played by “regulation” in the ship’s sociality:

However, much as you may desire to absent yourself from the scene

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<sup>364</sup> *BC* 250.

<sup>365</sup> See Hannah Arendt’s “Prejudice and Judgment,” *The Promise of Politics* (New York: Schocken Books, 2005) 99-108. While Arendt writes prejudice “shares with judgment...the way in which people recognize themselves and their commonality,” when the “substitution of prejudice for judgment...becomes dangerous only when it enters into the public arena.”

<sup>366</sup> In *White-Jacket*, one of Melville’s explicitly realist novels, he crafts a chapter “The Social State in a Man-of-War,” 308-310.

that ensues, yet behold it you must; for regulations enjoin the attendance of the entire ship's company.<sup>367</sup>

The passage points to an irony in the scene of a naval commander ordering the crew to witness the flogging of a fellow sailor: the scene reproduces entrenched practices of punishment in the form of "regulations," thus decreeing violence as a lawful practice and even requiring the entire ship's company to "behold" the scene as if it were a kind of marvel of "justice." "You must" aboard a man-of-war ship witness the flogging of fellow sailors "for the regulations" require each the entire ship's attendance, describes *White-Jacket*. Punishment—resembling the spectacle of crucifixion and lynching—becomes itself a political theology within the secular laws of American democracy.

This grotesque "secular" ritual serves to maintain the ship's order and command structure but nonetheless attains the status of political theology, as it serves the function of coercing the spectators into submission. The ship's authority requires the witnessing of punishment, as if a national pastime and ceremony, and reveals the paradox of citizenship under war: the compulsory seeing of the way violence and punishment are transmogrified into justice is an obligation of citizenship, since to "see" it is to ratify it. Here, penal laws that mandate brutal punishments supplement the juridical form that is supposed to represent democracy, at which point America democracy itself is revealed as brutal form and the scene of flogging assumes a theological aura as if the ritualization of crucifixion.<sup>368</sup>

The fact that the flogging of a sailor—the embodiment of national honor—is legal under the "Articles of War" and so prompts Melville to parody the terms "people" and "liberty" by placing them in quotations in *White-Jacket*. "Liberty" is satirically staged not as the norm but as an exception, the one day sailor-citizens are permitted leisure and the right to move out from under the Captain's "corporal eye." Here parody functions not merely to mock the ship's captains or authorities but to illustrate the man-of-war ship's equivocal relation to the term and ideal of democracy. Despite "how much you may desire to absent yourself," the spectators' obedient attendance at the flogging ritual consent to exchanging the terms of popular democracy for war.

The study of dramatic techniques in Melville's writing brings to light an ethical and philosophical dimension in his novels, as scenes emphasize the relation between particular cases of exclusion and the principle of universal equality. Thus, Melville's

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<sup>367</sup> *W-J* 65.

<sup>368</sup> Carl Schmitt's notion of political theology and the particular thesis of exception, an argument for the legalization of a state of emergency or state terror, have gained an enormous amount of theoretical currency. However, Schmitt conveniently evades any discussion of legally sanctioned punishment. In Schmitt's definition of political theology, there is a deceptive slippage between the terms "norm" and "exception." While he argues that in fact the exception is not the norm, seeking to preserve the juridical power of the former, he in fact uses these terms interchangeably and hence argues the state of exception should be a permanent norm. In the reading the scene of capital punishment as a theological moment, I am not only underscoring the normalization of punishment but also offering an alternate definition of political theology. The theological is always and already present in state forms and juridical processes.

crafting of dramatic ambiguity and the indecipherable shadow zone exposes the trace of one form of law on the other, indicating how the rhetoric of positive law colludes with the increasing political violence sanctioned by legal restrictions on citizenship. The distinction between the dramatic and novelistic scene demonstrates how theatricality can enact a critique of that form of legal semantics that sanctions political exclusion and violence.

When, for instance, *White-Jacket's* narrator, objecting not just to the victim's but to the spectator's degradation in the flogging scene bellows while watching the injustice of "a human being, stripped like a slave,"<sup>369</sup> then the juridical term "human" stands stripped of moral content and in its place presides the violent semantic classification "slave". Although at times an analogy for all human degradation and, at other moments, an explicit historical reference, slavery haunts many of Melville's scenes as the phantasmagoric dimension of juridical exclusion and lynching in American law. Yet, dramatic technique at work in the scene of the enslaved figure Atufal's parodying Captain Benito Cereno's commands implicitly offers a critique of entrenched narratives of slave "nature" as an originary, noble, and obedient state found in political theories such as Thomas Hobbes *Leviathan* (whose theses Melville continuously stages as narratives from *Benito Cereno* to *Moby-Dick*). Unmasking the fraudulent use of the terms of democracy, dramatizations of the trial scene and its punitive power at a distance from the originary language of the U.S. Constitution begin to petition for democracy.

Thus, theatrical techniques and verse work also to interrogate a breach in the terms of democracy, questioning the banal and quotidian proliferation of that breach within scenes of violence and punishment. A Melville poem, "The Armies of the Wilderness," elucidates the futile logic but brutal semantics of violence: "Pursuer and pursued like ghosts disappear/ In gloomed shade—there end who shall tell?"<sup>370</sup> The apparition of the terms "pursuer" and "pursued" haunt the romanticized trope of the wilderness, while verse invites a notion of equality as an action distinct the divisive semantics of war. The poem renders ambiguous the divisive terms "pursuer" and the "pursued," emphasizing an interrelation and positing an extra-judicial mode of reflection as an obligation of democratic life.

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<sup>369</sup> *W-J* 112.

<sup>370</sup> Melville, "The Armies of the Wilderness" in *Battle-Pieces* reprinted in *The Poems of Herman Melville* (Kent and London: Kent State University, 2000) 103.



### 3.3 Equality's Shadow: Drama and Social Death in *Benito Cereno*

Shadows present, foreshadowing deeper shadows to come.

*Benito Cereno*

Challenging positivist protocol, techniques such as parody, dramatic ambiguity, and irony uncouple the association of law and narrative truth with equality. *Benito Cereno* restages Amasa Delano's *Narrative of Voyages and Travels in the Northern and Southern Hemisphere* as a juridical fable; as when the American Captain enters a decaying ship moored off the coast of Chile, moving shadows challenge his vision. The novella stages Amasa Delano's eye witness account as a script, troubling perceptions of mimetic authenticity, linear temporality, and first person authenticity.<sup>371</sup> Dramatic techniques such as parody are critiques of an evidentiary power influential in adjudication, as they counteract the association of sensation with legal science.<sup>372</sup>

What can drama do in the face of social death? Dramatic techniques in *Benito Cereno* serve to contrast the audible dialogue between captains with figures mute before the law, while a set of pre-established semantic divisions position the figures differently. As traces of "breaths" appear in the scene, the non-citizen appears as a figure existing in the shadow of "a condition of things." *Benito Cereno*'s crafting of a shadow in the trial scene attests to ambiguous zones and figures in the legal setting that is the enslaved non-citizen's status before the law.<sup>373</sup> The dramatic scene presents errors and ambiguities but also evokes sound and touch to stage the law as a tragic character whose hubris has deadly consequences.<sup>374</sup>

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<sup>371</sup> *Benito Cereno* restages Amasa Delano's *Narrative of Voyages and Travels in the Northern and Southern Hemispheres: Comprising Three Voyages Round the World; Together with a Voyage of Survey and Discovery, in the Pacific Ocean and Oriental Islands* (Boston, Printed by E G. House, for the author, 1817).

<sup>372</sup> See also the critique of technocratic and legal prose in "Bartelby, The Scrivener" in *Great Short Works* (New York: Harper Collins, 1962 and 2004).

<sup>373</sup> See Robert M. Cover's *Justice Accused: Antislavery and the Judicial Process* (New Haven and London: Yale University, 1975). Cover begins his legal history with a reading of *Billy Budd*, comparing the authoritarian Captain Vere in the novella to Sophocles' Creon and reading Billy's juridical predicament as representing the condition of a fugitive slave.

<sup>374</sup> William Blackstone writes, "I therefore style these parts of our law *leges non scriptæ*, because their original institution and authority are not set down in writing, as acts of parliament are, but they receive their binding power, and the force of laws, by long and immemorial *usage*, and by their universal reception throughout the kingdom. In like manner as Aulus Gellius defines the *jus non scriptum* to be that, which is "*tacito et illiterato hominum consensu et moribus expressum*," in *Commentaries on the Laws of England* (London: Printed by Strahan, 1756) 79-80.

Silence in the novella points to the enslaved figures' captivity. As non-citizens, the figures are held captive in several senses: he or she requires legal protection but is denied these constitutional privileges; between the enclosed ship and the perilous sea, there is no escape; denied the right to testify, the enslaved figures are literally barred from the right to speak freely. The dramatization of law at the novella's end also reveals that the courts have no intention to extend equal citizenship or to relinquish their arbitrary power to summon.<sup>375</sup> As "strange inmates in a strange land,"<sup>376</sup> enslaved figures bearing the mark of foreignness are imprisoned and detained by the law in a space with no escape.<sup>377</sup> In this context, the "strange" becomes criminal; that is to say, the law's perception of the "strange" as criminal extends to the rationalization of slavery as a permanent bondage and the institution of statelessness.

The staging of light and shadow are not only illusions to the divisions between included and excluded parties, but traces of a condition of entrapment within the internal apparatus of the "social state in a man-of-war world." Certainly, there is sufficient evidence throughout U.S. history to establish the fact that the denial of due process and prohibition of slave testimony implement restrictive regulations to preserve legal forms.<sup>378</sup> Despite the ethical vacuity of the law in *Benito Cereno*, legal decrees have lethal effects and do not only dictate action but actively enslave. In the dramatization of law, shadows persist as at once "phantoms" and also the trace of "few breaths." The dual status of the excluded figure as spectral (phantom) but also a "living body" marks the

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<sup>375</sup> See Sarah Kofman's *Smothered Words* (Evanston, Illinois: Northwestern University Press, 1998). The reading of the law in Kofman's text is crucial, as she writes: "The law tries to fight errancy by means of punishments that sometimes prove deadly, by condemning detainees to work that is absurd, by beatings inflicted with insane cruelty. Behind the arbitrariness and injustice (and here again one inevitably thinks of the demented games played by SS), these beatings are meant to reestablish order and the equilibrium of the house, to force recognition of the omnipotence of the law (of the story) and of the idyllic economy, which confers the right to put to death everything that it tries to escape it," 21.

<sup>376</sup> *BC* 242.

<sup>377</sup> In Kofman's reading of Franz Kafka, she writes:

For the law also imposes itself insidiously, by means of seduction and attraction.

Indeed, it quickly abandons anything that might serve as a reminder of the police....in an attempt to strip the foreignness from the irreducibly Other, he who comes from elsewhere,...the man of the coming, always in transit, the unknown man who restores the call to outside, and over whom power has no hold (22-23).

<sup>378</sup> See "The Shadow of the Law" in Saidiya V. Hartman's *Scenes of Subjection: Terror, Slavery, and Self-Making in Nineteenth-Century America* (New York and Oxford: Oxford University, 1997) 101-103. Hartman writes the "cynical recognition of slave humanity" ironically classified "crimes against the flesh to the category of negligible injury and thereby reduce the already brutally circumscribed scope of black humanity." The particular condition of slave engendered as female "comes to represent the pained and punitive calculation of subjectivity not only in its various nominations—black, chattel, woman—but also in ways that defy a singular or sovereign axis of dispossession," 102.

condition of liminal visibility within the trial scene itself, but also suggests the presence of a living being despite Captain Delano's limited vision.<sup>379</sup> Thus, perception alone ceases to be the primary faculty for asserting a relation between actors. Again, as Morrison and Ellison retrospectively note, a dichotomy between the seer as "peering over" and the seen delineates a pre-ordained power differential in court scene.<sup>380</sup>

The dialogue between the captains resembles racial discourses restricting citizenship while fomenting a juridical discourse on lawful and lawless figures. Captain Delano, for instance, at the novellas start is "peering over" the other "dark moving figures...dimly descried, as of Black Friars pacing the cloisters."<sup>381</sup> Amidst limited visibility and audibility, however, the gestures and the movements between the "figures...pacing the cloisters" leave traces of another linguistic and epistemological register within the novella. Despite Delano's inability to see the "figures...dimly described" as more than "valuable freight," "moving shadows" and "whispering together in low voices" interrupt the captains cast as lawful citizens and adjudicators.<sup>382</sup> Sound figures and shadows trouble Delano's vision and the status of the eye witness account alone, as "the noisy confusion of the San Dominick's suffering host repeatedly challenged his eye."<sup>383</sup>

When Captain Delano—persistently cast as blind—enters a slave ship in the aftermath of a mutiny, a drama of misperception ensues; bewildered by the scene of lordship and bondage unfolding before his eyes, he inquires "'this scene surprises me; what means it, pray?'"<sup>384</sup> Appearing as a rhetorical question, the term "scene" then

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<sup>379</sup> See Orlando Patterson's *Slavery and Social Death: A Comparative Study* (Cambridge: Harvard University, 1982). While I do not agree with every aspect of Patterson's analytic, there are some important Hegelian resonances that are notable. For instance, Patterson describes the most distinctive attribute of chattel slavery as the transformation of social relations to a "substitute for death, usually violent death," 5. Thus, law becomes the manager and the producer of death.

<sup>380</sup> See also Robert Gooding-Williams *Look, A Negro!: Philosophical Essay on Race, Culture and Politics* (New York: Routledge, 2006) 14-15. Gooding-Williams chronicles the media's persistent incapacity to "regard black people...as fellow citizens" in the aftermath of L.A. "riots" as a "failure to regard the speech or actions of black people as manifesting thoughtful judgments about issues that concern all members of the political community," 14.

<sup>381</sup> BC 240.

<sup>382</sup> BC 240.

<sup>383</sup> BC 247.

<sup>384</sup> BC 256. "Scene" is an important critical term and requires contextualization in relation to dramatic theory. The dramatic and the novelistic scenes are not analogous, as the former does not privilege the text as the exclusive conveyor of meaning. In a dramatic scene, actors, movement, setting, and vocalization mediate the narrative and put forth a "speaking of the text in a given staging, the way in which its presupposition, its unspoken elements and its enunciations are brought out that will confer on it a particular meaning." See Patrice Pavis' *Languages of the Stage* 18. Melville's dramatic scenes present dialogue and texts in relation to a variety of "unspoken elements," enacting an interplay

alludes to non-verbal codes outside the audible dialogue between the captains and gestures, as well as to the divided conditions of enunciation in the legal setting.<sup>385</sup> The particular “surprise” catching Delano’s attention is the “moving figure or a gigantic black” with an “iron collar...about his neck...thrice wound round his body.”<sup>386</sup> Atufal, one of the few named enslaved figures, remains silent when summoned, momentarily playing the part of the obedient, docile, and “content” slave but later exercising a tremendous over the captains.

The opportunistic Benito, taking advantage of the situation, asks Atufal, “will you ask my pardon?”<sup>387</sup> This question appears in a pivotal moment within the novella as Delano, oblivious to the charade happening in the scene where Atufal appears to exemplify fidelity and docility, attempts to decipher the truth about the strange ship in distress. Taking advantage of Delano’s limited knowledge, however, Cereno orders Atufal to beg him for a “pardon.”<sup>388</sup> However, Atufal refuses to say the word “pardon” and appears ceremoniously every two hours before Cereno as if parodying the very chains encircling his body and but the order to apologize through gestures that exceed Delano’s comprehension. His speechlessness is also a gesture and a refusal.

As the distance between the event—the alleged slave mutiny—authorizing the trial and dramatic space grows, the use of theatrical techniques parody legal rationality, dramatize narrative accounts as fable, and expose the contradictions in an increasingly republican form of American democracy.<sup>389</sup> The “scene” also attests to the American Captain Delano’s limited vision and the limits of the Lockean rhetoric of understanding:

He complied, with republican impartiality as to this republican element, which always seeks one level, serving the oldest white no better than the youngest black.<sup>390</sup>

Parody disrupts the rhetoric of republican rule and objectivity, increasingly influential in the national setting and in adjudication, through depictions of Delano’s flawed perception and increasing powerlessness. At one point, Captain Delano is forced to “eat his words”

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between text and gesture as well as staging narratives not as isolated accounts but in relation to other tales.

<sup>385</sup> In *Reading Theatre*, Anne Ubersfeld specifies the particular semiology of theatrical discourse, writing “the specific message that theatrical performance expresses is not so much the discourse of the characters as it is the conditions for the exercise of that discourse,” 161.

<sup>386</sup> *BC* 255.

<sup>387</sup> *BC* 255.

<sup>388</sup> *BC* 255.

<sup>389</sup> In “Drama in a Dramatized Society,” Raymond Williams writes that society is “sufficiently dramatic” and dramatic form is inherently social. In the relation between the two—interactive forms—“congruous and comparable practices exist” and the “more interactive” then the “world of fixed signs is less formal,” 16. See *Writing in Society* (London: Verso, 1983).

<sup>390</sup> *BC* 275.

as he cannot but “marvel at the panic by which himself had been surprised.”<sup>391</sup> The satire of “republican impartiality” is also a critique of positive law, an increasingly influential form rationalized by claims of veracity and objectivity in nineteenth-century courts, as Anghie documents. While republicanism emerges in the mid-century through narratives of racial equality such as those epitomized in Lincoln’s antebellum speeches,<sup>392</sup> *Benito Cereno* mocks the republican instrumentalization of anti-slavery narratives by depicting the disparity between white and black as effectively the same as the gap between speech and silence.<sup>393</sup> In the novella, the republican narrative of racial equality appears as a farce, as Melville contrasts the juridical claim of “impartiality” with the condition of enslaved figures mute before the law.

While shadows suggest a status not fully visible, gestures, echoes, and the wailing in the scene do offer an account of living bodies through sound. The acoustic traces challenge not just Captain Delano’s vision but the appearance of a monolithic language or the law’s monophonology, the appearance of the Deposition at the novella’s end as the only “truth.” In fact, the sounds of a chorus ravaged by the brutal regulations testify to slave resilience. What is visible diverges from what is moving and audible; as a result, the distinction between these different senses poses different questions of judgment in the scene. *Benito Cereno*’s “inner sound”—whispers, chants, “impulsive cries”—prove “unpleasing” to Delano as they disrupt the coherence of Benito Cereno’s account and voice.<sup>394</sup> In fact, the chorus composed of enslaved non-citizens in *Benito Cereno* sings throughout the scene of adjudication “a wailing chant, whose chorus was the lash of steel.”<sup>395</sup> While perception is cast as a solitary act of judgment, listening and acoustics posit a relation between several actors. In *Benito Cereno*, melodic and mournful sounds as if “pipers playing a funeral march”<sup>396</sup> As music, the sounds dramatize like Billy’s song the law’s questioning of the enslaved non-citizen figures’ rights to exist at all.<sup>397</sup>

The “moving figures” and sounds are forms of social life in *Benito Cereno*, although deemed socially dead by the laws of American chattel slavery. The actions, “whispers,” and words are not recognized by the captains and, as a result, denied recognition as informed judgments about the state of affairs. The legal outcome at the novella’s end is deemed a just end, attesting to the law’s power to confer the right to put to death every living thing. The “breaths” and “impulsive cries” leave traces of living but captive bodies that have no escape on the *San Dominick*. Written amidst national debates

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<sup>391</sup> BC 274.

<sup>392</sup> See Abraham Lincoln, “The Dred Scott Decision,” Speech at Springfield June 26, 1857, in *Abraham Lincoln: His Speeches and Writings*, ed. Roy P. Basker (New York: World Publishing Company), 359.

<sup>393</sup> For readers unfamiliar with *Benito Cereno*, the novella presents a dialogue between an American and a Spanish captain while a silent chorus of slaves moves through the scene.

<sup>394</sup> BC 267 and 298.

<sup>395</sup> BC 298.

<sup>396</sup> BC 243.

<sup>397</sup> Adorno relates the right to exist with music, writing: “The right of music—of all music—to exist at all is called into question,” 135. See “On the Contemporary Relationship of Philosophy and Music” in *Essays on Music* (Berkeley: University of California Press, 2002) 135-161.

about the rights of fugitive slaves, the insurgent or the “moving figures” in *Benito Cereno* reveal how discourses of legitimate and illegitimate violence coincide with slavery as a mode of political exclusion by legal means.<sup>398</sup> These traces of “breaths” attest to how political exclusion sanctions death and becomes a constitutive factor in the making of law.

Sound figures also offer a critical hermeneutics for interrogating a mode of positivist perception influential in constituting exclusion and slavery as legal.<sup>399</sup> When Delano enters the scene, he stands before a “noisy confusion of the *San Dominick’s* suffering” that “repeatedly challenged his eye.”<sup>400</sup> While barred from legal testimony, the chorus asserts a claim and defies the court’s classification of the enslaved non-citizen as “not being” or a legal nullity.<sup>401</sup> In *Benito Cereno*, ambiguous sounds more than sight or dialogue challenge the spectator. “Noise” and “whispering” despite the law’s gaze emphasizes the contingency between figures, while acoustic and moving traces expose the effects of legal semantics—including key terms such as citizen, slave, and non-citizen on social space. Literary ontology is of course not reducible to perception, sound, or legal history alone, but the interpolation of dramatic techniques into the novella testify to the effects of violence and juridical vulnerability through faculties other than perception.

In *Benito Cereno*, confined, immobile, and chained figures are instead “present” but only traceable as shadows, breath, whisper, and noise: the specter of those classified outside the law. In fact, enslaved figures such as Atufal are ambiguously living and dead throughout *Benito Cereno*, exposing the limits of the ideal of equality and testifying to the condition of social death within the juridical form of citizenship. As a “moving figure,” however, he disrupts the legal scene and the non-citizen’s trace asserts itself as an active political being despite the condition of speechlessness:

Captain Delano’s attention was caught by the moving figure of a gigantic black, emerging from the general crowd below, and slowly advancing towards the elevated poop....An iron collar was about his neck, from which depended a chain, thrice wound round his body.

‘How like a mute Atufal moves,’ murmured the servant.

The black mounted the steps of the poop, and like a brave prisoner, brought up to receive a sentence, stood in unqualing muteness before Don Benito...

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<sup>398</sup> In fact, the narratives of “states of nature” within political treatises are punctuated with a racial determinism and the trope of the noble slave. The way the phantom emerges in the legal trial in Melville is parallel to the way that persons considered ineligible for citizenship on the basis of race populated “state of nature” theses written by classical liberal political philosophers.

<sup>399</sup> For an explication of theatricality as a distinct form of art see Elizabeth Burns, *Theatricality: A Study of Convention in the Theatre and in Social Life* (New York: Harper & Rowe, 1972).

<sup>400</sup> BC 247.

<sup>401</sup> BC 257.

While the audible dialogue between the captains attains the status of concrete evidence within the trial by the novella's end, Atufal's powerful gestures and movements contrast with his "unquailing muteness." His elective silence offers an alternate account, distinct from the one recorded in court. In this passage, Atufal's silence assumes a tremendous power and exposes the master's corporeal dependency on the slave.

Watching the scene, Captain Delano both recognizes and diminishes Atufal's power, observing: "This is some mulish mutineer.... surveying not without a mixture of admiration, the colossal form of the negro."<sup>402</sup> While the shadows and the gestures leave traces of living bodies resisting social death, the trial ironically denies the enslaved figures any legal status and instead perceives the figure as racial form. The slave as non-citizen is locked in a space deprived of social recognition or the possibility of escape. The possibility for dramatic dialogue between two equally positioned actors is here in the scene brutally obliterated by the pre-established hierarchy aboard the slave ship. This particular scene highlights both the complexities of perception in an overtly adversarial setting, emphasizing the conditions structuring the "unquailing muteness" of slave silence in the novella.<sup>403</sup>

As readers of *Benito Cereno* are aware, the entire scene of slave docility and fidelity is unveiled by the novella's end as a farce on the dramatics of truth aboard the *San Dominick*. In fact, the captain loses complete command of the ship in the wake of a slave mutiny. Atufal's gestural narrativity or, to borrow the more specific Brechtian term, *gestus*, then enacts a type of anarchy, simultaneously contesting the reified image of the slave as property.<sup>404</sup> In the absence of a singular and a decipherable story, the conflict between the narrative "truth" and the *mise-en-scène* encircling the legible dialogue offers a crucial critique of the social divisions that restrict equality and rights aboard the *San Dominick*.<sup>405</sup> At one moment in the scene, for instance, Benito Cereno in the very moment of punishing Atufal is forced to confess that in fact the enslaved "may have some right."<sup>406</sup> As a result, Atufal's parody of punishment in fact counters the master's

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<sup>402</sup> BC 255.

<sup>403</sup> BC 255.

<sup>404</sup> In *Languages of the Stage*, Patrice Pavis offers a compelling reading of Bertolt Brecht's theory of *gestus* and the implications of a theatre of the body for contesting the omnipotent law of the story. She writes:

In fact, *Gestus* and *Story* are tools which are constantly being elaborated. They are located at the precise point of intersection of the real object to be imitated (to be shown and told) and the subject perceiving and criticizing this reality....Extracting the *Story* or conveying the appropriate *Gestus* will never mean discovering a universally decipherable *Story* once and for all inscribe within the text...This work of exposition has to be complemented by the spectator's own work, the spectator having the last word (46).

<sup>405</sup> Pavis defines gestural narrativity as "organized syntactically rather than semantically—for example, by systems of thematic or meaningful oppositions (movement/attitude; speed/slowness; jerky movements/ smooth movements; life/death; animate/inanimate, etc.)," 58.

<sup>406</sup> BC 256.

intention of showing that it is legitimate to keep the figure in chains and, instead, discreetly prompts a dialectical reversal. When Benito Cereno confesses that in fact Atufal is entitled to rights, parody enters the text as a technique for redressing social death and countering the juridical rationality that the enslaved non-citizen has no right to exist.

The figure's entrance causes the master to quiver upon recollecting the "sudden memory of bootless rage," the slave mutiny contesting the foundational order of the imperial ship.<sup>407</sup> While Atufal's non-verbal and enigmatic gestures appear at first as compliance, reenacting the ritual of being in chains, the term "scene" makes clear the theatricality of such roles and implies that another story resides behind what is stated in the trial. The dramatization of slave punishment subtly exposes a technique of non-violent self-defense on the part of a figure who speaks is silent but active.

Dramatic techniques, thus, cast the initial appearance of Atufal's docility and fidelity as ratifying his status as a slave, socially dead. But as the scene unfolds, this insurmountable condition is constantly contested and refused. In fact, the frequently silent figures appearing in the margins of the audible dialogue are anything but docile bodies, enacting instead "a common tale of suffering" and also "dolorous vehemence."<sup>408</sup> Silence in *Benito Cereno* does not signify compliance characteristic of the condition of pain (as *dolor* in Spanish, derived from Latin, references both acute emotional and physical pain) unintelligible to the captains—a recurrent figuration of despotic and tyrannical power in Melville's novels—but clearly exchanged and intelligible between the mutinous figures as if this power operates with "one language" and "one voice."<sup>409</sup> While the dramatization of slavery as a scene makes explicit the effects of restrictive laws on the right to speak freely, the trace of "dolorous vehemence" assumes a tremendous power as a significant negativity in the novella and transmits a tale not of obedience but assertive self-defense and non-compliance.

Becoming shadows of a "condition of things," the figures silent before the law also become the "shadows present, foreshadowing shadows to come," illuminating not only a zone of exclusion but a prophetic capacity to rupture restrictive laws and an abstract temporality.<sup>410</sup> By dramatizing the scene of lordship and bondage, Melville

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<sup>407</sup> BC 255.

<sup>408</sup> BC 242.

<sup>409</sup> BC 242. The passage reads: "But, in one language, and as with one voice, all poured out a common tale of suffering; in which the negresses, of whom there were not a few, exceeded the others in their dolorous vehemence."

<sup>410</sup> See also Michel Foucault's "*Society Must Be Defended*": *Lectures at the Collège De France 1975-76* 70 (New York: Picador, 2003). Foucault writes:

It reveals that the light—the famous dazzling effect of power—is not something that petrifies, solidifies, and immobilizes the entire social body, and thus keeps it in order; it is in fact a divisive light that illuminates one side of the social body but leaves the other side in shadow or casts it into the darkness. And the history or counter-history that is born of the story of the race struggle will of course speak from the side that is in darkness, from within the shadows.



reveals the plasticity of pre-established semantic divisions and roles.<sup>411</sup> *Benito Cereno*'s narrator describes the scene of slavery as a condition that "obliterates every trace of sociality,"<sup>412</sup> as the social divisions that chattel slavery engenders is presented as a masked encounter:

Groups of mythological or symbolical devices; uppermost and central of which was a dark satyr in a mask, holding his foot on the prostrate neck of a writhing figure, likewise masked.<sup>413</sup>

To be sure, this is a literary dramatization of the polarized social semantics slavery produces. However, dramatic techniques bring to light the "mythological and symbolical devices" that reproduce brutal conditions of segregation and deprivation as well as specific formations of juridical power. Thus, dramatic techniques not only expose an episteme of exclusion within American law, but offer a critical hermeneutics for unraveling a liminal condition of social death that obliterates the possibilities for relations between actors. Social death is not only the legal classification of the slave as "property" but also the production of damaged rights for those who are legally barred from entering the human form of citizenship. As a result, providing a critique of sociality in the scene of slavery, dramatic technique also becomes bound to dismantling a Manichean logic within the trial scene and laying bare the effects of semantic failure in juridical settings.

Captain Delano inquires "but if that story was not true, what was the truth?"<sup>414</sup> This question emerges in the novella *Benito Cereno* in relation to a set of scenic elements conditioning declarations of fact, as the story told at the novella's beginning about the harmonious relation between master and slave becomes by the end is an entirely dramatized narrative fiction. The dramatization of legal narratives and the discourse of legal truth parodies forms of veridiction—techniques of manufacturing and admitting evidence in the juridical arena, situating instead enunciation in relation to a theatrical setting and the status of figures as either citizens or non-citizens.<sup>415</sup> The enslaved figures'

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<sup>411</sup> For an important elaboration of plasticity and literary form see Catherine Malabou's *Plasticity at the Dusk of Writing* (New York: Columbia University, 2010) translate by Carolyn Shread. Malabou's concepts of plasticity and the transformational mask are extremely relevant to the present analysis of the figure of the non-citizen in Melville's writing. As she questions the "differential structure of form," she turns to offer an understanding of the figure in written forms not only as a subordinated but a transformational trace.

<sup>412</sup> *BC* 241.

<sup>413</sup> *BC* 241.

<sup>414</sup> *BC* 262-263.

<sup>415</sup> See Foucault's comments on *parrēsia* or "truth telling" and the "dramatics of true discourse" in *The Government of Self and Others: Lectures at the College de France 1982-1983* (New York: Picador, 1997), 68-71. The comments elaborating on *parrēsia* as a political structure directly link to reflections on assembly and participatory democracy within city-states as contingent upon those who "are qualified as citizens, and so as members of the *dēmos*, to participate in power," 71. Thus, the right to speak freely (a right Melville illustrates as brutally repressed in trial scenes) depends on the subject's

silence throughout *Benito Cereno* directly mirrors the status of enslaved non-citizens denied the rights to speak freely, to due process, or to testify. Through the technique of the twice-told tale, the novella dramatizes narratives of truth such as the captain's "Deposition" as fable. Dramatic form makes explicit not only the effect of certain political discourses, but also the influence of a set of pre-established semantic codes such as the brutal term "slave" restricting the non-citizen's basic freedom.

The brutal fact of American history is that chattel slavery was an entrenched political and legal institution. In fact, in *Benito Cereno*, mutiny and dramatic techniques become inextricably linked as the master is compelled to assume the position of the captive and so to experience the effects of his own violent regulations. The dramatization of the voice is the staging also of democratic potential (what Antonio Negri understands as *potenza*) within the social state; once there is a slave revolt, for instance, the master loses his voice as the commanding authority. The master is compelled to sense the condition of forced silence, and so the staging of Benito Cereno's "nervous suffering,"<sup>416</sup> his voice "apathetic and mute,"<sup>417</sup> and his "downcast eyes"<sup>418</sup> elucidate the mutual destruction of terms master and slave. Captain Benito Cereno's particular substitution is hardly an altruistic or voluntary act but rather an emphatic display of an enormous disparity, dialectical reversibility, and inequality.

The staging of space as dramatic enables a substitution of roles and suggests this exchange is an ethics of equality.<sup>419</sup> The substitutability of characters makes this disparity and the farce of equality visible, while calling into question the uneven conditions in the scene. In particular, the dramatic irony apparent in the scene of the authoritarian captain losing the right to speak freely and then suddenly speaking "like that of one with lungs half gone...hoarsely suppressed, a husky whisper"<sup>420</sup> lays bare the captain's paradoxical merging with the very figures he excludes before the law: he himself becomes such a figure.

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right to citizenship. As Arendt repeatedly shows from the reading of Socrates' speech to Billy Budd's silence, the right to speak freely and vocalization are only recognized as a citizen's, but not a non-citizen's, right. At the end of this lecture, Foucault addresses the "exclusion of the non-citizen whose tongue is servile" as the "stranger's status is defined and appears in contrast with the citizens who have the right to speak," 72-73. He adds: "That is to say, the right to speak, the restriction on the freedom of political discourse is total. He does not possess this freedom of political discourse," 72. While not fully formulated, we see again how the stateless condition coalesces with restrictions on speech and vocalization.

<sup>416</sup> BC 245.

<sup>417</sup> BC 246.

<sup>418</sup> BC 259.

<sup>419</sup> For the ethics of substitution, see Emanuel Levinas' "Substitution" in *Otherwise Than Being*. Levinas poses the question: "What can it be but a substitution of me for the others?...I exist through the other and for the other, but without being alienation...Is this freedom? It is a different freedom from that of an initiative. Through the substitution for others, the oneself escapes relations," 114-115.

<sup>420</sup> BC 245.

Legal exclusion must be understood as the forcible working of law itself, normalizing the production and management of social death, and destroying the conditions necessary for equality to flourish. Instances of legal violence are not logical (although frequently rationalized as such) but arbitrary; as a result, when violence enters the political realm and legal scene, it acts primarily to restrict rights against both citizens and non-citizens. Exclusion from nationality becomes the precondition of explicit norms of recognition and governing legal practice and becomes taken for granted and, in that sense, normalized, destroying principles such as equality.

As citizenship becomes an increasingly limited right, the parody of the legal scene calls into question why social recognition and political membership are so restrictively defined. The trial scenes show how law ironically restricts citizenship, limits individual rights, and produces incoherence within any singular version of common law.<sup>421</sup> For example, between the publications of *White-Jacket* and *Billy Budd*, property and positive law dominate over common law or natural justice (*jus naturale*) in both British and American courts by the nineteenth century's end. Implicit in the law's language—including legal judgments such as the Supreme Court's decree in *Dred Scott v. Sanford* (1857) denying all persons of African descent constitutional privileges and legal recognition as citizens—is the inscription of the non-citizen as slave into legal discourses.<sup>422</sup> Chattel slavery is a key example of a mode of legally sanctioned exclusion conditioning a situation of permanent captivity, contradicting the foundational democratic ideal of citizenship as an equalizing form.

In addition, dramatizing the scene of slavery brings to light philosophically consequential dilemmas about citizenship as a relation between differently situated political actors. A relatively recent study, Sterling Stuckey's *African Culture and Melville's Art* (2009) briefly makes note of Hegel's influence on Melville. Stuckey writes:

Hegel is important to Melville, and Melville wisely invokes him in relation to slavery. Because Hegel's thought applies so certainly to the resistance of slaves in *Benito Cereno*, Melville was ahead of his time in deciding that Hegel might give his fictional account of the slave revolt added resonance and complexity.....Melville was probably exposed to the dialectic from reading Douglass some years before his extensive discussion of Hegel, in 1849, with German philologist George Adler...Thanks to Douglass, we know of

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<sup>421</sup> Ferguson 69.

<sup>422</sup> "Alien" is the juridical term for the non-citizen; as *Black's Law Dictionary* states, an alien is a "a person who is not a citizen of a given country; a person not owing allegiance to a particular nation," 26. American law differentiates between lawful and unlawful, friendly and adversarial "aliens," through the categorical distinctions "enemy alien," "illegal alien," "nonresident alien," and "resident alien." While American law grants lawfully recognized aliens the legal privileges of rational basis review, equal protection and due process to the lawful "alien," the state claims a "particular interest" in denying legal privileges to the non-citizen classified either as "enemy" or "illegal."

Hegel's most certain influence on *Moby-Dick*; otherwise the novel can be read, as it has been for generations, without the reader sensing a Hegelian presence.<sup>423</sup> While Stuckey's book provides a crucial historicization of Hegel's influence on Melville, the philosophical resonances in *Benito Cereno* extend beyond a dramatization of history only as dialectical.

In her important work, *Plasticity at the Dusk of Writing*, Catherine Malabou initiates an important inquiry into the distinct hermeneutic capacity of theatrical techniques such as the mask in Hegel's *Phenomenology*. Her innovative reading is relevant to the new consideration of both the Hegelian and phenomenological resonances in Melville's writing:

The actors and their parts substitute for one another, move around, are exchanged and in this way present what I consider the decisive question, namely the issue of whether the space of conformation between two negatives is dialectical or purely a matter of juxtaposition.<sup>424</sup>

Malabou's question conceptualizes the dialectical encounter between master and slave, emphasizing the plasticity of representation at work in the scene. Her understanding of the work of substitution between actors also corroborates the present thesis that dramatic form offers a distinct image of sociality as the relation between seemingly antagonistic figures. In Melville's writing, theatrical tropes indeed expose the effects of juridical exclusion but also reveal the dependence between two "writhing" figures "likewise masked."<sup>425</sup> Here, the idea of reciprocity or the capacity for actors to substitute or exchange positions offers a distinct conceptualization of sociality as a form of reciprocal interplay.

Without suggesting that dramatic techniques instantaneously eradicate brutal and stark inequities, theatricality unmasks the divisive terms and entrenched legal rationality dividing populations that engenders juridical vulnerability as a norm. For instance, in the novella *Benito Cereno* (1850) Melville dramatizes the dialectic between master and slave. While Melville depicts the highly regulated and restricted economy of a slave ship, he alludes to the "reciprocal hollowness" of each form and writes:

To Captain Delano's imagination, now again not wholly at rest, there was something so hollow in the Spaniard's manner, with apparently some reciprocal hollowness in the servant's dusky comment of silence, that the idea flashed across him, that possibly master and man, for some unknown purpose, were acting out, both in word and deed, nay, to the

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<sup>423</sup> See Sterling Stuckey's *African Culture and Melville's Art: The Creative Process in Benito Cereno and Moby-Dick* (Oxford: Oxford University, 2009) for a provocative reading of non-European influences. In the section "The Tambourine In Glory," Stuckey accounts for the "recognition of abstruse aspects of Ashantee culture in Delano's account—the dance and the music of the women—in which there is no mention of Ashantees, is the best indication of his knowledge of their culture," 9-10.

<sup>424</sup> Malabou 6.

<sup>425</sup> BC 282.

very tremor of Don Benito's limbs, some juggling play before him.<sup>426</sup>

The depiction of the dialectic as an “acting out” of pre-established semantic divisions exposes “something so hollow” in the terms “master” and “slave,” or in the Manichean semantic divisions conditioning slavery. Melville turns to dramatic technique in order to expose the “reciprocal hollowness,” bringing to light an inter-dependent relation in the dialectical scene and suggesting that dialectic reason reproduces a reciprocal emptiness subtending a mutual destruction performed by the specific semantics of slavery.

In addition, theatrical tropes such as the mask suggest that the trial scene itself is constructed by “groups of symbolic and mythological devices.” The exposure of “mythological devices” challenges depictions of nineteenth-century American law as the telos of democracy and scientific rationality. In *Benito Cereno*, Melville consistently invokes dramaturgy to unveil the ontological effects of racial myths in the juridical setting and the limits of legal science. For example, he employs dramatic terms to underscore the power that reproduces slave subjection:

With good-natured authority he bade the blacks stand back; to enforce his words making use of a half-mirthful, half-menacing gesture. Instantly the blacks paused, just where they were, each negro and negress suspended in his or her posture, exactly as the word had found them--for a few seconds continuing so--while, as between the responsive posts of a telegraph, an unknown syllable ran from man to man among the perched oakum-pickers. While the visitor's attention was fixed by this scene, suddenly the hatchet-polishers half rose, and a rapid cry came from Don Benito.<sup>427</sup>

The passage incorporates the theatrical interplay between gesture and language in order to show the brutal effects of the word “slave,” classifying a living being as an article of property. Describing the captain’s “half-menacing gesture” as “words” enforcing semantic divisions such as “master” and “slave” as law, a speechless and still figure appears as the principle actor in the legal scene. Yet, as the figures pause, the scene freezes action and, under a fixed gaze, a battle ensues over the legitimacy of the captain’s word as law.<sup>428</sup>

Bringing to the fore fabrication, myth, and modes of emplotment at work in juridical forms, theatricality makes explicit the invention at work in legal judgments. In particular, the dramatization of the trial scene focuses on the discontinuities within causal narratives. In *Benito Cereno*, while an unreliable narrative assumes the status of truth and

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<sup>426</sup> BC 282.

<sup>427</sup> BC 274.

<sup>428</sup> Consider the resonances between the above passage from *Benito Cereno* and Frantz Fanon’s *Black Skin, White Masks*. In “The Fact of Blackness,” Fanon writes:

But just as I reached the other side, I stumbled, and the movements, the attitudes, the glances of the other fixed me therein the sense in which a chemical solution is fixed by a dye.

the official “Deposition,” the dramatization of narrative forms, including testimony, calls into question the authoritative voice’s veracity:

If Don Benito’s story was throughout, an invention, then every soul on board, down to the youngest negress, was his carefully drilled recruit in the plot; an incredible inference. And yet, if there was ground for mistrusting his veracity, that inference was a legitimate one.<sup>429</sup>

The repetitive use of “if” shows how adjudication depends upon conjecture, challenging forms of evidentiary power. While legal proceedings—particularly in positive law—claim to operate outside circumstantial deductions, the trial scene in *Benito Cereno* makes central the ambiguity at play between truth and conjecture at play in legal judgments. *Benito Cereno* presents evidence as staged, inferred, and even conjured rather than self-evident, as dramatic techniques suggest that truth about the mutiny as an event remains ambiguous. Ambiguity critiques of forms of law, presenting narratives of accuracy and truth as fables. The passage shows the bias at work in the trial scene, differentiating between legitimate and inventive modes of inference used to classify figures either as human or as a “thing.”

Testimony is itself a dramatic scene within the courtroom that breaks out of traditionally delineated written genres, as non-verbal elements such as silent gestures, sound, and “breaths” are also marks of an unassimilated “concrete language, intended for the senses and independent of speech.”<sup>430</sup> As the novella stages, a condition “beyond the reach of the spoken language”<sup>431</sup> refuses conformity with the dominant and the audible language. As a result, there is a kind of sounding of language in the testimony that exceeds the communication of semantic content and a specific theatrical dimension that conveys thoughts in ways other than constative propositions. Antonin Artaud provides a conceptualization of drama as another linguistic register evoking a cognitive experience outside the “reach of the spoken language.”<sup>432</sup> *Benito Cereno*’s accentuation of gesture and shadow offers an embodied testimony about exclusion in the American trial scene, as the auditory senses and gestures register effects of law but also reveal the trial as a theater of cruelty. Drama presents the silhouette of imperceptible yet moving figures moving in the law’s shadow, challenging readers to confront the condition of enslaved non-citizen figures present yet excluded from juridical norms.

As a “concrete language,” the senses highlight a figure outside the norms of recognition and expose various linguistic registers. Subordinated voices and a plural sounding interrupt the official narrative and disrupt the image of English as the territorial language. *Benito Cereno*, for example, presents the scene of slavery as the encounter between three languages: Ashanti, Spanish, and English. Describing the insurgent and plural figures in *Benito Cereno*, silent movements assume a tremendous power:

The black wizards of Ashantee...would strike up with their hatchets,

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<sup>429</sup> *BC* 263.

<sup>430</sup> Antonin Artaud, *The Theater and Its Double* (New York: Grove Press, 1958) 37.

<sup>431</sup> Artaud 37

<sup>432</sup> Artaud 37.

as in ominous comments on the white stranger's thoughts.<sup>433</sup>

While relegated to the realm of indecipherable speech in the novella, references to Ashanti as the medium of communication between the "oakum-pickers" forming the chorus attests to the pervasive background of non-European languages in foundational American scenes. Although Ashanti appears in the shadows of the text, the sublimated language leaves traces of an oracular utterance and offers an alternate episteme to the scientific rationality associated with the English-speaking actor Captain Delano in *Benito Cereno*.

Much like the subordination of the non-verbal to written prose, however, the marginalization of Ashanti to English reveals a colonial relation that underwrites the American trial scene. As the court ascribes differentiated values to different languages, the imposition of English in particular coincides with a founding violence in the Americas.<sup>434</sup> In *Benito Cereno*, for example, the scene of slavery is where "conversation became constrained" and the possibility for a reciprocal dialogue annihilated. The reference to a "constrained" conversation implies a condition of force that inhibits the speakers, presenting the scene of legal exclusion and enslavement as one of failed translation between marginal languages and the dominant one.

When *Benito Cereno's* the narrator states, "the senses do not deceive," phenomenological traces offers a distinct notion of cognition as well as an inter-subjective mode of contact and communicating.<sup>435</sup> Suspicious of the court's transmission and management of "truth," Melville evokes the senses as a counterpoint to legal rationality and elucidates an inter-subjective realm of being disavowed by the empiricism implicit in positive law. In particular, the senses allude to the presence of a persistent double in the trial scene and also contest depictions of a detached, finite, or essentially alienated subject. In addition, particular depictions of pain, suffering, and noise in the

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<sup>433</sup> BC 261.

<sup>434</sup> The subordination of Ashanti in *Benito Cereno* attests to the coloniality of the encounter in the novella, attesting to the impact of a monolingual logic in scenes of recognition and adjudication.

<sup>435</sup> I have found Martin Buber's thoughts on the state of the relation in the social dimensions of man as well as art and *intersubjectivity* helpful to considering the interdependence of the human and inanimate or "thing." In *On Intersubjectivity and Cultural Creativity* (Chicago and London: University of Chicago Press, 1992), Buber writes "art is neither the impression of natural objectivity nor the expression of spiritual subjectivity, but it is the work and witness of the relation between the *substantia humana* and the *substantia rerum*, it is the realm of "the between" which has become a form. Consider great nude sculptures of the ages: None of them is to be understood properly either from the givenness of the human body or the from the will to expression of an inner state, but solely from the relational event which takes place between two entities which have gone apart from one another, the withdrawn 'body' and the withdrawing 'soul.' In each of the arts there is something specifically corresponding to the relational character to be found in the picture," 63. The argument that I am making is that dramatic technique in particular communicates and highlights the "relational character" in the trial scene.

trial scene characterize not a singular figure but “mingled bodies.”<sup>436</sup> The senses highlight exchange—a reciprocal interplay between actors—as necessary for imagining a relation between actors that points to the limits of the legal construction of the solitary character or person, delineating an extra-judicial potentiality for exchange beyond the law as well as a potential zone of equality between actors even in the most brutal scenes of bondage, punishment, and social death.

### 3.4 When Law Kills: Legal Exclusion as Violence in *Billy Budd*

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

*Billy Budd*

As a commanding officer’s words assume the judge’s voice in *Billy Budd*, restaging the scene of maritime punishment, the scene exemplifies this legal contradiction:

If our judgments approve the war, that is but coincidence...So in other particulars. So now. For that law and the rigor of it, we are not responsible. Our vowed responsibility is in this: That however pitilessly that law may operate in any instances, we nevertheless adhere to it and administer it.<sup>437</sup>

This quotation captures a late nineteenth-century legal rationality and pragmatism that not only sanctions the dominance of positive over natural law but a bureaucratization of legal and universal ideals. The administrator protects political violence rather than assumes responsibility for vulnerable figures and ironically invokes a pragmatic argument to rationalize an act of juridical murder. Subsuming Billy’s “particular” case under an abstract notion of universal law, the preservation of juridical form presides over any concrete notion of reciprocal responsibility and Vere in fact administers the law to ensure his authority over the crew. By dramatizing the juridical narrative of “just war,”

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<sup>436</sup> See Michel Serres *The Five Senses: A Philosophy of Mingled Bodies* (London and New York: Continuum, 2008) 119. In this work, Serres describes the “potentiality of sense” as a medium for imagining “different voices, whispered words” as also the figuration of a face initially imperceptible to the eye. Melville’s allusions to whispering, song, and verse as well as to murmuring in *Benito Cereno* and in *Billy Budd* also begin to trace the face of the excluded figure.

<sup>437</sup> *BB* 486.



the passage highlights a rationality absolving the law of any “vowed responsibility” for its judgments, as the captain seeks to preserve legal form through any means necessary. Invoking persuasive speech reminiscent of Plato’s rhetoric in *The Republic*, Vere rationalizes his judgments as “practical reason.”

This logic absolves the law from any responsibility to the present circumstance or particular case. In this instance, for the gruff voice of the law declares “we are not responsible” and our obligation is but to “adhere” and “administer.” This “practical reason” invokes the law as an instrument that legitimates mass violence such as colonial slaughter and war. In this context, the warship’s pragmatic administrator argues for applying the “rigor” of law without regard to its social effects or ethical violations.<sup>438</sup> Vere, employing a language that values the pragmatic application of decrees, despite their brutal consequences, personifies the logic of a quotidian and banal bureaucracy influential in reproducing the juridical form of war. *Billy Budd* makes apparent the bureaucratization of the legal scene and social life, showing that the language of administration is in fact violating constitutional principles and restricting the right to petition the law.

*Billy Budd* begins as “an earnest interrogatory as to what it was that had resulted in such a tragedy.”<sup>439</sup> A very particular line from *Billy Budd* contrasts the ship’s disciplinary mode with the tale of a mutiny on another British vessel, alluding to the contradictory classification between legitimate or law-preserving and illegal or extra-legal violence. At the novella’s start, these two types of violence actually mirror one another but it is precisely there different classifications under the law that prompt the “so strange and extraordinary a tragedy” in the novella. The story claims, the mutiny’s trace leaves an indelible mark on every ship captain in the trans-Atlantic and this regulatory paranoia (not a fact) results in the increased disciplining of the crew. It is in part the authorities’ paranoia over the prospect of another mutiny or anarchy and a narrative accusing Billy of “mutinous intent” that serves as the reason for his execution. As in *Benito Cereno*, there is no description of a mutiny in real time but the scene and the action ensues with allegations, rumors, and anxieties about non-state violence and subaltern insurrection.

In *Billy Budd*, Melville emphatically describes a punitive “mode of manning the fleet” as “a mode now fallen into abeyance but never formally renounced.” The “mode” is a subtle inference to instruments of violence and discipline abetting the trial scene.

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<sup>438</sup> In *Origins of Totalitarianism*, Arendt unmasks the figure of the administrator who often rules by citing the law as actually considering the “law to be powerless because it is by definition separated from its application,” 244. Here, the rhetoric of applicability (alluding to the instrumentalization of practical reason) functions in fact to limit the equality proclaimed in the legal principles of constitutional democracy. Arendt—resonating with Immanuel Kant—does not see laws seeking to equalize and redistribute rights as the pernicious side of government and, in fact, exposes the administrative decree not as adherence to law but as a “contempt for law,” 243. In “The Inheritance of Lawlessness,” she writes the bureaucratic administrators in fact openly disregard the law and legal institutions and instead produce an “ideological justification for lawlessness,” 243.

<sup>439</sup> *BB* 478.

*Billy Budd's* narrator exposes the influence of a disciplinary mode of managing the ship's internal populations even after the law sanctions its ends. As a voice attests in *Billy Budd*, "its abrogation would have crippled the indispensable fleet, one wholly under canvas, no steam power, its innumerable sails and thousands of cannon, everything in short, worked by muscle alone."<sup>440</sup> In fact, the law acquires legitimacy and even sanctions state violence by pre-determining Billy's conviction. The persistent figuration of the non-citizen as mutinous then legitimates the state's moralism while sanctioning techniques upholding political exclusion as legal.

Purely circumstantial narratives about the Great Mutiny in *Billy Budd* assume the status of truth, an indicator of how narratives and a discourse pathologizing extra-legal violence have a "phenomenal effect." As a sentence in *Billy Budd* reads, "syllables so unanticipated...had a phenomenal effect."<sup>441</sup> The reader figures as a spectator, as the implicit references to a phenomenology of language bring to light the effects of violence in the trial scene. The dramatic scene of Billy's execution presents the paradox of the spectator's responsibility, particularly as the judgment condemning him to death (like Socrates) also indicts the chorus witnessing his execution. Through her writings, Arendt insists "the people's support...lends power to the institutions of a country, and this support is but the continuation of the consent that brought the laws into existence to begin with."<sup>442</sup> Thus, citing James Madison, the "people's opinions" embody a productive power (as articulated in the Federalist Paper) and the idea of constitutional democracy emerges from the power "not just to act but to act in concert."<sup>443</sup> Violence, she writes, is a distinct political term from power. However, when the "merely onlooking majority" like the chorus in *Billy Budd* or Socrates' friends consent in concert to the law's violence, then the "people" are responsible and complicit with "official" state acts of law-preserving violence. It is this scene of tacit consent that haunts *Billy Budd* and the chorus' less perceptible but no less pernicious complicity with Vere's judgment.

In fact, the restaging and thus the parody of the trial scene renders the "moral obliquities" not as certainties but, rather, as the uncertainties in forms of law, dramatizing that ostensibly absolute terms, such as "innocence" and "guilt" or "virtue" and "vice," are actually interchangeable.<sup>444</sup> *Billy Budd's* narrator makes a point that can be applied to a dramatic text in which a singular figure can occupy contradictory moral stances:

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<sup>440</sup> *BC* 242.

<sup>441</sup> Melville, *BB* 497.

<sup>442</sup> Arendt, *On Violence* 49.

<sup>443</sup> Arendt, *On Violence* 44.

<sup>444</sup> The novella begins with a deceptive claim, introducing Billy Budd as the consummate "virtuous sailor" and the drama as corroborating the classical theatrical assumption that the "moral nature was seldom out of keeping with the physical make,"<sup>432</sup>. In contrast, Billy's nemesis—the pathologically envious master-at-arms John Claggart—is introduced as the unreliable figure. However, dramatic movement and surprise presents the classical correlation between "moral nature" and "physical make" as illusions. In fact, when Billy accidentally strikes Claggart dead, the narrator describes a "virtue" that went out of him. Thus, invoking the rhetoric of norms and in particular virtue influential in sanctioning the juridical form of war, dramatic techniques expose the contradictory effects and implementation of moral discourses.

“innocence and guilt personified in Claggart and Budd in effect changed places.”<sup>445</sup> Drama works by unmasking the moral discourses and norms structuring juridical space, invoking a temporality rooted in the immediacy of the present action rather than in an abstract time of precedents; it emphasizes the contingent interplay between differently situated actors.<sup>446</sup> Understanding each character and figure as assuming distinct parts not in isolation but in relation to each other, the substitution of roles and the possibility of interchangeability allows normative absolutes associated with character such as “virtue” and “vice” to be inverted. The capacity for figures to change places—assuming the position of the other—underscores the sheer illusion of the classical association between character and absolute moral attributes. Dramatic techniques highlight instead a polysemic conception of living bodies.<sup>447</sup>

Richard Posner’s legalistic and neo-liberal claim in *Frontiers of Legal Theory* contends that in “social evolution, law takes the place of vengeance as the principle method of deterring and redressing serious infringements of the norms of social recognition.”<sup>448</sup> Novellas such as *Billy Budd*, however, persistently highlight the failure of law as a mode of redressing infringements on social recognition. For Posner, “norms” signify an affirming, rational, and optimistic set of terms rather than one that sanctions the exclusion of certain living bodies from social and political life. Whereas for Posner the law arbitrates and guarantees social recognition, Melville’s trial scenes dramatize the law’s “method” as having “little to do with reason further than to employ it as an ambidexter implement for effecting the irrational.”<sup>449</sup> Divulging the tragic irony in legal theorems claiming the law rationally redresses atrocity and includes all parties, the scene of Billy Budd’s trial highlights the vengeance of certain legal rituals as the staging of sacrifice, such as capital punishment. Execution in the name of “practical reason” is an “irrational” and destructive character wearing the mask of morality.

Outlining the silhouette of figures injured and killed by legal judgments, the tragic dramatization of stillness and suffocation denaturalizes the language of humanity while conscripting readers as spectators to witness the condemned “face...in the moment of

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<sup>445</sup> *BB* 480.

<sup>446</sup> See Jennifer Greiman’s excellent chapter “Theatricality, Strangeness, and Democracy in Melville’s *Confidence-Man*” in *Democracy’s Spectacle: Sovereignty and Public Life in Antebellum American Writing* (New York: Fordham University Press, 2010). Greiman makes the point that theatricality makes explicit the discontinuities and shifts often masquerading under the “sign of singular, and often, misleading names,” (194). She also historicizes Melville’s use of masquerade as staging and performing “processes that are congruent with public life in the United States, processes that both mimic and belie the movements of democracy...Melville turns Toquevillian concepts like sameness, confidence, and the stranger inside out. Theatricalizing the everyday exchange of public life and making them strange,” 194. Greiman’s comments initiate an important inquiry into how the theatricalization of the everyday calls into question quotidian norms.

<sup>447</sup> See Paul Ricouer’s “What Ontology in View” in *Oneself as Another* (Chicago and London: University of Chicago, 1992) 297-356.

<sup>448</sup> See “Emotions in Law” in Richard A. Posner’s *Frontiers in Legal Theory* (Cambridge: Harvard, 2001).

<sup>449</sup> *BB* 458.

being buried alive.”<sup>450</sup> Not only does living death saturate the trial scene, but the specific dramatization of the inanimate and departed traces fuses with the human creatures; the scene’s dramatic effects renders complex and ambiguous the terminology of rights. By dramatizing the human as a tenacious and deceptive term in juridical discourses detached from the principles of equality and justice, this reading of *Billy Budd* seeks an ethics of citizenship beyond the law’s words. That is to say, staging the human in relation to the “condition of things” not only discloses a correlation between such terms, but it also dissects the effects of anthropomorphism on restrictive citizenship. If we understand citizenship only as the equivalent of the term human, then we fail to see how the citizen is constituted in a relationship to both others and the world of things.<sup>451</sup>

The status of figures perceived not as a citizen-human but as “alien” and creaturely traces expose the ambiguities of juridical terms. When the “human” is dramatized as an equivocal term that proves more instrumental in curtailing rights than in bestowing them, the “universal” promise to extend rights to all humans that defines constitutional democracy appears completely destroyed by the juridical process. In fact, staging the trial as a moment of loss, the scene displays the distance between perceptions of the human and the creaturely figure of the non-citizen. The term “human” fails the non-citizen, as Hannah Arendt meticulously proves. Statelessness is the political phenomenon that exposes the limits of juridico-political anthropomorphism. However, petitioning for rights through the political discourse of universal humanity is a contradiction. The contrast between the narrative of the human indicated above and descriptions of the non-citizen’s countenance and gesture—or what Bertolt Brecht importantly conceptualizes as *gestus*—becomes clear in those dramatizations of the law which bring to light the gaps between legal terms and social life. Speechlessness delineates the social condition of a figure vulnerable before the law caught between legal language and punishment.<sup>452</sup> Dramatic techniques indict an unjustifiable act of legally

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<sup>450</sup> *BB* 476.

<sup>451</sup> I am here thinking of the differences between Michel Foucault’s *The Government of Self and Others: Lectures at the College de France 1982-1983* (New York: Picador, 1997) and the allegory of the ship throughout Melville’s novellas. Considering also the difference between Foucault and Arendt on theories of citizenship—the former emphasizes the restrictive effects of political discourses on democracy and the fissures in terms such as sovereignty and citizenship while the latter invokes the human and the citizen as unified, static, and indispensable terms for redress—brings to light a critical but productive gap. In Michel Foucault’s influential essay, the “art of government” is made possible through the “specific phenomenon of population” while sovereignty is not identical to governmentality but “made more acute than ever.” See Foucault’s “Governmentality,” *The Foucault Effect: Studies in Governmentality*, eds. Graham Burchell, Colin Gordon and Peter Miller (Chicago: University of Chicago Press, 1991) 99-101. The point is not to simply apply Foucault’s analysis to Melville, but emphasize the critical insights that emerge in an overt literary dramatization of governmentality as the explicit staging of juridical terms.

<sup>452</sup> See John Willet’s translation in *Brecht on Theatre* (New York: Hill and Wang, 1964) and Walter Benjamin’s *Understanding Brecht* (London: NLB, 1973).

sanctioned murder and thus call into question the ideological effects of juridical power.<sup>453</sup> The scene of execution and, ironically, the law robs Billy of speech.<sup>454</sup>

Although the law condemns the face with “alien eyes,” there is still the trace of a living body requiring political and social recognition within the scene. When Billy Budd—a venerated “career soldier in the King’s army”—stands mute before the law as “a thing suspicious”<sup>455</sup> and faces the inconceivable: condemnation as a criminal and a death sentence silently consented to by his fellow shipmates. A crucial critique of violence emerges in the staging of dramatic irony that is relevant to outlining the juridical predicament of the non-citizen: the question of consent in the face of a brutal scene of legal condemnation and exclusion. Even more sinister than Billy’s muteness is the “silence at the moment of execution,”<sup>456</sup> unveiling a juridical irony not only in judge’s words rationalizing “for that law the rigor of it, we are not responsible” but moreover in the spectators who consent to a court-ordered murder. Resembling Socrates’ trial, the use of dramatic irony in *Billy Budd* indicts the “court’s silence”<sup>457</sup> and the chorus—Billy’s friends—for their failure to defend the wrongfully condemned figure.

The narrator describes the moment of Billy’s sentencing as both ironic and a shock: “Never did it occur to Billy as a thing to be noted or a thing suspicious.”<sup>458</sup> “Never” attests to a catastrophic temporality in the trial scene, at once an interjection exclaiming surprise and denoting the adverb “at no time,” underscoring a startling outcome. The narrator describes the trial as an “event that converts to irony.”<sup>459</sup> Billy is sentenced not for any verifiable crime but only on the basis of a suspicion that he has led an alleged insurrection—a conviction that follows from a fabricated tale of legal intent. So the court prejudges the particular case according to pre-established standards set by the “so-called Articles of War, Articles modeled upon the English Mutiny Act” aboard

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<sup>453</sup> Robert Wade Kenney initiates an inquiry into the role of irony in presenting ... Robert Kenney, “In ‘Thinking about *Rethinking Life and Death*: The Character and Rhetorical Function of Dramatic Irony in a Life Ethics Discourse,’” *Rhetoric and Public Affairs* (Michigan) 26: 1 April 2002: 84-106.

<sup>454</sup> See also the discussion on the trope of the speechless hero in tragedy in Franz Rosenzweig’s “Man and His Self or Metaethics” in *The Star of Redemption* (Notre Dame: University of Notre Dame, 1970) and Benjamin’s essay “Fate and Character.” Arendt is implicitly in conversation with these writings in her reading of *Billy Budd*.

<sup>455</sup> The subsequent reading demonstrates how dramatic technique is always present in the novel form and Melville’s explicit interpolation interrogates the standardization of written forms. While the *Bildungsroman* has become the privileged object of nineteenth century literary studies, the rubric of a generalized theory of form does not apply to American novels. In *The American Novel and its Tradition* (Baltimore and London: The Johns Hopkins University Press, 1957), Richard Chase notes: the U.S. novel “has been shaped by the contradictions and not by the unities and harmonies of our culture,” 1. Chase’s assertion remains important for contextualizing Melville’s formal anomalies in relation to the particular nation-state form of the United States.

<sup>456</sup> *BB* 499.

<sup>457</sup> *BB* 499.

<sup>458</sup> *BB* 468.

<sup>459</sup> *BB* 440.

naval fleets—a precedent described as a “mode” officially in abeyance yet unofficially maintained.

Structured by dramatic irony, the scene also outlines the destruction of the ideal of the chorus (understood as the agents of democracy in Aeschylus’ plays) and appears instead to tacitly consent to Billy’s execution. Like a theatrical event requiring the consent of spectators in order to take place, the trial scene also requires the consent of the differently situated political actors and spectators in order to assert its authority. Capital punishment dramatized in ironic ways implicates not only the judge but the spectators as well; a regulatory logic and protocol coercively controls and manufactures consent. The chorus’s silence is the exact dilemma Arendt identifies in *Origins of Totalitarianism*—the manufacturing of mass obedience and consent through forms of political persuasion—as complicit with the genocidal logic of European nation-states that also sanctions the entrenched regulation of the non-citizen.

Yet, non-citizens do resist in and through certain dramatic gestures. When Arendt makes the point that even if Billy could have spoken, he would not have been heard, she underscores how the laws prejudice the non-citizen and in this sense condemn him in advance of any trial. Arendt offers a phenomenological reading of non-citizenship in *Billy Budd* when she reads his silence as signifying a permanent condition of statelessness within modern nation-states. Throughout Arendt’s writings, the denial of citizenship is understood as a breach in the very concept of the human, since only as political beings do any of us become seen as human beings, in her view. The denial of another’s rights calls into question the universal claims made for citizenship under conditions of American democracy and ideals of democracy anywhere. In *Democracy in America*, Tocqueville states a principle must exist that “rights must be given either to every citizen or to nobody” in order to make “equality prevail in the political sphere.”<sup>460</sup> Tocqueville’s statement—a “right must either be given to everybody or nobody”—presents equality not as a contractual individual right but as a relation among all peoples. Although individual rights such as civil liberties are crucial to democracy, Tocqueville’s concept of rights is conceived as an interdependent relation between differently situated political actors. The citizen requires the non-citizen, the “nobody” in Tocqueville’s phrase and the nameless figures circulating in the shadow world of Melville’s novellas. This view is clearly reprised in Arendt’s notion of equality as well.

As a result, the court’s condemnation of mutiny by a military court is ironic; the division between legitimate and illegitimate violence authorizes state violence. “We fight at command,” Captain Vere admits and “in receiving our commissions we in the most important regards ceased to be natural free agents.”<sup>461</sup> The juridical form of war negates the promise of natural rights, naturalizing instead political violence including capital punishment and exclusion as if it were a natural end that is simply made legal. *Billy Budd* dramatizes that precept of law that regards violence as a natural datum and considers its effects on citizenship as simply revealing the abrogation of natural rights that takes place

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<sup>460</sup> Tocqueville, *Democracy in America* 56.

<sup>461</sup> *BC* 486.

under the rule of the juridical form of war.<sup>462</sup> Thus, the regulation of mutiny—whether a verifiable event as in *Benito Cereno* or a conjectural allegation as in *Billy Budd*—is not only a recurring allusion in Melville’s novellas but exposes the brutal juridical contradiction of “practical reason” or narratives that consider violence as a just means for quelling an often fictitious insurrection.

In fact, regardless of whether sailors are actually mutineers, the specter of the Mutiny Act and classifications of “illegitimate” violence give an illusory coherence to the juridical form of war. Captain Vere—a name that is an ironic play on forms of veridiction—invokes the Mutiny Act as the “child” to the “father” of law, declaring:

We proceed under the law of the Mutiny Act. In feature no child  
can resemble his father more than that Act resembles in spirit the thing from  
which it derives –War....War looks but to the frontage, the appearance.  
And the Mutiny Act, War’s child, takes after the father. Budd’s intent or non-  
intent is nothing to the purpose.<sup>463</sup>

In this scene, the law is a “patriarchal irony,”<sup>464</sup> in which the juridical justification for war is cited as an expression of a paternal law. Thus, the passage elucidates a malicious but pervasive legal specter of a “thing,” the transmutation of a living being into a thing from which all adjudication derives. Infantilizing Billy, Vere orders his death through a language that ironically cites his own resemblance to an omnipotent “father,” of whom a figure with “no birthplace or kin” surely never knew. In this passage, the “trace” of family law working together with a reproductive normativity in the juridical form of war indicates how forms of law are reflected in each other but also how discourses seemingly external to the particulars of the case prejudge the ultimate form of legal decisions.

Although ordered to speak in his own defense, Billy deduces “silence was now best,” refuses to respond, and tacitly testifies to the legal trap that the non-citizen encounters: “to argue his order...would be insolence. To resist him would be mutiny.”<sup>465</sup> While the court functionaries hurry the actual hanging—as if a quotidian task—the narrator describes a predicament of judicial judgment with no possibility of appeal:

In wartime on the field or in the fleet, a mortal punishment  
decreed by a drumhead court – on the field sometimes decreed  
by but a nod from the general –follows without delay on

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<sup>462</sup> See Walter Benjamin’s “Critique of Violence” and consider the resonances with the dramatization of the law as a “means used for just ends” in *Billy Budd*. In “Critique of Violence,” Benjamin writes:

The thesis of natural law that regards violence as a natural datum is diametrically opposed to that of positive law, which sees violence as the product of history. If natural law can judge all existing law only in criticizing its ends, so positive law can judge all evolving law only in criticizing its means. If justice is the criterion of ends, legality is that of means (278).

<sup>463</sup> *BB* 487.

<sup>464</sup> *BB* 440.

<sup>465</sup> *BB* 479.

the heel of conviction, without appeal.<sup>466</sup>

Muteness personifies the effects of juridical vulnerability, specifically, on the voice, as well as the effect of human beings existing in the shadow of the “thing” where the institutionalized denial of due process is a mode of producing statelessness as a permanent condition. Since speaking not only self-incriminates but also signals compliance with the court’s decision to kill, Billy’s silence is not a “vocal defect” as the novella first claims but an act of peaceful self-defense and uncompromising non-compliance.<sup>467</sup> As a result, the multiple staging of silence as injury, collective consent, and ultimately a single figure’s refusal to comply with the law explicates the diffuse power of law and demonstrates as well the brutal effects of juridical vulnerability through the non-citizen’s voice.

As argued in the previous chapter, Arendt’s essay “The Social Question” underscores how Billy’s pre-established classification as a non-citizen (a figure with “no knowledge of birthplace or kin”) foreordains his condemnation.<sup>468</sup> Implicit allusions to the “emotional difficulty of utterance” in *Billy Budd* dramatize silence not as the mark of an individual will that is withheld, but as the psychological effects of legal exclusion and punishment acting on the voice and the modes of resistance that emerge from that subjection.<sup>469</sup> Leaving an imprint in its absence, Billy’s vulnerability appears as a “vocal embarrassment” and a sign of a figure in “agony.”<sup>470</sup> Shamed and injured by the very machinery his labor reproduces, the subtle allusion to silence as an affect attests to the traumatic effects of restrictive citizenship yet to a mute yet powerful form of refusal.

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<sup>466</sup> *BB* 489.

<sup>467</sup> *BB* 438.

<sup>468</sup> Hannah Arendt “The Social Question” in *Reflections on Literature and Culture* (Stanford: Stanford University Press, 2007) 206-213.

<sup>469</sup> See Shoshana Felman’s “A Ghost in the House of Justice: Death and the Language of the Law” in *The Juridical Unconscious: Trials and Traumas in the Twentieth Century* (Cambridge: Harvard University, 2002) 131-168.

<sup>470</sup> *BB* 483 and 494.



**Scenes of Sovereignty:  
*Redburn* and *Moby-Dick* as American Tragic Drama**

*It was an awful scene. It made me catch my breath as I gazed...Full of the awful interest of the scene, I surely thought the captain would lower a boat to bury the bodies.....But we did not stop at all.*

“The Highlander Passes a Wreck,” *Redburn* (1849)

*The drama’s done. Why then here does any one step forth?—Because one did survive the wreck.*

“Epilogue,” *Moby-Dick* (1851)

In the epilogue to *Moby-Dick*, a solitary figure appears in the aftermath of a shipwreck, the “awful scene” recurring as an “unimaginable sublimity.”<sup>471</sup> A picture of a “half-foundered ship weltering there with its three dismantled masts alone visible” and an “exasperated whale” foreshadows the narrative that occurs: the *Pequod’s* chase and eventual destruction.<sup>472</sup> As the epilogue looks back at the image of the shipwreck, a dramatic frame presents the scene of the shipwreck as a deliberation on action in the wake of tragedy. As if addressing an imaginary audience, the words “the drama’s done” make explicit the status of *Moby-Dick* as at once narrative and tragic drama. The voice speaks with a tinge of urgency, as if the last witness to a “watery world” linked by an “incessant belt of circumnavigations”<sup>473</sup> that the previous scenes present. A critical question opens, “why then here does any one step forth?”

Implicit in the staging of *Moby-Dick* as a dramatic tragedy is the question of the final witness’ responsibility. Many portions of the novel appear in fact as drama, particularly as the novel unfolds. Thus, a dramatic framing of the shipwreck poses critical questions of survival as responsibility and action. Through a reading of the ship and seafaring as tragic motifs, the following readings demonstrate how theatricality intersects with ethics. For instance, the question “why then here does any one step forth?” poses the question of action and responds “because one did survive the wreck.” This line in the epilogue suggests that *Moby-Dick* is in fact a novel about the witnesses’ obligation to the scene.

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<sup>471</sup> *M-D* 26.

<sup>472</sup> Consider Maurice Merleau-Ponty’s comments about painting in “The Indirect Language” in *The Prose of the World* (Evanston: Illinois, 1973): “We should begin by acknowledging that in most aspects language is not different from painting. A novel achieves expression the same way as painting. One can discern the theme of a novel like that of a painting,” 88.

<sup>473</sup> *M-D* 65.

Although the “drama’s done,” the remaining voice as if from elsewhere or outside the plot inquires into the ethics of response. An assortment of environmental, geographic, economic, racial, religious, sexual, and other power differentials in the novel become part and parcel of the tragedy. The final scene invites ethical reflection, probing “why step forth?” Who acts after the witness? What remains? However, in Melvillian fashion, narrating the events in a linear plot minimizes the complexity at work. Within Melville’s novels, the theme of witnessing appears not just as a simple narrative on the order of events but as a question about action and the ethics of response. Additionally, as the first-person narrator is placed in relation to a world, questions of proximity and distance enter into the scene. The ship is unique as it places in close contact and proximity a number of differently positioned actors. Explicit dramatizations of space connect questions of vulnerability, contact, and ethics through the use of theatrical techniques. As a result, an ethics of witnessing intersects with theatrical framing of scenes.

Ethical questions are not unrelated to the prose of the world within the novel. Melville writes, apocalyptically, “the world’s a ship on its passage out and not a voyage complete, a providential machine envelops the world and the story of its future.”<sup>474</sup> *Moby-Dick*’s presentation of the world as an illusory ideal moves beyond the totalizing Shakespearean citation—“all the world’s a stage”—to oblique dramatizations of intertwined yet dispersed associations between landless and nomadic figures across space. The prose of the world in the novel is not just descriptive but returns to questions of perception and phenomenology.

The last voice to speak in *Moby-Dick* momentarily revives the figures drowned through a question rather than a statement. This is an “open question”<sup>475</sup> (as Emerson would phrase) and foregrounds the introspective “why” not simply the “what” (the *questio facti*), the privileged question of “where,” a story of fate, or the banal moralism of virtue and vice associated with tragedy. *Moby-Dick* restages fantastical, mythical, and even theological links between the surviving figure and the dead; as Nietzsche writes, tragedy ensues from the “calm wisdom of the dying.”<sup>476</sup> The dramatic framing of the

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<sup>474</sup> In *American Renaissance*, Mathiessen notes that between the publications of *Redburn* and *Moby-Dick*, “Melville started to go through the whole of Shakespeare in the winter of 1849...He was indebted again to Shakespeare for his insistence that outer and inner facts correspond,” 413-415. Mathiessen suggests that the turn to Shakespeare could have been a response to the last lines of Emerson’s *Representative Men*, declaring a need for literary form reconciling poetry, prophecy, and drama or Shakespeare and Swedenborg, 413. *American Renaissance* claims, unlike Emerson, Melville was far more partial to dramatic form, as: “The most important effect of Shakespeare’s use of language was to give Melville a range of vocabulary for expressing passion far beyond any that he had previously possessed. The voices of many characters help to intensify Ahab’s,” 425.

<sup>475</sup> See Emerson’s term “open question” in “Montaigne; or, the Skeptic” from *Representative Men* (1850). Electronic resource available by New York: Modern Library, 2004.

<sup>476</sup> Friedrich Nietzsche, *The Birth of Tragedy* (New York: Random House, 1956): “It was through tragedy that myth achieved its profoundest content, its most expressive form; it arose once again like a wounded warrior, its yes alight with unspent power and the calm wisdom of the dying.”

ending mandates an imperative to critique the conditions of death without offering a teleological script for action.

In two novels, *Redburn* and *Moby-Dick*, a specific literary mode of dramatization adapts theatrical techniques from Seneca, Cervantes, Shakespeare, and Greek into the novel form, including the insertion of stage directions, soliloquy, ghosts, and choral interruptions.<sup>477</sup> However, *Redburn* and *Moby-Dick* move from staging law as the central power acting on the non-citizen. Scenes emphasize instead acute “pecuniary conditions,”<sup>478</sup> governmentality, and an ambiguous sovereignty at sea through both tragic effect and techniques from epic drama. The non-citizen appears as a figure that most often does not arrive:

Old women, rather mummies, drying up with slow starving and age; young girls, incurably sick, who ought to have been in the hospital; sturdy men with the gallows in their eyes, and a whining lie in their mouths; young boys, hallow-eyed and decrepit; and puny mothers, holding up puny babes in the glare of the sun, formed the main features of the scene.<sup>479</sup>

Explicitly crafted as a “scene,” a dramatic effect implicitly probes the politics of viewing mass suffering. In *Redburn*, the *Highlander* is a ship that transports emigrants (the noncitizens) as if “live cargoes of human beings”<sup>480</sup> from Liverpool to New York. The figuration of living bodies turning into “mummies” and “drying up with slow starving and age” alludes to the brutality of modernity and violence of modernization.

While Aristotelian readings highlight the role of empathy or pity and catharsis in Melville’s scenes, I am focusing on the effects of astonishment and its implications for thinking about the ethics of response. In both *Moby-Dick* and *Redburn*, the scene of the ship is presented as a worldly stage and a destructive machine. In *Moby-Dick*, for instance, the scenic effect also accounts for the “unconscious understandings” of the

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<sup>477</sup> Emerson’s *Representative Men*, declares a need for drama or a “Shakespeare and Swedenborg,” Mathiessen’s study shows, 413 Melville is partial to Shakespeare and dramatic form: “The most important effect of Shakespeare’s use of language was to give Melville a range of vocabulary for expressing passion far beyond any that he had previously possessed. The voices of many characters help to intensify Ahab’s introduction,” 425.

<sup>478</sup> *Redburn* 350.

<sup>479</sup> *Redburn* 259.

<sup>480</sup> Readers of *Redburn* were struck by descriptions of the regulation of immigrants. The novel generated debate about ameliorating the conditions aboard immigrant ships. “The Improving Condition of ‘Live Cargo’” appeared in the *London Morning Post*, October 29, 1849, writing. The reader is moved by the “horror” in *Redburn*’s scenes of transport and writes: “The details of the horrors aboard such a vessel as the *Highlander*, when returning to New York with a cargo of poor Irish emigrants are peculiarly deserving of notice; we believe some amelioration has taken place, and that some care is now taken of these live cargoes of human beings, but still these emigrant vessels require to be closely watched.”

“mongrel renegades, and castaways, and cannibals.”<sup>481</sup> There is a sustained imperative to restage the ship’s “unspeakable horror”<sup>482</sup> as the “unspeakable foundations” in the “ribs, and very pelvis of the world.”<sup>483</sup> Multiple voices, figures, phantoms, and perspectives appear at once; while a non-Aristotelian epic frame (including the technique of the quotable gesture) reproduces scenes of destitution and death as astonishment.<sup>484</sup> In *Redburn* and *Moby-Dick*, techniques from epic and tragic drama bear witness to famine, leprosy, “living corpses,” suicide, plagues, mutilation, drowning, unjust injury, and the struggle for life.

*Moby-Dick* begins with Ishmael gazing at a graveyard. He asks, “why all the living so strive to hush all the dead.”<sup>485</sup> Spectral actors, unnamed human and animal figures dying, return in the scene. *Redburn* critiques an indifference to death: “I surely thought the captain would lower a boat to bury the bodies...But we did not stop at all.” Understanding the non-citizen as a spectral figure who does not necessarily survive or arrive inquires also into the limits of the first-person. At one moment, in *Moby-Dick* for instance, the *Pequod* nears the equatorial line; the spectral cries of “half-articulated wailings of the ghosts of all Herod’s murdered Innocents” rise from the sea. These acoustic and spectral sounds leave traces—possibly human, animal, and divine—buried in the sea. The first-person appears in relation scenes entangled with figures and voices vanished at sea. Consider the “welding” of the first-person with other traces in the following sentence: “I, Ishmael, was one of that crew; my shouts had gone up with the rest; my oath had been welded with theirs; and stronger I shouted, and more did I hammer and clinch my oath, because of the dread in my soul.”<sup>486</sup>

Ethereal figures in Melville’s novels trouble a causal reading of the novel. A reading of the novel just as the plot, or “the natural, nominal purpose of the *Pequod*’s voyage” against the “abhorred white whale” provides a limited understanding of the layered temporalities in the novel.<sup>487</sup> In the last scene, when the *Pequod* faces its end, Ahab drowns and dies just like any other member of the crew, an equal mortal. Death shatters the mask of sovereign invincibility and the “furious trope”<sup>488</sup> of Ahab’s power. Ahab lays dying in the same nakedness as *Moby-Dick*.

Posed as the story of “only one” who did survive,<sup>489</sup> *Moby-Dick* begs the question of how to bear witness for whom there is no witness.<sup>489</sup> The dilemma is whether the account of the eye witness is the only credible tale or, more importantly, mode of bearing witness and responding. While a first-person notion of witnessing presumes experience as

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<sup>481</sup> *M-D* 158.

<sup>482</sup> *Redburn* 259.

<sup>483</sup> *M-D* 116.

<sup>484</sup> While it is important to distinguish between epic and tragic drama, there is a mixture of the two in *Moby-Dick*.

<sup>485</sup> *M-D* 45.

<sup>486</sup> *M-D* 159.

<sup>487</sup> *M-D* 177.

<sup>488</sup> *M-D* 157.

<sup>489</sup> I have here borrowed directly from Maurice Blanchot’s question “Where can we look for the witness for whom there is no witness?” in *A Voice from Elsewhere* (Albany, New York: SUNY Press, 2007), translated by Charlotte Mandel.

the grounds of narration, this reading of *Moby-Dick* troubles this easy deduction. Instead, the chapter asks if one can't bear witness to suffering through legends, paintings, myths, or even prophecy.<sup>490</sup> *Moby-Dick's* epilogue poses the question: how can an ethics of response to death move beyond eye witness testimony?

The imperative to "step forward" epilogue does not presuppose experience "in our selves."<sup>491</sup> Regardless of experience, the suffering of others marks each figure, voice, and narrator, as does the feeling of the sublime. For example, exegesis, perception, and reading are frequently dramatized as modes of experience, critique, and bearing witness within the novel. In shock, the first-person appears as a tremulous voice: "I witnessed some curious, and many very sad scenes...recoiling at the first shock of the encounter."

<sup>492</sup> However, the dramatic framing of the scene indicates more than one perspective is at play.

This chapter probes how tragic drama bears witness not just to an event but also to concepts and politics. As Benjamin argues, tragic drama bears witness to sovereignty and national peculiarity. Tragic drama highlights extreme suffering, catastrophic collisions, moral dilemmas, and intense incongruities. The staging of tragic scenes also presents a paradox, questioning the spectator's viewing and response. In the presentation of tragic and epic scenes are crucial questions about the possibilities for action, reconciliation, and reversal within a circumscribed space.<sup>493</sup>

From *White-Jacket*, *Redburn*, to *Moby-Dick*, Melville distinguishes the stories about the dead printed in newspapers or even in the chapel from the dramatic scenes at sea. The notably discontinuous threads in *Moby-Dick* do not assert the novel as unified through synchronic modern time but instead as a series of dramatic fragments, prophetic tales, and crafted scenes. Remarks on the limits of the obituary or the tombstone point to disparities, inequities, and exclusions from political life. As the following passage from *Redburn* makes explicit:

There is the obituary of the destitute dead, who die on the sea. They die, like the billows that break on the shore, and no more are heard or seen. But in these events, thus merely initialized in the catalogue of passing occurrences, and but

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<sup>490</sup> See Emanuel Levinas' "Witness and Prophecy" in *Otherwise Than Being: Or Beyond Essence* (Pittsburg: Duquesne University, 1998), translated by Alphonso Lingis. Levinas argues against the thematization of testimony or ontology and for a mode of bearing witness "not reducible to the relationship that leads from an index to the indicated," 149-151. Again, as this chapter argues, a reading of tragedy as prophecy invites reflections on literary time as non-secular.

<sup>491</sup> In *O Teatro do Oprimido (Theater of the Oppressed)*, Augusto Boal would write of Aristotle's celebration of passive spectatorship as a "coercive." Passive spectatorship reproduces a dichotomy between the seen and the unseen.

<sup>492</sup> *Redburn* XLI.

<sup>493</sup> See Richmond Y Hathorn. *Tragedy, Myth, and Mystery* (Bloomington: Indiana University Press, 1962).

glanced at by the readers of news, who are more taken up with paragraphs of fuller flavor; what a world of Me and death, what a world of humanity and its woes, lies shrunk into a three-worded sentence!<sup>494</sup>

Transforming life into a short “three-worded” sentence magnifies the distance between the “destitute dead” and the “readers of news.” *Redburn* invokes the term “humanity” ironically and alludes to the newspaper reader’s paradoxical pleasure in reading of death as also the narcissism of civilization, a “world of Me and death”! Cataloguing the “destitute dead” desensitizes the reader and normalizes death. Instead, *Redburn*’s tragic realism invites the reader to look beyond truncated narratives of death as an event,<sup>495</sup> and posits witnessing as the diametrical opposite to consuming news.<sup>496</sup>

*Redburn*, for instance, describes the advertisements promising a “free passage to the most distant and flourishing colonies” and luring “crowds of gaping immigrants” as “rat-traps.”<sup>497</sup> As a result, immigration appears as a coercive method of placing displaced and destitute figures in a deadly space. The romance of “free passage” wanes as soon the ships set sail and escape the gaze of the inland population. Figures seeking asylum and sanctuary are literally “stowed away” like “bales of cotton” and “packed” like “slaves in a slave-ship; confined in a place that, during storm time, must be closed against both light and air; who can do no cooking, nor warm so much as a cup of water.” The “slave-ship” haunts the immigrant ship crossing the Atlantic; the image of bodies “confined in a place” that “must be closed against both light and air” casts the ship as a merciless machine of death and destruction. While lauded as civilization’s conceited technological pride and attempt to conquer the natural world, the ship’s journey turns into a nightmare; the safeguarding of the machine comes at the cost of preserving life.

In the above scene, an entrenched biopolitical mode appears within the ship’s architecture, reproducing wealth and misery as also the division between nationality and statelessness.<sup>498</sup> Although the forced overcrowding results in fevers and plagues Details

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<sup>494</sup> Melville *Redburn* Chapter LVII.

<sup>495</sup> A. Robert Lee, “Moby-Dick: The Tale and the Telling” in *New Perspectives on Melville* (Edinburgh: Edinburgh University Press, 1978). Lee observes:

“The process of inviting the reader to see doubly, or in multiples, dilates and extends throughout the narrative. In Fedallah, and his Parsee comrades, the Pequod’s crew see ghostly counterparts, shadowy send selves...Throughout Moby-Dick, Melville develops similarly interlocking tiers of superstitions, gloom, things and people half-seen. Just as the whale, and figures like Queequeg, Fedallah and Elijah, are presented equivocally, so the ‘objects’ and things which fill out Moby-Dick’s imaginative world call on the reader’s second sight,” 99.

See also Harrison Hayford’s “Unnecessary Duplicates: A Key to the Writing of Moby-Dick,” 128-160.

<sup>496</sup> See Lloyd Pratt’s “Figures of Print, Orders of Time, and the Character of American Modernity,” in *Archives of American Time: Literature and Modernity in the Nineteenth Century* by (Philadelphia: University of Pennsylvania Press, 2010).

<sup>497</sup> *Redburn* 268.

<sup>498</sup> See Oscar Handlin’s *The Uprooted: The Epic Story of the Great Migrations That Made the American People* (Philadelphia: University of Pennsylvania Press, 1951 and

about the actual manner and stories of how the figure of the non-citizen dies—daily—speak to the violent and coercive regulation of emigrants; the brutal conditions of the voyage question seamless narratives of departure and arrival. Descriptions of the ship’s interior disclose an interstitial space between national borders impacted by a diffuse and sinister power overreaching its jurisdiction. Redburn, for instance, distinguishes realist from romantic accounts of seafaring and observes:

The emigrant passengers are cut off from the most indispensable conveniences of a civilized dwelling... This forces them in storm time to such extremities, that no wonder fevers and plagues are the result. We had not been at sea one week, when to hold your head down the fore hatchway was like holding it down a suddenly opened cess-pool.<sup>499</sup>

The diabolical Captain Jackson insists on the daily enforcement of the rule of “keeping” immigrants beneath deck in a “cess-pool.” While the hierarchical ordering of space and overcrowding causes death and disease, the Captain mono-maniacally adheres to his reason.

A breach in the fiduciary relation takes place in the scenes of deprivation aboard the immigrant ship, the *Highlander*, as barricades and impediments are set up “to protect” the “gentility” from the “barbarian incursions of the ‘wild Irish’ emigrants.” Ropes define the “boundary line between those who had paid three pounds passage-money, from those who had paid twenty guineas.”<sup>500</sup> This “boundary line” between the “genteel” passengers and the “wild Irish” immigrants is also the border between life and death where an ambiguous notion of sovereignty is at play. In the captains’ eyes, the emigrants do not merit a “dwelling” but instead are disposable; as a result, brutal regulations of social space reproduce human-made suffering as the breakdown of relations or sociality.<sup>501</sup> In the linguistic world of the novel, the placement of the border in the space of the ship is also the threshold between Redburn’s “I” and a configuration of figures. Both the figuration of the “I” and the emigrants as objects or “its” show the close proximity and unavoidable relation between the two.

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1973). In “The Crossing,” Handlin writes: “The journey was long, the average from Liverpool to New York about forty days... The span was uncertain, for the ship was at the mercy of the winds and the tides... Wrecks were disastrous and frequent... In the slow-elapsing crossing, the boat became a circumscribed universe of its own, with its harsh little way of life determined by the absence of space... Yet into these tiny craft were crammed anywhere from four hundred to a thousand passengers,” 45.

<sup>499</sup> *Redburn* 323

<sup>500</sup> *Redburn* 324.

<sup>501</sup> In *Civilization and Its Discontents* (New York: W.W. Norton, 1961) translated by James Strachey, Freud distinguishes between three types of suffering induced from the inevitable decay of the body, external world, and “from our relations to other men.” The last type of suffering, he writes, “is perhaps more painful to us than any other,” 24.

References to various narratives of discovery as renewal or the sea as an unbounded “oceanic feeling”<sup>502</sup> call the ideal of civilization into question. As Redburn deduces “chronic evils which can only be ameliorated, it would seem, by ameliorating the moral organization of all civilization.”<sup>503</sup> In fact, a particular and fabricated reference to Bonaparte’s *Dream Book* in *Redburn* stages civilization’s unconscious drives and contrasts its promise with the nightmare of the voyage. “The problems,” observes Redburn, “were to be cast by means of figures.” The scene presents the book on the interpretation of Napoleon’s dreams and their application to the foreseeing of future events as the farce of civilization. The “wonderful dream” and intoxicating spell of civilization is abruptly interrupted by an accident “which came near being the death of all on board.” An enchanted narrative disappears in the narrator’s encounter with “a shock unforeseen.” The “shock” of the voyage alludes to an underlying disappointment, suggesting also a trauma occurs with the advent of the cultural ideal of civilization. Both a “melancholic mood” and suffering are key tropes about the psychological effects of the sea voyage, the belief in the ability of human might, progress, and technology to conquer other worlds.

While *Redburn* is a realist reflection on Adam Smith, the conversion of persons to “human cargo” and the growing melancholy that attends an increasingly global economy, *Moby-Dick* employs strategies from baroque tragedy and epic theater to contrast dramatic tales of glory, honor, revenge, sacrifice, and the creaturely life of the non-citizen. Moreover, the scenes of quotidian life aboard mercantile, emigrant, and whaling ships pose important questions about the reproduction of non-citizenship less as a state of emergency than as a political norm. *Redburn*’s realism, for instance, describes the daily perception of living humans as property where five hundred Irish and Italian immigrants are packed in bunks that “looked more like dog-kennels than any thing else”<sup>504</sup> Descriptions of the ship as a caged, uninhabitable, and overcrowded space allude to a sovereign power acting without any legal or political oversight. However, the use of techniques from tragic drama frame questions of the witness’ obligation and response to the surrounding scene of death and despair.

Both *Redburn* and *Moby-Dick* begin with the first-person narrator gazing at sea paintings and, then, perceive a nondescript or ambiguous trace.<sup>505</sup> The ambiguous trace figures as a foreigner, the sublime trace of someone who “does not belong” on the New York Street or Nantucket shores. Just as viewing sea paintings in his father’s parlor leads

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<sup>502</sup> In *Civilization and its Discontents* defines the civilization’s self-perception and oceanic feeling as “sensation of ‘eternity,’ a feeling as of something limitless, unbounded—as it were, ‘oceanic’.” Importantly, he adds “this feeling...is a purely subjective fact,” 11.

<sup>503</sup> *Redburn* 203.

<sup>504</sup> *Redburn* 320.

<sup>505</sup> Andrew Delbanco documents in *Herman Melville: His Work and His World* how experimentation with diptychs found in oil paintings results in “pairs of contrasting scenes that illustrate this or that social pathology.” Delbanco documents how Melville turns to the diptych after reading Charles Eastlake’s *Materials for a History of Oil Painting* in the summer of 1848 and after viewing dual portraits at the National Gallery in London.



Redburn into a “secret sympathy” and “continual dwelling upon foreign association,”<sup>506</sup> the “masses of shades and shadows” in a painting of a ship wreck at the Sprouter-Inn causes Ishmael to freeze, shudder, marvel, and contemplate the terrifying meaning in the pictorial representation of the sea.<sup>507</sup> As a result, questions of mimesis and representation are situated within the narrative, while the sensation of viewing a painting open Redburn’s and Ishmael’s eyes to an indecipherable figure within romantic portraits of the sea. As in Greek drama where it was not uncommon for pictorial representations to appear on stage, paintings and sketches of the whale recur in various portion of the novel as a deliberation on the tragic sublimity of the whale.

Melville is explicit about the graphic quality of the scenes and “the picturesqueness of things.”<sup>508</sup> The “unimagined sublimity” of the painting prompts Ishmael to see the outline of an opaque and defaced figure, viewing and questioning: “But stop; does it not bear a faint resemblance to a gigantic fish? even the greatest leviathan himself?” The pictorial representation of the whale as sublime foreshadows the tension between the human and the inhuman contingent in the novel. While tensions between the forcibleness of an authoritarian voice and vulnerable human contingent are general characteristic of tragedies such as *Antigone*, it is the tragic division between the human and the animal contingents that distinguishes *Moby-Dick*. The ambiguity of the whale’s form—a gigantic fish—in front of Ishmael is the source of myth, mystery, and astonishment, as is the pursuit of the “greatest leviathan himself.”

Furthermore, experimentations with the writing of the first-person perspective place the witness *within* an external world and question the relations between “domestic” and “foreign.” As the first-person narrator continuously dwells on the “foreign,” scenes pose the relation between the witnesses’ interiority and the world. *Redburn* opens with the narrator as a child intrigued by the presence of a “wonderful Arabian traveler” in New York.<sup>509</sup> The narrator admits, “he long haunted me; and several times I dreamt of him, and thought his great eyes were grown larger and rounder,” as his “thoughts became more and more prone to dwell upon foreign things.”<sup>510</sup> Implicit in Redburn’s confession to being haunted by “foreign things” is the narrative invention of the non-citizen as a tragic, spectral, and mythological figure inextricably bound to the first-person perspective. The narrator as the “I” encounters a configuration of figures and specters assumed to be his opposite. To be sure, these are Orientalist tropes. Yet, in passing through, responding, and facing these figures, the appearance of the first-person as a “free” or autonomous voice becomes increasingly unstable.

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<sup>506</sup> *Redburn* 48-51.

<sup>507</sup> *M-D* 26.

<sup>508</sup> *M-D* 218. Hershel Parker and Harrison Hayford note Melville incorporates *The Narrative of the United States Exploring Expedition* (1844), an account of 1838-48, relating Charles Wilkes expedition in the Pacific and Antarctic. Their historical research traces references to Wilkes in several reviews that appeared at the time shows “how important the Exploring Expedition was in expanding the American consciousness, comparable in attention getting to landing on the moon.” footnote in the Norton Critical Edition of *Moby-Dick* 482.

<sup>509</sup> *Redburn* 46.

<sup>510</sup> *Redburn* 46

When Redburn voices that a “continual dwelling upon foreign association, bred in me a vague prophetic thought,”<sup>511</sup> then the ubiquitous traces of the “foreign” prompt a departure from a first-person perspective alone and unveil the impact of the world on his mind. Indeed, just as Redburn becomes prone to “dwell upon foreign things,” so too do many of Melville’s novels from *Typee*, *Omoo*, to *Moby-Dick* present encounters with the so-called “foreign,” “savage,” and “primitive” as not external but central to the first-person narrator’s thoughts. Moreover, *Redburn*’s narrator “dwelling” upon the foreign takes stock of how nearly every piece of furniture is made in other lands and worlds but within the metropolitan home. When looking at the furniture or material objects, Redburn begins “wondering where the wood grew; whether the workmen who made them still survived, and what they could be doing with themselves now,”<sup>512</sup> increasingly aware that the trace of the “foreign” resides not outside but *within* his paternal home. The home loses its “private” dimension and domestic space links to a vast external and ethereal world.

However, Redburn’s passivity and inability to act despite witnessing mass suffering indicate the limits of the novel’s tragic realism. Redburn describes himself as a “a sort of Ishmael in the ship, without a single friend or companion” who “began to feel a hatred growing up in me against the whole crew--so much so, that I prayed against it.”<sup>513</sup> Although he later develops an “eye of pity and compassion” distinct from the diabolical Captain Jackson’s “sightless eyeballs,” his “pity” does not prompt him at any moment to respond, act, or offer care. While *Redburn* casts as the first-person as an “innocent” observer and benevolent witness, he is throughout the novel almost an inert figure who looks but does nothing. Pity is not an ethics of equality in *Redburn* or *Moby-Dick* but a divisive term. Thus, the metaphysical notion of pity associated with tragedy (and also in liberal narrative of compassion) and Aristotelian notions of empathy limit the novel’s ethical reach.<sup>514</sup> In fact, Redburn’s “eye of pity” relegates the figures he witnesses to objects perceived as more astonishing than equal figures.

In a chapter entitled, “The Living Corpse,” a figure named Miguel Saveda is ambiguously both living and dead. As the captain orders his body to be dragged through

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<sup>511</sup> *Redburn* 48.

<sup>512</sup> *Redburn* 46.

<sup>513</sup> *Redburn* Chapter XII.

<sup>514</sup> See D.D. Raphael’s notes on Aristotle in *The Paradox of Tragedy* (Bloomington: Indiana University Press, 1960). Raphael cites *Rhetoric*, Book II, containing passages understood as foundational to the study of tragedy, paraphrasing the Aristotelian idea of “fellow feeling” elaborated in the text: “His doctrine rests on the fact that to be capable of pity we must be capable of imagining, and therefore of experiencing in ourselves pain as that which we see affecting or threatening the person pitied. More generally, sympathy of any kind, since it includes the representation in imagination of another’s feelings, presupposes experience of sufficiently similar feelings in ourselves. To pity another’s pain I must know what pain is,” 17. Although the attention to sensuous experience and emotionality as a medium for inter-subjectivity continues to make the study of tragedy in relation to ethics crucial, the assumption that recognition can only ensue from experiential knowledge “of sufficiently similar feelings” limits action and exchange to identification with the similar.

the ship and burned to the “silent horror of all,” then Redburn describes how viewing the “tragical event...thrilled me through and through with unspeakable horror.”<sup>515</sup> The novel addresses the paradox or thrill and astonishment in tragedy, as Redburn’s sense of thrill in witnessing “unspeakable horror”<sup>516</sup> calls into question the first-person narrator’s complicity. Despite his overwhelming feeling of pity when viewing scenes of “unspeakable horror,” Redburn’s passivity, lack of courage, and obedience point to a limited model of ethical action in the novel.

When *Redburn* invokes the narrative of America not as a “mere nation but a world,”<sup>517</sup> then contradictions emerge in the liberal claims of compassion and particular narratives of the United States as a multicultural utopia. At one point, the novel extols American citizenship “a guarantee against pauperism” and deduces this “perhaps springs from the virtue of a vote.”<sup>518</sup> This fantasy of American democracy, ironically, coincides with the figures of the drowned and destitute throughout the novel. Although the novel refers to America as the home of the world’s motherless and fatherless “orphans,” a gap between the first person narrator’s sympathetic reflections and liberal nationalism exposes the limits of liberal pity. The liberal Redburn wears the mask of innocence, pity, and goodness, eliding his complicity with the “terror” the novel condemns.<sup>519</sup>

Astonishment (or the “shock” Redburn feels at witnessing the transport of emigrants) is distinct from the effect of empathy in Melville’s novels. Terror, disbelief, and disgust more than pity mark the witness’ response to the scenes aboard the ships. The hopelessly sheltered narrator, Redburn, also is perpetually astonished by modern sights, returning shocked and disillusioned from his first voyage. Memories of the dead and the drowned consume his thoughts, words, and recollections of the voyage but he offers little care. As Leslie Fielder notes in *Love and Death in the American Novel*, a peculiarity of the American novel is the rhetoric of terror:

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<sup>515</sup> *Redburn* 327.

<sup>516</sup> See Annibal Quijano’s “Coloniality of Power, Eurocentrism, and Social Classification” in *Coloniality at Large: Latin America and the Postcolonial Debate* (Duke: Duke University Press, 2008), eds. Mabel Moraña, Enrique Dussel, and Carlos A. Jáuregui. In short, Quijano defines one of the features of colonial modernity as a “model of power” based on the “social classification of the world’s population around the idea of race, a mental construction that expresses the basic experience of colonial domination and pervades the more important dimensions of global power,” 181-224.

<sup>517</sup> Matthiessen 444

<sup>518</sup> *Redburn* 277.

<sup>519</sup> Thousands of articles, narratives and governmental treatises on mass immigration to the United States appear in American periodicals between eighteen-thirty and the turn of the century, including the *The Albion, A Journal of News, Politics and Literature, The North American Review, The Boston Recorder* and *The Western Monthly Magazine, and Literary Journal*. Vitriolic discourses pathologize immigrant customs as a threat to national character. For instance, the article entitled “Emigration of Foreigners” reads: “It is believed that the annual increase of foreign voter exceeds that of native Americans...A result more appalling to every lover of his country cannot be imagined.” See *The Western Monthly Magazine, and Literary Journal* (1833-1837). Cincinnati: Dec 1836. Vol. 5, Issue. 12; p. 743.

The American novel is pre-eminently a novel of terror. Our literature as whole seems at times a chamber of horrors disguised as an amusement park ‘fun house,’ where we pay to play at terror and are confronted in the innermost chamber with a series of inter-reflecting mirrors which present us with a thousand versions of our own face.....However shoddily or ironically treated, horror is essential to our literature.

Fielder doesn’t attribute terror to an external figure, but as the reflection of a national topography within the genre of the American novel. The comments beg the question: whose terror? Her comments suggest “terror” resides in the “innermost chambers” of the American novel and is a “series of inter-reflecting mirrors” about national culture. If terror returns as astonishment within the novel, then a kernel of destruction enters into the figuration of national sovereignty and Melville’s novels speak to a “national peculiarity.”

In details of death, hunger, anguish, and terror aboard the *Highlander* and the *Pequod*, the figure of the non-citizen is one who does not arrive but drowns. The sea is the locus of a human made terror—the sublime underside of modernity—where “shrieks and lamentations were driven to leeward, and drowned in the roar of the wind among the cordage; while we gave to the gale the blackened bodies of five more of the dead.”<sup>520</sup> Lamentations drowned in the “roar of the wind” leave traces of the tales suppressed and infinite losses suffered in the pursuit of shelter, food, and equitable conditions. Drowning is also invoked figuratively as the “dreams drowned,” languages suppressed, and voices gagged. The dreams at the start of novels—the naïve Redburn’s hope for a romantic sea voyage he reads of in books, Harry Bolton’s aspirations to carve out a fresh fortune in the New World, Ishmael’s and Queequeg’s romance, as well as desires for inclusion, cohabitation, democracy, and reciprocity—are instead destroyed by the voyage.

In Melville’s letters and novels, tragedy is not simply the other side of farce or satire but intertwined with the question of guilt, responsibility, and action. As a sentence in *Billy Budd* makes explicit: “If satire it was in effect, it was hardly so in intention.”<sup>521</sup> Instead, the “so strange and extraordinary a tragedy” is presented as and “earnest interrogatory as to what it was that had resulted in such a tragedy.”<sup>522</sup> In *Billy Budd*, tragic drama inquires into the failure of American democracy and also enigma of political justice.

A critical dimension of Melville’s tragic technique is that there are virtually no heroes and, thus, a virtuous protagonist does not encounter a fateful outcome; rather, technologies of destruction cause a reversal of fortunes (*peripeteia*). As opposed to the portrayal of a singular flawed hero, the emphasis in Melville is on the ethics of aesthetic response to terror and suffering through pity, sympathy, or action as well as the inter-relations between ensembles of figures within a world scene.<sup>523</sup> Redburn, for instance,

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<sup>520</sup> *Redburn* 378

<sup>521</sup> *BB* 435.

<sup>522</sup> *BB* 478-479.

<sup>523</sup> Of course, the pathos of pity and sympathy in Melville’s works must not be interpreted as inherently ethical or equalizing. See Mitchell Breitweiser’s “False Sympathy in Melville’s *Typee*.” *American Quarterly* 34 (1982):396-417.

turns from the Liverpool crowd and falls into conversation with a Lascar as the two smoke. After the encounter, he reflects:

So instructive was his discourse, that when we parted, I had considerably added to my stock of knowledge. . . . He knows things you never dreamed of; his experiences are like a man from the moon – wholly strange, a new revelation. If you want to learn romance, or gain an insight into things quaint, curious, and marvelous, drop your books of travel, and take a stroll along the docks of great commercial port. Ten to one, you will encounter Crusoe himself among the crowds of mariners from all parts of the globe.<sup>524</sup>

The conversation for Redburn is a moment of revelation, marvel, and catharsis. The scene acknowledges the figure not simply as a primitive *tabula rasa* but as “Crusoe himself” as well as a source of knowledge. Melville’s novels repeatedly stage the “foreign” as inimical to the narrator’s psyche. As Redburn states, “The idea thus belongs to a fundamentally different world from that which it apprehends.”<sup>525</sup> This notion of the idea emanating from the very “different world” that the “well-dressed crowd” in Liverpool “apprehends” as radically other to “civilization.” Redburn poses desire (although mostly unsuccessful) for parity, reconciliation, and equality between differently positioned actors.<sup>526</sup>

#### 4.1 Moby-Dick as the Non-Citizen

*Moby-Dick* is unique and significant due to the presentation of an animal as a central yet spectral figure. Deliberations on the *representability* of the whale, a figure always and already represented in scientific and aesthetic reproductions alike but outside human speech allude to the limits of the human. Who bears witness for the whale’s suffering? Both in *Redburn* and *Moby-Dick*, the whale is a source of rapture and horror, scientific precision and erroneous representation. The whale’s magnanimous size is a source of astonishment, myth, terror, and mystery. In addition, the perception of *Moby-Dick* as “monstrous” or evil incarnate results in catastrophic loss.

Animal figures in the novel call into question a language of man within the rhetoric of rights. For instance, in the following passage, the coupling of the terms “man” and “rights” comes into question:

What are the Rights of Man and the Liberties of the World but Loose-Fish? What all men's minds and opinions but Loose-Fish? What is the principle of religious belief in them but a Loose-Fish? What to the ostentatious smuggling verbalists are

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<sup>524</sup> *Redburn* 242

<sup>525</sup> *Redburn* 34.

<sup>526</sup> In this sense, Melville’s tragic technique can be understood as resonating with Hegel’s idea of tragic reconciliation (*Versöhnung*) in the *Lectures on Aesthetics* and *Phenomenology*.

the thoughts of thinkers but Loose-Fish? What is the great globe itself but a Loose-Fish? And what are you, reader, but a Loose-Fish and a Fast-Fish, too?<sup>527</sup>

There are numerous interpretations of the historical resonances of this passage as a deliberation on the United States' imperial aspirations during the nineteenth-century. However, less attention has been paid to how the most vulnerable figures in Melville's novels are animals. As a result, *Moby-Dick* speaks to limits of the human as a juridico-political abstraction. Specifically, the figuration of "loose-fish" poses the question of those excluded from legal protection. As a result, the rhetoric of "rights" and "liberties" as well as the language of man appears contradictory and even violent

When the passage directly addresses the reader—"what are you, reader, but a loose-fish?"—then it challenges a limited notion of "rights" and "liberties." Not incidental are the references to Bentham in the chapter "Fast-Fish and Loose-Fish." As a passage states:

Though Jeremy Bentham's skeleton, which hangs for candelabra in the library of one of his executors, correctly conveys the idea of a burly-browed utilitarian old gentleman, with all Jeremy's other leading personal characteristics; yet nothing of this kind could be inferred from any leviathan's articulated bones.<sup>528</sup>

The assumption that scientific inquiry or natural history retrieves some general theory about a species or the whale's corporeal experience is questioned. Cetology or the science of studying the whale as a specimen and thing-in-itself intersects with an inquiry into the limits of the human in the novel. One of the implicit themes in *Moby-Dick* is sustainability. Interpreting *Moby-Dick* as also embodying the predicament of the non-citizen opens an inquiry into the plurality of living forms, a more inclusive and sustainable notion of rights.

Interestingly, the most "abased" of the crew—the "primitive" and "savage" harpooners—understand their proximity and likeness to the animal figures hunted at sea yet cast out of testimony. As *Redburn* observes, "whalemen are far more familiar with the wonders of the deep than any other class of seamen."<sup>529</sup> This familiarity as well as the precarity of both animal and "primitive" figures intersects with questions of representability in *Moby-Dick*. As one line notes:

For all these reasons, then, any way you may look at it, you must need conclude that the great Leviathan is that one creature in the world which must remain unpainted to the last. True, one portrait may hit the mark much nearer than another, but none can hit it with any very considerable degree of exactness. So there is no earthly way of finding out precisely what the whale really looks like.<sup>530</sup>

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<sup>527</sup> *M-D* 309.

<sup>528</sup> *M-D* 309.

<sup>529</sup> *Redburn* 156.

<sup>530</sup> *M-D* 218.

As the “unwritten life” in Melville’s novels is the whale, the difficulty of representing the animal—a figure outside human language—intersects with questions of testimony at large.<sup>531</sup> For example, the chapter “The Affidavit” speaks to the effacement of tales submerged at sea and compares this erasure with the status of the drowned or the rightless. A legal advocate presents an imaginary affidavit on behalf of a crew drowned at sea. Writing about the abuses suffered by the crew, the advocate’s protest or grievance follows:

Not one in fifty of the actual disasters and deaths by casualties in the fishery, ever finds a public record at home, however transient and immediately forgotten that record.<sup>532</sup>

The discrepancy between the written and official record contrasts with the one prohibited from the court or the tale lost at sea.<sup>533</sup> The image of the “drowning yet afloat” mariner presents a figure whose “life” literally dangles between ship and sea.<sup>534</sup> The specific quandary of the animal (cast out of the structures of address) resembles the non-citizen’s juridical dilemma, denied the right to testify.

When a member of the *Pequod*’s crew drowns near the coast of New Guinea, the narrator asks: “do you suppose that that poor fellow’s name will appear in the newspaper obituary you will read to-morrow at your breakfast?”<sup>535</sup> Death at sea poses the problem of representability or narrative transmission. On the one hand, the stories and the lives “drowned” at sea are “unspeakable” and can never be completely recuperated; on the other hand, there is an obligation to bear witness to “despotic usages” and vulnerability on the “dockyards of a republic.”<sup>536</sup> The novel presents an analogy between the tales drowned and the figure of the whale. The sea emerges as if a grave where the untold stories of “actual disasters and deaths” remain buried.<sup>537</sup> Much like the drowned, the whale is speechless. As a result, a figuration of the inhuman haunts the human in both *Redburn* and *Moby-Dick*. *Redburn* asks, “For who were these ghosts that saw?”<sup>538</sup>

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<sup>531</sup> See also Jacques Derrida’s *The Animal That Therefore I Am* (New York: Fordham, 2008).

<sup>532</sup> *M-D* 173.

<sup>533</sup> *Benito Cereno*’s scene mirrors the legal norm during the mid-nineteenth century when slave testimony was prohibited from legal consideration.

<sup>534</sup> The trope of the sea-shore emerges in the philosophical literature of transcendental thought as the scene of reflection. See Jonathan Arac’s “Global and Babel: Language and Planet in American Literature” in *Shades of the Planet* where he reads the sea-shore in Emerson’s essay on Plato as mode of viewing the “the border from two sides.” In this essay, Emerson (as Arac notes) refers to the concepts of “oneness and otherness” while he gazes at the sea.

<sup>535</sup> *M-D* 172.

<sup>536</sup> *W-J* Chapter LXXI, “The Genealogy of the Articles of War.”

<sup>537</sup> Melville extends Nathaniel Hawthorne’s technique of the “twice-told” tale throughout his works, including *Moby-Dick* and *Benito Cereno*. The reiteration and craft of retelling contributes to the enigmatic quality of the style.

<sup>538</sup> *Redburn* 253.

As Ishmael notes, there is “no earthly way of finding out precisely what the whale really looks like.” The limits of “earthly” or empirical explanations such as Bentham’s lead Ishmael instead to cite myths and scripture to sketch the figure of the whale. For instance, Moby-Dick’s figure appears through citations of *Genesis*, Hobbes’ *Leviathan*, and Darwin’s *Voyage of a Naturalist*. Citations provide an account of discourse within the novel and the effects of systems of classification. A specter haunts these discourses, as if the entirety of Western civilization and thought derives from the whale! In both *Redburn* and in *Moby-Dick*, the exclusion of the animal is both tragic and comic. This chapter inquires into the animal figures in order to argue that this is relevant to a critique of an exclusionary language of rights. Classifications of species during the nineteenth century reduce lives to terse “three-word sentences” and produce a set of regulatory effects. Citations—the extracts at the start of *Moby-Dick*—allude to multiple discourses influential in the regulation of populations.

*Moby-Dick* also presents a mythical time. Passages, for instance, adumbrate the novel’s debt to myth and scripture, particularly the story of Jonah:

But, by the best contradictory authorities, this Grecian story of Hercules and the whale is considered to be derived from the still more ancient Hebrew story of Jonah and the whale; and vice versa; certainly they are very similar. If I claim the demigod then, why not the prophet?<sup>539</sup>

Now some Nantucketers rather distrust this historical story of Jonah and the whale. But then there were some sceptical Greeks and Romans, who, standing out from the orthodox pagans of their times, equally doubted the story of Hercules and the whale, and Arion and the dolphin; and yet their doubting those traditions did not make those traditions one whit the less facts, for all that.<sup>540</sup>

The question “why not the prophet” presents mythical and sacred texts as exegeses on ethics. In these passages from the chapters “The Honor and Glory of Whaling” and “Jonah Historically Considered,” the specter of the whale is not secular but a mythological and heroic figure from Hebrew scripture.<sup>541</sup> The passage poses problems of reading both myth and scripture as ahistorical, as a conflict arises about the probability of these narratives due to their status as religious tales as opposed to historically verifiable narratives. However, as the passage asserts, “doubting those traditions did not make those traditions one whit less facts, for all that.” The secular opposition between scripture and

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<sup>539</sup> *M-D* 286.

<sup>540</sup> *M-D* 287.

<sup>541</sup> Melville refers to the figure of the whale in Rabbinical traditions also in *Redburn*:

“I lost all respect for whales; and began to be a little dubious about the story of Jonah; for how could Jonah reside in such an insignificant tenement; how could he have elbow-room there? But perhaps, thought I, the whale, which according to Rabbinical traditions was a female one, might have expanded to receive him like an anaconda, when it swallows an elk and leaves the antlers sticking out of its mouth.” (153)



fact, the Enlightenment separation of myth and history, or the divide between human and animal is called into question.<sup>542</sup>

The spectral figure of the non-citizen is also Moby-Dick, the whale and the object of Ahab's incurable aggression. Ahab's intolerant soliloquies (dramatizations of his self-involvement) profess vengeance and hate:

That inscrutable thing is chiefly what I hate; and be the white whale agent, or be the white whale principal, I will wreak that hate upon him. Talk not to me of blasphemy, man; I'd strike the sun if it insulted me. For could the sun do that, then could I do the other; since there is ever a sort of fair play herein, jealousy presiding over all creations.<sup>543</sup>

In this passage, the figure of the white whale is the target of the Pequod's quest and the "inscrutable thing" haunting the rhetoric of humanity. Ahab's polarizing rhetoric prompts a state of fear aboard the *Pequod*, as the harpooners become acutely aware that Ahab "will wreak that hate" also upon them. To retrieve the whale as the non-citizen is to underscore the limits of the human. When Melville writes of the "unwritten" and "unpainted" life, the principal figure in mind is the ethereal Moby-Dick. Moby-Dick's status, simultaneously whale and non-citizen, suggests there is a vital trace external to the ship yet regulated through multiple narratives.

## 4.2 Gestures of Life

Dramaturgy is distinct from other aesthetic forms as it draws from modes of embodiment and gesture. In Melville's crafting of a tragic scene, there is a sustained imperative to chronicle lives lost and bodies submerged but deprived of the right to communicate through gesture and movement. In particular, silent yet dramatic gestures such as Queequeg's prophetic building of his coffin, the spectral movement of whales, and the emigrants joining of hands on the *Highlander* are nonverbal modes of bearing witness. Thus, the interpretative task is not to recite an order of events but to resurrect the corporeal experience of the drowned as a question about the ethics of response.

Whereas the obituary reduces life to three words, dramatic techniques resurrect lost gestures, account for pathos, and highlight the corporeal experience of the drowned. For instance, the scene of despair and scarcity aboard the *Highlander* is interrupted by song, dance, and a carnival of masquerade: "And now a dance and masquerade of figures, reeling from the side-doors, among the knights and dames...On this, the curtain drops;

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<sup>542</sup> If we consider the Freudian hero-myth as the figure who protests paternal law and wreaks vengeance on the father, then the only plausible hero-like figure in *Moby-Dick* is the whale. In *Moses and Monotheism* (New York: Vintage, 1939) Freud writes: "A hero is a man who stands up manfully against his father and in the end victoriously overcomes him," 9.

<sup>543</sup> *M-D* 137-138.

and there the poor old organ stands, begrimed, and black, and rickety.”<sup>544</sup> Thus, theatricality enters into tragic scenes as a mode of redressing vulnerability.

Another telling moment is a scene of extreme scarcity in *Redburn* where three figures at the brink of death “say nothing” but communicate through slight gestures. An emaciated figure with a “face cadaverous as a corpse” stands in silence on the Liverpool docks—almost still—but slowly moves his finger and points down to some words written in chalk on the pavement. The words are: “I have had no food for three days; my wife and children are dying.”<sup>545</sup> Between the written words and the figure’s silence is a gesture, a slight movement of a hand that beseeches the spectator to respond. The dying figure’s gesture is not simply an appeal for sympathy or the gaze but a communicative act.<sup>546</sup> Although fatigued and close to death, the dramatization of a frail moving finger is the silent scream of the displaced and destitute figure.<sup>547</sup> Speechless gesture attests to the dire need for communication without replicating the voice of violence.

In addition, dramatic techniques counter naturalist narratives of disaster, death, and famine. The deaths aboard the ships are narrated as anything but due to natural causes. In each death, there are infinite losses, specters, and questions.<sup>548</sup> Tragic effects

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<sup>544</sup> *Redburn* 315.

<sup>545</sup> *Redburn* 334.

<sup>546</sup> In *The Origin of German Tragic Drama*, Benjamin compares the “quotable” and the dramatic gesture as well as the writer and the dramatist. He writes:

Whereas the speaker uses voice and gesture to support individual sentences, even where they cannot really stand up on their own, constructing out of them—often vaguely and precariously—a sequence of ideas, as if producing a bold sketch in a single attempt, the writer must stop and restart with every new sentence. 29

<sup>547</sup> See commentaries on Brecht’s famous staging of the silent scream in *Mother Courage*; the discussion between Benjamin and Rosenzweig on the construction of the speechless hero in “Fate and Character.”

<sup>548</sup> For an important discussion of testimony “after the witness” see Michael Rothberg and Jared Starks, “After the Witness: A Report from the Twentieth Anniversary Conference of the Fortunoff Video Archive for Holocaust Testimonies at Yale,” *History & Memory* 15.1 (2003) 85-96. Rothberg and Starks comment on how Jorge Luis Borges’ literary fragment “El Testigo” is frequently invoked as a prophetic parable about the last witness. Borges writes: “El hombre duerme y sueña, olvidado. El toque de oración lo despierta...el mundo será un poco más pobre cuando este sajón haya muerto.” Borges’ fragment mourns the loss of the last witness and how, when the death of this figure (sajon) leaves the world impoverished, a...At stake in the passage is also the tension between particular and universal memory: “Hechos que pueblan el espacio y que tocan a su fin cuando alguien se muere pueden maravillarnos, pero una cosa, o un número infinito de cosas, muere en cada agonía, salvo que exista una memoria del universo, como han conjeturado los teósofos.” Like Melville, Borges understands the literary as particular and even oracular form. Important questions emerge in the reading of “El Testigo” in relation to memory “after the witness” about the temporality of witnessing. There is an imperative to see in the death of each agony “en cada agonía” not just one but infinite losses (“un número infinito de cosas”). For a study of Borges and Melville, see also Julio C. Chiappini’s *Borges y Melville* (Rosario, Prov. Santa Fe, Argentina: Editorial Zeus, 1992)

highlight constraints on movement and detail the production of hunger aboard the ship, offering an alternate view to naturalist narratives of history, famine, and death. Indicating that a brutal mode regulation is hidden from inland readers, tragic scenes call into question nationalist narratives of happy arrival and assimilation. This chapter traces the animal, destitute, and “savage” figures as well as the psychological, sexual, fiduciary, and religious themes in *Redburn* and *Moby-Dick* to account for the multiple forces regulating the non-citizen. As in many of *Moby-Dick*’s scenes, the conflict between a secular logic, rhetoric of religious dogmatism, and non-Christian beliefs ensues.

### 4.3 Queequeg’s Prayer

*As we were walking down the end of the wharf towards the ship, Queequeg carrying his harpoon, Captain Peleg in his gruff loudly hailed us from his wigwam, saying he had not suspected my friend was a cannibal, and further announcing that he let no cannibals on board that craft, unless they previously produced their papers.*

*‘What do you mean by that, Captain Peleg?’ said I, now jumping on the bulwarks, and leaving my comrade standing on the wharf.*

*‘I mean,’ he replied, ‘he must show his papers.’<sup>549</sup>*

*Moby-Dick*

Queequeg—cannibal, harpooner, pagan, Muslim, indigenous, and queer—mystifies New England sensibilities and the authorities aboard the *Pequod*. How can one figure embody the intersection between so many questions? If *Moby-Dick* is an uncanny and futuristic novel, then the above scene is a prescient figuration of the non-citizen’s condition and the coloniality of citizenship. Captain Peleg hails Queequeg and Ishamel in a “gruff voice” when they attempt to enter the *Pequod* and “loudly” commands them to produce “their papers.” Peleg’s crude exclamation is not a request but a regulatory command; Queequeg “must show his papers.” No “cannibals” can board the ship, scoffs Peleg, without documents that prove they have disaffiliated from their pagan practices as “sons of darkness.” The issue in the above scene is Queequeg’s status as a non-Christian, a belief evident in the tattoos “marking” his body. In the context of the nineteenth-century, “papers” refers to documents certifying baptism and church membership, as scholars of *Moby-Dick* Hershel Parker and Harrison Hayford note. However, the word—“papers”—also echoes state protocols of enforcement and indeed speaks to forms of inequality apparent on the *Pequod*. What does it mean to measure a life with a document?

Figuratively considered, the “papers” Peleg demands resemble governmental forms of “verification” or documentation instrumental in the management of citizenship.

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as well as Borges’ introduction to a Spanish translation of “Bartleby; el escribiente” (Buenos Aires: Librería La Ciudad, 1979).

<sup>549</sup> *M-D* 83.

The “gruff” voice’s command—“he must show his papers”—privileges the status of a document over Queequeg’s life. Peleg’s and Bildad’s interrogation of Queequeg also coincides with an interrogation on his ability to “write,” opening the scene to questions of what forms of knowledge other than printed prose or the English alphabet count as culture or literacy.<sup>550</sup> Thus, the official interrogation which begins with a command for papers slips into cultural condemnations and perceptions, robbing Queequeg of speech and his tattoos of recognition as literature. Not unlike Atoot and Billy Budd, Queequeg responds “without saying a word” but with cunning, brilliance, and gesture. He earns his right to board by demonstrating his masterful ability to yield the harpoon while fully cognizant that he is being watched. Astonished by his skill Peleg quickly arranges to “get the ship’s papers” and Ishmael delights to his great joy that, “Queequeg was soon enrolled among the same ship’s company to which I myself belonged.” Ishmael’s notion of belonging underscores the paradox of citizenship as Queequeg is caught between the desire to board with Ishmael and the “gruff voice” of regulation.

The authorities—Peleg and Bildad—as well as Ishmael debate the effects of Queequeg’s “heathen beliefs” versus the harpooner’s masterful skill, dramatizing a discourse on the “primitive” trace within narratives of civilization. *Moby-Dick* offers various representations of the social role of religion, distinguishing a dogmatic Christian parlance in the public sphere from actual and often marginal beliefs. “Bildad’s language, heterogeneously mixed with Scriptural and domestic phrases” departs from a religious ethos and invokes secular reason to run the ship. Religious concerns, however, wane as Bildad privileges the extraction of labor power over Queequeg’s salvation and deduces, “‘Pious harpooners never make good voyagers—it takes the shark ‘em; no harpooner is worth a straw who ain’t pretty sharky.’” (85) Bildad’s pious pretenses vanish as he measures Queequeg’s worth according to a secular logic. While Bildad waxes profusely in a “hollow voice” about his concern for Queequeg’s salvation and soul, the three ultimately elect to forgo religious concerns and admit Queequeg due to the ship’s dependence on his masterful agility with the harpoon.

Queequeg’s dual status as pagan quasi-hero indispensable yet outcast highlights the paradox of “belonging” on the *Pequod*. Queequeg’s harpoon—also the figuration of a “weak sovereignty”—enables him to momentarily to “belong” but never achieve autonomy and recurs throughout the novel also as a “sword.” Throughout the novel, Queequeg is caught between the language of statutes and “papers,” which ultimately result in a deadly affiliation with the *Pequod*, and an indigenous yet sacred language. A variation on the performance of the pagan hero (*agon*) from classical tragedy, Queequeg is crucial to the operation of the ship but nonetheless doesn’t replicate the cultural or secular norms.

Religious themes in *Redburn* and in *Moby-Dick* intersects with political themes, including belonging, exclusion, and freedom. While Melville’s works are often

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<sup>550</sup> See Birgit Brander Rasmussen’s *Queequeg’s Coffin: Indigenous Literacies and Early American Literature* (Durham: Duke University, 2012) 111-138. Rasmussen concludes her book with a reading of the “promise of Queequeg’s coffin”:

As a text which survives the wreckage of the *Pequod* along with the narrator, Queequeg’s coffin represents indigenous writing and its presence at the center of American literature.

interpreted as depicting Christian hypocrisy, countering dogmatic and institutional moralism, the narrative of religious freedom and tolerance reaches its limits in the figuration of non-European beliefs and Islam in particular. The allusion to the figure of Moby-Dick early in the novel coincides with the introduction to Queequeg as “a creature in the transition stage—neither caterpillar nor butterfly.” *Moby-Dick* often refers to Queequeg not as both primitive and animal, highlighting his dual status as a “small degree civilized” but “still a savage.” In the novel, both the figurations of the whale as “monster” and Queequeg as a “creature in the transition stage—neither caterpillar nor butterfly” reflect in each other as the imagined antitheses to civilized man. Ishmael’s initial trepidations about Queequeg as a “creature” and a “savage” mirror the *Pequod*’s fear of the central animal figure, Moby-Dick. Neither Moby-Dick—the gigantic and sublime fish—nor Queequeg are recognizable as fully belonging to the “civilized” manners and customs Ishmael consistently describes as foundational to the *Pequod*’s order. “A man like Queequeg you don’t see every day,” states Ishmael, “he and his ways were well worth unusual regarding.” Both animal and “savage” figure as uncanny, queer, and sublime but nonetheless regulated by the unwritten codes and prohibitions.<sup>551</sup>

Religious differences and, particularly, classifications of Christian versus “heathen” religions differentiate the self from the other in foundational narratives of civilization, as Freud notes. In *Civilization and Its Discontents*, Freud describes two primal scenes that result in the establishment of civilization as a cultural ideal: the “victory of Christendom over heathens” and “when the progress of the voyages of discovery led to contact with the primitive peoples and races.”<sup>552</sup> Both these narratives reinforce the dichotomy again between the “seers” and the “seen” as exaggerated misperceptions of the primitive, “simple, happy life.” As Freud notes, civilization is in fact unconsciously and consciously obsessed with figurations of the primitive. *Moses and Monotheism* also alludes to the division between “a strict monotheism and an unlimited polytheism” as also the distinction between “sublime abstraction” and “near to the primitive.”

The classification of religions thus has both social and psychic consequences. Readings of the trope of “primitive” religions in Freud’s writings seem significant to the reading of Queequeg at hand for several reasons. First, the writings account for the psychic effects of religious intolerance and also the formative role of myth in the formation of group psychology. More importantly, the term “regulation” (used throughout Freud’s writings) connotes more than the literal management of populations and includes prohibitions or taboos placed against non-Christian religious practices. These entrenched regulations or prohibitions, including prohibitions on corporeal contact and sexual relations, cause enormous psychological damage and pervasive discontent within proclaimed “civilization.”

One of the most poignant and prophetic examples of secular intolerance is the scene of prayer in the chapter entitled “Ramadan” when Queequeg kneels and fasts sitting still for upwards from sunrise to sunset. The scene “Ramadan” is a moment when

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<sup>551</sup> While outside the scope of this dissertation, Melville’s rendering of the taboo very closely resembles Freud’s deliberations in “Totem and Taboo.” In “Totem and Taboo,” Freud writes of the taboo as the “oldest unwritten code of law of humanity.”

<sup>552</sup> *Civilization and Discontents*

Ishmael's and Queequeg's love is most challenged and the limits of the former's understanding made most apparent. To Ishmael, the sight of Queequeg's still body in prayer is equivalent to the appearance of a dead body; hence, the act of worship defies his reason and makes Queequeg's body indecipherable even as living. While on the one hand espousing a liberal rhetoric of religious tolerance and "the greatest respect towards everybody's religious obligations," the sight of Queequeg's fasting and prayer is "comical," "absurd," and a "humiliation" to the Presbyterian Ishmael.<sup>553</sup> Although Ishmael insists he has "no objection's to any person's religion," in a state of panic, he implores Queequeg to renounce his "primitive" worship of a totem named "Yojo" through the following words:

I then went on with, beginning with the rise and progress  
of the primitive religions, and coming down to the various religions  
of the present time...I labored to show Queequeg that all these Lents, Ramadans,  
and prolonged ham- squattings in cold, cheerless rooms were  
stark nonsense; bad for the health; useless for the soul; opposed,  
in short, to the obvious laws of Hygiene and common sense. I told him,  
too, that he being in other things such an extremely sensible  
and sagacious savage, it pained me, very badly pained me, to see him now so  
deplorably foolish about this ridiculous Ramadan of his.<sup>554</sup>

It would of course be absurd to read Queequeg as the literal figuration of Islamic beliefs. However, the figuration of Ishmael's paranoia to the scene of Queequeg's prayer as early as 1850 excavates an unconscious but entrenched racial hysteria on religious difference. Again, the precise division between "heathen" and Christian religions is the dividing line between civilization and barbarism, as Freud notes.

Ishmael's logic not only echoes a liberal rhetoric of secular reason, but also underscores how the classification of non-Western religions as "primitive," "foolish," and "ridiculous" works in tandem with a discourse on civilization, a narrative still influential in the regulation of the non-citizen. Deemed outside the "laws of Hygiene and common sense," Queequeg's faith is thus perceived as a "deplorable" and archaic act antithetical to juridical and scientific knowledge. From the novel's start, speculations about Queequeg's beliefs and customs figure as mode of political exclusion and regulation aboard the *Pequod*. Paradoxically, only by breaking a Christian taboo and affiliating with Koranic revelation does Queequeg's prayer initiate public deliberations on religion and belonging. In addition, Queequeg's persistence in remaining seated in prayer for the duration of the day (despite Ishmael's pathetic pleas for conformity) is an act of tragic courage and resilience. By performing Ramadan, Queequeg enacts his individual rights without replicating the cultural norms of Nantucket and the *Pequod*. *Moby-Dick* offers this scene of prayer as a moment of "pagan" revelation and ethical possibility.

As opposed to metaphysical readings of Melvillian tragedy as the necessarily irreconcilable opposition between good and evil, innocence and guilt, fate and character,

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<sup>553</sup> *M-D* 79-81.

<sup>554</sup> *M-D* 82.

or vice and virtue,<sup>555</sup> the following reading connects the theatrical elements with the psychological and the religious threads in Melville's novels. Although these themes seem incongruous, theological, sexual, and psychological themes intersect and offer an inquiry into the intersecting politics of survival.<sup>556</sup> An imperative to testify to "unmerited disaster and death"<sup>557</sup> in *Redburn* and *Moby-Dick* draws upon psychological studies including Richard Burton's *Anatomy of Melancholy* (1621) as well as religious allusions from the Old Testament. While there are a number of books on the Biblical allusions, others on Melville's homoeroticism, and separate ones on the influence of psychology in Melville's writings, few if any account for the interrelationship between the three. *Moby-Dick* in particular weaves citations and allegories from scripture, political philosophy, and psychological theories together in dramatizations of sovereignty and governmentality at sea. As a result, the dramatic scenes also deliberate on eschatology and moral conduct in the aftermath of tragedy.

The religious and the psychological themes are relevant to the topic of statelessness, outlining psychic effects and countering a secular account of the non-citizen. Melville shifts from *Redburn's* tragic realism to myth as mode of witnessing, as *Moby-Dick* engages with scripture, proverbs, "supernatural surmisings," and "leviathanic revelations." In *Moby-Dick*, testimony has both juridical and theological connotations as the novel's ending evokes an imaginary audience, prophetic temporality, and scenes of prayer. As the final scene invokes Job, the last lines of the novel interrupt secular time and turn to scripture in attempting a "retracing search" of the woeful ship *Rachel's* "missing children" drowned at sea. Unlike where a monotheistic divine voice engages Job, *Moby-Dick* offers no resolution or narrative of cause and effect for the world's suffering but accounts for the psychological effects and the theological dimensions in the tragic scene. The question "why step forth" enjoins action to questions of salvation, revelation, and redemption, although the complexity of speaking on behalf of the drowned without speaking for them remains.

Depictions of literary space as also dramatic depart from notions of an isolated narrator separate from others, alluding instead to contingent relations, emotions, and tales. The "hempen bond" between Ishmael and Queequeg is repeatedly and explicitly cast in the novel as a passionate and homoerotic relation. This is not merely the restatement of the fact of homoeroticism in *Moby-Dick*, as astute readers have proven this time and again. Rather, the religious and sexual taboos intersect in poignant ways in the novel and expand the critique of regulation.<sup>558</sup> The connection between the first-person and the figures deemed "barbaric" is most apparent in *Moby-Dick*, as the former's voice often disappears. Ishmael's initial fear of sharing a bunk with a strange harpooner wanes and Queequeg's "delicacy" as well as courtesy charms the narrator. In fact, the "hempen bond" between Ishmael (the most overt first-person perspective in the novel) and

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<sup>555</sup> F.O. Matthiessen's reading of *Moby-Dick* is a metaphysical reading of tragedy.

<sup>556</sup> Sigmund Freud in *Civilization and its Discontents*, *Totem and Taboo*, as well as *Moses and Monotheism* is one of the thinkers to relate theology and psychology.

<sup>557</sup> *M-D* 255.

<sup>558</sup> Freud writes in *Totem and Taboo* (New York: Vintage Books, 1946) that "taboo is an ambivalent word" and "namely, that the taboo prohibition is to be explained as an emotional ambivalence," 89.

Queequeg becomes crucial to the figures' survival under Ahab's authoritarian rules and aggression. Throughout *Moby-Dick*, Queequeg and Ishmael's romance contrasts with Ahab's "loud command" and the very regulations they attempt to transcend through their erotic relation to one another.

While regulations of sexual and religious acts may not appear relevant to the stateless predicament, multiple types of prohibitions against the figures cast as non-citizens intersect in *Redburn* and *Moby-Dick*. As Freud writes in *Civilization and Its Discontents*, a culture that "differentiates our lives from those of our animal forebears" asserts the idea of human civilization through "regulating the relations of human beings amongst themselves."<sup>559</sup> Regulation then is not only a governmental term about social policies and legislations but also produced through "regulating the relations" in the private sphere, including sexuality and religion.

Unwritten codes and enforced prohibitions reproduce the authoritarian idea of civilization, as the chapter "The Street" in *Moby-Dick* makes note: "In thoroughfares nigh the docks, any considerable seaport will frequently offer to view the queerest looking nondescripts from foreign parts." The queerness of the foreign figures—some "actual cannibals" and "savages outright" on the New Bedford streets cause the citizen "to stare." In this scene, the non-citizen is a tragically queer figure whose "nondescript" appearance unveils the normative logic and limits in the rhetoric of democratic inclusion.<sup>560</sup> In the above scene, the street presupposes law and order, but the appearance of "actual cannibals stand chatting at street corners" introduces a taboo within the local scene. The New England street scene thus brings to light unwritten laws, elucidating sublimated laws instrumental in political exclusion.<sup>561</sup> Exclusion is reproduced through explicit forms and laws as well as implicit prohibitions and unwritten laws.

In contrast to the norms of New Bedford, the tragic love between Ishmael and Queequeg that only death severs offers an account of the importance of vulnerability and contact. The figuration of homoeroticism is not just a celebration of same-sex desire (although why not) but also an imagined ethics of cohabitation under intense regulation and tyranny. In addition, the scene stages equality as the transgression of restrictive laws and hence an unraveling of the codes of civilization within the legal scene. Ishmael's choice is not the act of deliberation or rational choice, but emerges in a moment of passion that offers an image of citizenship as coexistence. As he elucidates, "Queequeg embraced me, pressed his forehead against mine, and blowing out the light, we rolled over from each other, this way and that, and very soon were sleeping." For Ishmael, there is rapture in the realization of equality as a bond and in ecstatic transcendence; the

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<sup>559</sup> *Civilization and Its Discontents* 14.

<sup>560</sup> Close readers of Melville often insist, "Characteristically, Melville identified with the outcasts." Melville echoes this sentiment and avows the term "queer" in a letter to his editor Evert A. Duycknick (1851): "We are all queer customer, M'Duycknick, you, I & every body else in the world. So if I here seem queer to you, be sure, I am not alone in my queerness, tho' it present itself at a different port, perhaps, from other people, since every one has his own distinct peculiarity." See Herman Melville in a letter to Evert A. Duyckinck, February 12, 1851. Printed in the Norton Critical Edition of *Moby-Dick*, 535.

<sup>561</sup> See *Totem and Taboo* and *Civilization and Its Discontents*.



passionate exchange accounts for a sensuous understanding between two differently situated actors.

These “very queer emotion” transgress (if only briefly) the power of restrictive laws and gazes on the New Bedford street. Thus, Melville’s queer understanding of equality as a social bond across axes of subordination critiques exclusion and offers an image of a responsibility that is not absorbed in the first-person perspective or tragic pity. Queer love is understood as counteracting the effects of astonishment when facing the other. When Ishmael has this revelation, he exclaims:

If I had been astonished at first catching a glimpse of so outlandish an individual as Queequeg circulating among the polite society of a civilized town, that astonishment soon departed upon taking my first daylight stroll through the streets of New Bedford.

Recognition of the unfamiliar or the queer figure on the local street not as an outsider but as internally bound to the local is central to understanding equality as the relation with the trace most out of place; to quote Ishmael, the “outlandish” trace. The passage posits a notion of belonging distinct from the scene of “Ramadan” that astonishes Ishmael into a state of ethical paralysis; in the love scene, however, Ishmael finds that his “astonishment soon departed” at “so outlandish an individual as Queequeg.”

Since the non-citizen is also a memory-trace, the staging of interiority also poses important questions of ethics and corporeal memory beyond written or eye-witness narratives alone.<sup>562</sup> The narrator recollects but also conjures the non-citizen in conscious and unconscious ways. In the following passage, for instance, Ishmael (the presumed first-person narrator and survivor in *Moby-Dick*) has an epiphany about his erotic “hempen bond” with Queequeg:

So strongly and metaphysically did I conceive of my situation then, that while earnestly watching his motions, I seemed distinctly to

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<sup>562</sup> See Emmanuel Levinas’ *Totality and Infinity: An Essay on Exteriority*. Levinas elaborates on the relation intersection between narrative, totalization, and survival, as he writes: “Totalization is accomplished only in history—in the history of the historiographers, that is, among the survivors. It rests on the affirmation and the conviction among the survivors...The time of universal history remains as the ontological ground in which particular existences are lost, are computed...Birth and death as punctual moments, and the interval that separates them, are lodged in this universal time of the historian, who is a survivor...For the totalization of history to not be the ultimate schema of being, it is necessary that there be in dying another direction than that which leads to the end as to a point of impact in the duration of survivors...Interiority is the very possibility of a birth and a death that do not derive their meaning from history. Interiority institutes an order different from historical time in which totality is constituted., and order where everything is pending, where what is no longer possible historically remains possible,” 55.

perceive that my own individuality was now merged in a joint stock company of two; that my free will had received a mortal wound.<sup>563</sup>

When Ishmael turns away from a metaphysical understanding of the first-person, then he surmises his “own individuality was now merged in a joint stock company of two” and understands his link with Queequeg. With his awareness, he finds his “own free will...received a mortal wound.” Uncoupling the phrase “free” and “will,” two terms often joined together writings on religion, psychology, and politics, much of *Moby-Dick* upsets the libertarian metaphysical idea of “free will” by outlining the multiple constraints aboard the *Pequod*. Ishmael’s epiphany about his erotic “hempen bond” with Queequeg disrupts the illusion in the notion of “free will” or choice, as he realizes that “this situation of mine was the precise situation of every mortal who breathes” and every body “has this Siamese connexion within a plurality of mortals.”<sup>564</sup> Again, the passionate contact between the Queequeg and Ishmael throughout the novel dramatizes an ethics of corporeal coexistence in the face of regulation.

The crafting of *Redburn* as tragic drama also intersects with theological deliberations about the obligations of the witness as well as salvation, redemption, and deliverance. Tormented by guilt, for instance, Redburn implores his fellow Christians to deliberate on their actions:

We talk of the Turks, and abhor the cannibals; but may not some of them, go to heaven, before some of us? We may have civilized bodies and yet barbarous souls. We are blind to real sights of this world; deaf to its voice; and dead to its death.

The passage’s comic reversal of the moralistic language of civilization appeals to the soul as well as to the senses: visual, sonic, and corporeal. Figures of the “Turk” and the “cannibal” are not cast as evil heathens but as lives for whom the prospect of salvation is greater than the implied Christian “we.” The following sentence is satire at its finest: “We may have civilized bodies and yet barbarous souls.” Redburn appeals to a theological or higher concept of justice. Again, the trope of the soul enters into tragedy not just as a deliberation on moral conduct but also as the figuration of interiority beyond secular time. The attainment of tragic knowledge by narrators—Redburn and Ishmael—who contemplate the world but seem unable to act present questions of responsibility and complicity, as the narrators occupy the positions of spectator, actor, and witness.<sup>565</sup>

Richard Slotkin also notes in *Regeneration through Violence: The Mythology of The American Frontier 1600-1800*, the distinction between cannibals versus the

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<sup>563</sup> *M-D* 255.

<sup>564</sup> *M-D* 255. Melville would allude to Siamese twins again in *Billy Budd* as an allegory of doubling as well as a bond between seeming opposites.

<sup>565</sup> A passage in *Redburn* poses this dilemma and paradox:

“Which, indeed, was a most mysterious occurrence; and it was still more mysterious, how the engraver came to know an event, of which the actor himself was ignorant, and where there were no bystanders,” 146.

Christians generates the myth of “renewal through discovery.”<sup>566</sup> Slotkin identifies the theme of the romance-epic as “a means to renewing the vigor and restoring the power of Christianity and of the hero’s nation.” However, *Moby-Dick* as a whole doesn’t present the romance-epic or sea voyage as either discovery or renewal but rather as predestined disaster. A prophetic temporality from the scene of the Black church at the novel’s start, Elijah’s words of caution to Ishmael, to the “hair-turbaned” Fedallah’s prophecy about Ahab’s death offer a counterpoint to secular reason. When Ishmael dismisses Elijah’s prophecy as “humbug” and Ahab mocks Fedallah’s prophecies, then a secular logic privileging self-preservation and an illusory belief in the “will” presides. For instance, Ahab’s grandiose belief in the metaphysical notion of his “free will” as one of the “conceits had passed through his brain” is also the most salient example of the psychological destruction the concept of “will” causes.<sup>567</sup> As readers of *Moby-Dick* know, Ahab’s secular deceptive belief in his own infinite power vanishes at the end with the destruction of the *Pequod*.

#### 4.5 Sovereignty on Stage

*He would give himself all the airs of an admiral on a three-decker’s poop; and no doubt, thought quite as much of himself. And why not? What could Caesar want more? Though his craft was none of the largest, it was subject to him; and though his crew might only consist of himself; yet, if he governed it well, he achieved a triumph, which the moralists of all ages have set above the victories of Alexander.*<sup>568</sup>

**Redburn**

“Embark,” Emerson writes, as “every ship is a romantic object, except that we sail in” and “the romance quits our vessel and hangs on every other sail in the horizon.” At once an allegory for romantic art and social space, the ships in *Redburn* and in *Moby-Dick* restage the trope of the sovereign from tragic drama. Whereas in *Redburn* the sea is cast as tied to an “inland imagination,”<sup>569</sup> in *Moby-Dick* the sea is also the repository of narratives and the product of multiple stories. In the latter novel, Melville pursues several figures and tropes first evident in *Redburn* including the figurations of first-person narrator as the surviving witness, a diabolical captain, the wise black cook who parodies Christian dogma, and melancholy. However, *Moby-Dick* shifts from tragic realism to restaging pre-established allegories and narratives about certain figures and tropes as part and parcel of the story. As opposed to the utopian and pastoral themes within American literature during Melville’s time,<sup>570</sup> the sea is not a romantic object, naturalist landscape,

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<sup>566</sup> Richard Slotkin, “Cannibals and Christians” *Regeneration Through Violence* (Norman: University of Oklahoma, 1973) 30.

<sup>567</sup> *M-D* 299.

<sup>568</sup> *Redburn* 236.

<sup>569</sup> *Redburn* 44.

<sup>570</sup> See Leo Marx’s *The Machine in The Garden: Technology and the Pastoral Ideal in America* (Oxford: Oxford University, 2000).

or utopian countryside but where the captains' words reign as if sovereign acts of "absolute monarchies."

As the Chapter "Heads of Tails" intimates, "an allegorical meaning may lurk here." Consider the "sea," for instance, as an allegory in the following passage:

Why did the old Persians hold the sea holy? Why did the Greeks give it a separate deity, and own brother of Jove? Surely all this is not without meaning. And still deeper the meaning of that story of Narcissus, who because he could not grasp the tormenting, mild image he saw in the fountain, plunged into it and was drowned. But that same image, we ourselves see in all rivers and oceans. It is the image of the ungraspable phantom of life; and this is the key to it all.

The tragicomic story of Narcissus who drowns in pursuit of his own image serves an allegory for the *Pequod's* chase, Ahab's compulsive quest, and a feeling of infinite power. Posing an analogy between a compulsive return to sea and narcissism, the passage equates the sea voyage with the civilizing mission's aim to reproduce "that same image" across "all rivers and ocean." Yet, the specter and mystery of the "ungraspable phantom of life" disrupts the story of Narcissus as if the story of his foolish drowning is a riddle of interpretation in the novel at large. Again, a particular "ungraspable phantom of life" haunts the image of sovereignty.

Melville's adaptation of *King Lear* to the novel form in *Moby-Dick* transitions the theme of sovereignty as political authority and madness to the nineteenth-century world scene.<sup>571</sup> Two figures—the Captains Jackson in *Redburn* and Ahab in *Moby-Dick*—are "wickedness" incarnate and a "misanthropic soul" but also plagued by a debilitating melancholy. Through these two characters, Melville addresses the errors and limits of sovereignty as a concept. In *Moby-Dick*, for instance, he describes Ahab's sovereign authority as "the prospect of the speedy and unshunnable death now before him" which "seemed to exasperate his misanthropic soul into madness; and as if he had indeed sold it to Satan, he seemed determined to die with a curse between his teeth." The novels *Redburn* and *Moby-Dick* invoke the figures of Jackson and Ahab who closely resemble one another as allegories of a destructive sovereignty. In both *Redburn* and *Moby-Dick*, dramatizations such as Ahab's debilitating obsession with the whale through soliloquy emphasize the violence of sovereign power. For instance, Ahab's grandiose belief in the metaphysical notion of his "free will" as one of the "conceits had passed through his brain" is also the most salient example of the psychological destruction of sovereignty.<sup>572</sup>

The modern ship—a recurring allegory in writings from David Ricardo's *The Principles of Economy and Taxation* (1813), Charles Darwin's *The Voyage of the Beagle*

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<sup>571</sup> Sarah Annes Brown and Catherine Silverstone, eds. *Tragedy in Transition* (Malden, MA and Oxford, OX: Blackwell, 2007). Brown writes: "The persistence of tragedy may in part be ascribed to its capacity to be adapted and transformed across periods and cultures, indeed to be enriched by such displacement...Perhaps because of its preoccupations with the transitional in various manifestations, tragedy operates with special charge when it is dislocated or changed—in other words, when it is actually in transition," 1.

<sup>572</sup> *M-D* 299.

(1839), Emerson's essays to Michel Foucault's essay "Of other spaces: utopias and heterotopias" (1967)—is inextricably linked to emergent discourses on economy, population, the classification of species, science, sovereignty, and romantic art during Melville's time.<sup>573</sup> Whereas Ricardo invokes the ship as a symbol for economic "growth" (as does *Redburn*) and Darwin reifies the imperial gaze of the naturalist and the first-person sea narrative,<sup>574</sup> Foucault suggests the ship is "a floating part of space, a placeless place, that lives by itself, closed in on itself and at the same time poised in the infinite ocean."<sup>575</sup> In Foucault's writings, the ship illustrates the governmental impulse to project images of mobility yet increasingly regulate and constrain movement through the classification of populations.

Yet, there is a contradiction in Foucault's own theorization of the ship as at once a "heterotopia par excellence" and also "the greatest reserve of our civilization from the sixteenth century down to the present day." He writes problematically, for instance: "In civilizations where it [the ship] is lacking, dreams dry up, adventure is replaced by espionage, and privateers by the police."<sup>576</sup> Although Foucault's impulse to account for the differential allocation of power through counter-sites remains important, he assumes the voice of civilization and, hence, excludes the "actual cannibals," "savages outright," and "far more barbaric, heathenish, and motley" figures constructed by its narrative.<sup>577</sup> This nostalgic invocation of the ship as the vestige of a liberated imagination under the rubric of "our civilization" romanticizes, perhaps, the imperial voyage and conquest. What about the figures denied entry or perishing in the journey? Can this machine of destruction be salvaged?

In *Redburn* and in *Moby-Dick*, the distinction between civilization and barbarism not only functions as a discursive mode of racially classifying persons but also as a way

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<sup>573</sup> Cesar Casarino's *Modernity at Sea: Melville, Marx, and Conrad* (Minneapolis: Minnesota, 2002) initiates a reading of the trope of the ship and the modernist sea narratives "reaches beyond itself to question the foundation of a world that had been run in all sorts of ways by ships—in questioning itself, it questions the world," 13.

<sup>574</sup> In the *Voyage of the Beagle*, Charles Darwin describes a scene near Tierra del Fuego, writing:

Before reaching Port Famine, two men were seen running along the shore and hailing the ship. A boat was sent for them. They turned out to be two sailors who had run away from a sealing-vessel, and had joined the Patagonians. These Indians had treated them with their usual disinterested hospitality. They had parted company through accident, and were then proceeding to Port Famine in hopes of finding some ship. I dare say they were worthless vagabonds, but I never saw more miserable-looking ones. They had been living for some days on mussel-shells and berries, and their tattered clothes had been burnt by sleeping so near their fires. They had been exposed night and day, without any shelter, to the late incessant gales, with rain, sleet, and snow, and yet they were in good health,"

<sup>575</sup> See Michel Foucault (1986) "Of other spaces," translated by J Miskowic *diacritics* 6-27.

<sup>576</sup> Foucault, "Of other spaces," 27.

<sup>577</sup> See the Chapters "The Street" and "Ahab" in *Moby-Dick*.

of distinguishing “legitimate” and “illegitimate” sovereignty. A chapter attempting to advocate for the crew, for instance, ironically equates democracy with American expansion:

It was the whalers who first broke through the jealous policy of the Spanish crown, touching those colonies; and, if space permitted, it might be distinctly shown how from those whalers at last eventuated the liberation of Peru, Chili, and Bolivia from the yoke of Old Spain, and the establishment of the eternal democracy in those parts.

Glorifying the American whaling expedition as paving “the way for the missionary and the merchant,” the passage credits the *Pequod* with the “liberation” and the establishment of “eternal democracy” in Peru, Chili, and Bolivia. The distinction between “civilized” (a term underpinning the imperial idea of citizenship as *civitas*) and “savage” or “barbarian” worlds does not disappear through an idealization of the ship as *heterotopia*. The ship inevitably turns against the “population” and emerges at the end of *Moby-Dick* as a ruin: the recurring image of wreckage, decay, and destruction. In *Redburn* and *Moby-Dick*, the ship is the figuration of a lethal and sovereign power inevitably doomed by its own vengeful logic. As the phrase in *Moby-Dick* mourns, while all the world is a ship, there was “not a voyage complete.”

Unlike Foucault’s understanding of the ship as an apparatus to be transfigured by the populace on board, certain passages in *Redburn* and *Moby-Dick* take to task the rhetoric of amelioration and argue instead for abolishing the “moral organization of all civilization.”<sup>578</sup> *Redburn*, the rookie sailor on his first voyage, concludes:

Much is said of ameliorating the condition of sailors; but it must ever prove a most difficult endeavor, so long as the antidote is given before the bane is removed....Indeed, the bad things of their condition come under the head of those chronic evils which can only be ameliorated, it would seem, by ameliorating the moral organization of all civilization.<sup>579</sup>

Various scenes in the novel illustrate the lethal effects of regulation under the auspices of “civilization” on both immigrants and sailors, populations the narrator describes (not unlike Foucault) as “outcasts from good society.”<sup>580</sup>

In “Governmentality,” Foucault argues “population comes to appear above all else as the ultimate end of government” and represents “more than the power of the sovereign” as the “population is the subject of needs, of aspirations, but it is also the object in hands of the government.”<sup>581</sup> For Foucault, the terms governmentality, sovereignty, and population are derivative of Westphalia or “our civilization” and, hence, reify a *logos* or place as the motor of history. Granted that this is a very poignant

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<sup>578</sup> The terms amelioration and abolition in the nineteenth-century divided those who sought an end to slavery.

<sup>579</sup> *Redburn* 202-203.

<sup>580</sup> *Redburn* 97.

<sup>581</sup> Foucault, 100-101.

elaboration on the paradox of governmentality, coercion, and security, its use of the term “population” is overly general, amorphous, and faceless, as if it were a universal.

The following argument seeks not to go against but beyond Foucault’s writings on sovereignty and governmentality, suggesting that his failure to account for those cast outside civilization as “primitive,” subaltern, and non-human requires further analysis. In Melville, the ship at sea serves not as a *heterotopia* but as a “grave,” a sublime force engorging bodies as it erases their traces. By the novel’s end, perceptions of the United States as a the orphan’s nation, a multicultural utopia of “noble breast” where “all nations may claim her for their own” and “forever extinguish the prejudices of national dislikes” vanish.<sup>582</sup> When Redburn remembers the death of Harry, a fellow traveler, he invokes the sea as an analogy for an “ocean grave, which has buried you up with your secrets, and whither no mourning pilgrimage can be made.”<sup>583</sup>

*Redburn* and *Moby-Dick* also stage the effects of sovereignty. It is impossible to extract Melville’s adaptation of Lear, for instance, from the particular references to U.S. expansion and authority. For instance, merchant and whaling ships are allegories for Nantucket’s drive to settle the world. As the following passage from *Moby-Dick* makes clear:

And thus have these naked Nantucketers, these sea hermits, issuing from their ant-hill in the sea, overrun and conquered the watery world like so many Alexanders; parcelling out among them the Atlantic, Pacific, and Indian oceans, as the three pirate powers did Poland. Let America add Mexico to Texas, and pile Cuba upon Canada; let the English overswarm All India, and hang out their blazing banner from the sun; two thirds of this terraqueous globe are the Nantucketer's. For the sea is his; he owns it, as Emperors own empires; other seamen having but a right of way through it. Merchant ships are but extension bridges; armed ones but floating forts; even pirates and privateers, though following the sea as highwaymen the road, they but plunder other ships, other fragments of the land like themselves.

The ship, on the one hand, paves the path for imperial governmentality and, on the other, presumes to inhabit the ideal political form of democracy. This duality between both imperial and democratic aspirations exhibits the particularity of American exceptionalism as a mode of sovereign power.<sup>584</sup> Ironically, while posing the laboring whale-men as the heroic embodiment of democracy, the speaker concludes by celebrating the whale-ship as the civilizing machine “that cleared the way for the missionary and the merchant.” As in both *Benito Cereno* and *Billy Budd*, the ship persists as a stage and an allegory of political repression.

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<sup>582</sup> *Redburn* 238.

<sup>583</sup> *Redburn* 335.

<sup>584</sup> See Donald Pease’s *The New American Exceptionalism* (Minneapolis and London: University of Minnesota Press, 2009) 129-152. In a chapter entitled “Patriot Acts: The Southernification of America,” Pease details the function of American sovereignty as the law of exception.

However, the uselessness of destruction and despair becomes more apparent as tragic modes of emplotment uncover the ship's internal logic, brutal techniques of coercion, and utilitarian pretense. In Melville's persistent return and restaging of the sea voyage as a lethal, destructive power, the ocean also returns metonymically as the "lawless seas" where an authoritarian power reigns unchecked and liminal figures effaced: "But in all respects, no legislation, even nominally, reaches the hard lot of the emigrant," on the *Highlander*, for instance. Brutal deaths caused by safety hazards, cholera, famine, and suicide interrupt accounts of the sea's majestic beauty and natural wonder: the image of the Atlantic as more astonishing than or "the sight of the great ocean itself." Instead, an ambiguous and lethal silence envelops the ship in *Moby-Dick*:

Few or no words were spoken; and the silent ship, as if manned by painted sailors in wax, day after day tore on through all the swift madness and gladness of the demoniac waves. By night the same muteness of humanity before the shrieks of the ocean prevailed; still in silence the men swung in the bowlines; still wordless Ahab stood up to the blast.

The passage compares the "muteness of humanity" with the "shrieks of the ocean" while alluding to the futility of the chase.

Again speechlessness and gesture, although not in the same sense as in the scenes of scarcity in *Redburn* or in *Billy Budd*, dramatize the nonverbal effects of a destructive sovereignty. Ahab, a figure buried in himself, stands still and wordless; however, his silence is the figuration of an elemental yet destructive self-will. The crew is caught between Ahab and the demonic waves at sea. Silence in this scene has prophetic quality; as the dramatization of figures robbed of speech and turned to stone—laboring but "still in silence"—registers the eerie ordering of space, work, language, and time aboard the *Pequod*. Representations of figures turned to stone shows the perpetual entrapment of the non-citizen crew and the utter breakdown of communication.<sup>585</sup>

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<sup>585</sup> In *Civilization and Its Discontents*, Freud writes about the adherence to beauty, cleanliness, and order as "the requirements to civilization." Order, in particular, becomes a "compulsion to repeat" that enforces a "regulation...laid down once and for all, decides when, where, and how a thing shall be done, so that in every similar circumstance one is spared hesitation and indecision," 40.



#### 4.5 Sovereignty's Error

*June 29. Brecht speaks of epic theater; he mentions the children's theater in which errors of presentation, functioning as alienation effects, give the performance epic features.....I recall the Geneva performance of Le Cid, at which the sight of the king's crooked crown gave me the first idea of a book on tragedy that I wrote nine years later.*

Walter Benjamin, "Conversations with Brecht"

During conversation with Brecht, Benjamin remembers the staging of error in a scene from *Le Cid*. Ironically, the king portrayed as the embodiment of a sovereign power wears a crooked crown. Intrigued by the capacity of error in tragic drama, Benjamin returns to the detail of the king's foolishness and flaw as the mark of sovereignty's debility instead of its reason or strength. *The Origin of German Tragic Drama* adumbrates how scenes in seventeenth-century baroque drama obsessively restage "the confirmation of princely virtues, the depiction of princely vices, the insight into diplomacy and the manipulation of all the political schemes."<sup>586</sup> For Benjamin, the *Trauerspiel* is a characteristically German and historical form where incongruities are not resolved but remain extreme. The repeat production and reception of these plays indicate a "national peculiarity" where the "ordinary contemporary citizen" seems riveted by a "rudimentary avidity for action."

Although a minor detail external to the plot, the crookedness of the king's crown reveals another tale. Observations about the king's *hamartia* and his flaw challenge theories of sovereignty as a unitary power or a rational decision. In these writings sovereignty is a subtle theme, a coercive power and citizenship.<sup>587</sup> The staging of error disputes the definition of sovereignty as a unitary power, a self-evident concept, princely embodiment, or executive decision. Benjamin writes, through dramatization of the sovereign's error, the "prince, who is responsible for making the decision to proclaim the state of emergency, reveals, at the first opportunity that he is almost incapable of making a decision."<sup>588</sup> The staging of the sovereign as a bit comic, foolish, and unknowingly erroneous disrupts the authority of the figure.

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<sup>586</sup> Benjamin 62.

<sup>587</sup> See Wendy Brown's comments on the limits of Carl Schmitt's definition of "political sovereignty in *Nomos of the Earth*. Brown identifies an incoherent splitting and paradoxical use of "sovereignty" and "democracy" in "Sovereignty and Enclosure" in *Walled States, Waning Sovereignty* (New York: Zone Books, 2010):

If the people are sovereign, if this is the meaning of *cracy* by the *demos*, then their shared power must be decisive, in which case a sovereign state cannot suspend this power....Conversely, where sovereignty rests with the state of an executive, democracy does not actually prevail. The "rule of the people" becomes at best a discontinuous, episodic, and *subordinate* practice rather than an actual sovereign power. (51)

<sup>588</sup> Benjamin 71.

Through a study of theatrical techniques, Benjamin subtly marks out how a flawed concept of sovereignty is produced and reproduced. While baroque drama stages the king with a “gesture of executive power as his characteristic gesture,” Benjamin writes “ordinary citizen’s” passive viewing of tragedy reproduces an authoritarian power. In the drama’s plot and in its viewing, he detects a conversion of citizenship into a dull, passive, and quotidian obedience.

In “Hawthorne and His Moses,” elaborating on a philosophy of tragedy, Melville also writes:

The man who, like Russia or the British Empire, declares himself a sovereign nature (in himself) amid the powers of heaven, hell, and earth....may perish” unless “he insists on treating with all Powers upon an equal basis.<sup>589</sup>

The comments reflect on the tragic error and flaw of sovereignty. *Moby-Dick* also continuously stages Ahab as in fact a fool who constantly errs in judgment and thus leads the *Pegoud* to destruction. Starbuck addresses the problem of a governmentality rationalized through vengeance: “Vengeance...that simply smote thee from blindest instinct! Madness!...To be enraged with such a dumb thing, Captain Ahab! seems blasphemous.”<sup>590</sup> Ahab’s intolerant soliloquies convert vengeance and hate into a perpetual mode of governance:

That inscrutable thing is chiefly what I hate; and be the white whale agent, or be the white whale principal, I will wreak that hate upon him. Talk not to me of blasphemy, man; I’d strike the sun if it insulted me. For could the sun do that, then could I do the other; since there is ever a sort of fair play herein, jealousy presiding over all creations.<sup>591</sup>

*Moby-Dick* renders the effects of these secular and scientific discourses; for instance, scenes show “disaster” and “catastrophe” to be man-made and the quest to conquer “nature” futile. The notion that the “human” is superior to the animal is comic in the novel. A detailed archaeology of citations on the whale—from the creation narrative in *Genesis* that “God created whales” to the opening line of Hobbes’ *Leviathan* by “art is created that great Leviathan, called a Commonwealth or State—in Latin, Civitas) which is but an artificial man”—dramatizes the discourses on animals and the classifications of species.

In a letter to Nathaniel Hawthorne, Melville also interprets modern time as the “tragic phase of humanity” and the “tragicalness of human thought” in general.<sup>592</sup> In these skeptical comments, the tragic is not simply about an event but indicative of a kernel of destruction within “human thought” and the concept of sovereignty. One passage in *Moby-Dick* refers to democracy as the “great God absolute,” the “centre and

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<sup>589</sup> “Hawthorne and His Moses” in *M-D* 537.

<sup>590</sup> *M-D* 139.

<sup>591</sup> *M-D* 137-138.

<sup>592</sup> Melville, “To Nathaniel Hawthorne,” (Arrowhead: [April 16?], 1851) reprinted in *The Norton Critical Edition of Moby-Dick*, 537.

circumference of all democracy,” and his omnipresence, our divine equality!”<sup>593</sup> This mixture of religious and political language as well as a prophetic and democratic temporality is ambiguous, a riddle about the coupling of messianic and historical time. Both Matthiessen and Charles Olson write, for instance, Melville presents the tragedy of democracy; the former describes *Moby-Dick* as a “democratic tragedy” and the latter argues “it is a mistake to think of the Whale as antagonist in the usual dramatic sense” because “in democracy the antagonisms are wide” and “demonisms dispersed.”<sup>594</sup> Their readings raise the question what precisely is the tragedy of democracy in *Moby-Dick*? Moreover, what does the staging of tragedy teach about sovereignty?

Implicitly at play in *Redburn* and *Moby-Dick* is the concept of sovereignty. Melville’s sketch of the diabolical captain is a figuration of sovereignty at work in scenes of transport. Jackson’s and Ahab’s soliloquies are cast not as reason but as excessively loquacious monologues.<sup>595</sup> Captains Jackson and Ahab anachronistically resemble the tropes of sovereignty in *King Lear* and in *Hamlet*. Civilization—an equivocal term throughout Melville’s writing—appears as a psychologically damaging and destructive power, the cause of Ahab’s madness and “moody...and sadly tormented” sailors aboard the *Highlander*. This chapter moves from a metaphysical reading of tragedy in general and Melville in particular as the tension between absolute good and evil, guilt and innocence, fear and pity, victor and vanquished. These dualities vanish in *Moby-Dick* in scenes where “he [Ahab] was now both chasing and being chased to his deadly end; and not only that, but a herd of remorseless wild pirates and inhuman atheistical devils were infernally cheering him on with their curses.” Instead, apparent in the staging of the voyage as both tragic and epic drama is the mutual destruction of figures construed as nemeses and opposites.

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In both *Redburn* and *Moby-Dick*, the first person narrators are cast as the final surviving witness and remaining voice. Witnessing is conceived as an unfolding action, oracular utterance, privilege, and theological obligation rather than a written deposition. Ishmael’s role as the “veritable witness” is compared, for instance, to the “privilege of

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<sup>593</sup> *M-D* 104.

<sup>594</sup> See Matthiessen’s *American Renaissance*; Charles Olson’s *Call me Ishmael* (San Francisco: City Lights Books, 1947) 67.

<sup>595</sup> See *Hegel on Tragedy*, edited by Anne and Henry Paolucci. In “Tragedy as a Dramatic Art,” Hegel elaborates on the relation between representations of emotional life and dialogue. For instance, he writes: “In the monologue...it is the isolated individual who, in any given situation of action, becomes objective on his own account. Monologues are, therefore, dramatically in their right place at those moments chiefly when emotional life is entirely self-concentrated as the result of previous events; when it sums up, as it were, the nature of the cleft between itself and others, or its own spiritual division; or when it arrives at some sudden decision, or comes to the final point of resolve on matters already long debated,” 20.

Jonah alone” or the “privilege of discoursing upon the joists and beams; the rafters, ridge-pole, sleepers, and under-pinnings, making up the frame-work of leviathan.” The surviving figure positions himself as the particular witness of the whale, Moby-Dick, and the “supernaturalism of this hue,” as Ishmael states: “As Ptolemy Philopater testified of the African elephant, I then testified of the whale, pronouncing him the most devout of all beings.” To Ishmael, Moby-Dick is a “nameless horror” yet also “mystical” and “ineffable.” As if one of the ghosts on Shakespeare’s stage, the “whiteness of the whale” appears as apparition and prompts both “alarm” and awe. The phenomenon of whiteness in the novel presents the specter of Moby-Dick and brings forth questions of spectrality within dramatic forms. Ishmael states:

All mankind fail to bear witness to the supernaturalism of this hue...It cannot well be doubted, that the one visible quality in the aspect of the dead which most appals the gazer, is the marble pallor lingering there.

In the chapter “The Whiteness of the Whale” in *Moby-Dick*, Ishmael uncouples the association of whiteness with natural beauty and instead perceives the hue “to heighten...terror to the furthest bounds.

Thus, the “unimagined sublimity” in the awful scene of the shipwreck is also the “coloniality of power” or what this chapter calls the coloniality of citizenship. In *Redburn*, for instance, sketches of ships such as the Irrawaddy just arrived from “Hindostan, with a cargo of cotton” and “manned by forty or fifty Lascars, the native seamen of India” begin to account for the relation between mass displacement and colonialism, as do figures such as the “white-turbaned old man” Parsee named Fedallah aboard the *Pequod*. Of course, these scenes and figures are not to be read as literal but, rather, as narrative inventions, since Redburn perceives the Lascars including “Malays, Mahrattas, Burmese, Siamese, and Cingalese” as “chattering monkeys” whom “crowds of well-dressed people came down to the dock to see” as if “a species of wild animal, whom they might gaze at with as much impunity, as at leopards in the Zoological Gardens.”<sup>596</sup> These figures leave traces in American literary form of relations, gazes, and narrative perspectives increasingly marked by the coloniality of citizenship.

The chapter has argued that the figure of the non-citizen haunts the concepts of governmentality and sovereignty. More than any other Melville novel, *Redburn* parodies wealth as also a discourse of modern time, geography, and work. Aboard the ship, for instance, the narrator contents himself with sketching a graphic facsimile of a compass and marking a copy of Adam Smith’s *Wealth of Nations*: “I drew on a blank leaf of the “Wealth of Nations,” and studied it every morning, like the multiplication table.”<sup>597</sup> *Redburn* contrasts the scenes of work and treatment of sailors aboard the *Highlander* with the first chapter of Smith’s influential book, “Of the causes of improvement in the productive power of labor.” While he parodies the prose as “dry as crackers and cheese,” he reads on to find the grand secret would be opened to me...about ‘wages and profits of labor’ without getting any profits myself for my pains in perusing it.”<sup>598</sup>

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<sup>596</sup> *Redburn* 242.

<sup>597</sup> *Redburn* 179.

<sup>598</sup> *Redburn* 143.

Dramatic techniques highlight the differential allocation of basic amenities aboard the ship, hierarchies of rank and command, the proliferation of fear, management of food, and severe discipline.<sup>599</sup> This recurs again in the scenes of destitute and orphaned children wandering the street collecting scraps for food. *Redburn* describes this as a “precarious livelihood” as the passage reads:

For several weeks the boy wandered about the wharves, picking up a precarious livelihood by sucking molasses out of the casks discharged from West India ships, and occasionally regaling himself upon stray oranges and lemons from floating in the docks.<sup>600</sup>

The localization of classical and extremely Shakespearean tropes amidst the setting of an increasingly modernizing world transitions tragic drama to the nineteenth-century scene.<sup>601</sup> As Charles Olson notes in *Call Me Ishmael*, Melville is intrigued by the ambiguity and double-meaning of terms and figures in tragic drama such as how the “evil” character is also beloved. While a classical technique presents the innocent figure’s suffering as the most tragic, the dramatic framing of “scenes surrounded by death” questions the complicity of the actors, imagined spectators, first-person narrator, as well a colonial modernity in the reproduction of mass suffering.

The missing and drowned figures remain central to the unanswered question of “why step forth.” As onlookers gaze at the bodies of the drowned stored in the numerous dead-houses near the Liverpool docks, the following passage speaks to the paradox of spectatorship:

In the basement of the church is a Dead House, like the Morgue in Paris, where the bodies of the drowned are exposed...Whenever I passed up Chapel-street, I used to see a crowd gazing through the grim iron grating of the door, upon the faces of the drowned.<sup>602</sup>

Certainly, a paradox consists in reading and viewing tragedy, consuming and titillating spectators as if evoking pain for pleasure.<sup>603</sup> However, the genre also bears witness (as Walter Benjamin claims) to sovereignty and state terror. Both the “faces of the drowned” and the animal’s specter increasingly haunt the theme of sovereignty in *Redburn* and *Moby-Dick*. Indifference produces a sovereignty of “multitudes ...constantly walking over the dead; their heels erasing the death’s-heads and cross-bones, the last mementos of

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<sup>599</sup> See “Hydrarchy” in Peter Linebaugh and Marcus Rediker’s *The Many-Headed Hydra: Sailors, Slaves, Commoners, and the Hidden History of the Revolutionary Atlantic* (Boston: Beacon Press, 2000).

<sup>600</sup> *Redburn* 170.

<sup>601</sup> See Charles Olson’s “Lear and Moby-Dick.” In *Call Me Ishmael* first published in 1947 (Baltimore, Maryland: The Johns Hopkins Press, 1997), revealing Melville’s copy of King Lear is marked more heavily than others but Antony and Cleopatra, 48.

<sup>602</sup> *Redburn* 250-251

<sup>603</sup> See A.D. Nuttall *Why Does Tragedy Give Pleasure?* (Oxford: Clarendon Press, 1996).

the departed.”<sup>604</sup> If the ship is an allegory for political repression, then staging democracy as tragic brings forth the immanence of death, destruction, fear, injury, pain, and terror within liberal forms.

Dramatic gestures—an emaciated figure’s quivering hand beseeching a touch on the Liverpool docks, Queequeg’s kneeling prayer called “Ramadan” while under the captain’s surveillance, Ahab’s “patrolling” strides advancing with “overbearing terrors,” and the shadows cast by the “wondrous bodily whiteness” of sea animals—attest to conditions under the vigilant watch of the sovereign authority in the scene. “Minutest gestures and expressions,” testify to the effects of Ahab’s despotic authority over the crew, plainly showing “the uneasy, if not painful, consciousness of being under a troubled master-eye.” These scenes, gestures, and figures leave “traces,” as they do in *Benito Cereno* and *Billy Budd* of the non-citizen’s physical suffering and psychic resilience.

The “trace” is not the equivalent of character, but a “trace of itself” or corporeality marked at once by the “singular signification of an existence deserting itself.”<sup>605</sup> As such, the “trace” is not a wholly disembodied or passive figure but a “life that is still not arrested in the absolute immobility of a death mask.”<sup>606</sup> Staging the trace as capable of movement, however subtle and strained under captivity, underscores the vulnerability of figures not simply as objects of an imperial gaze but as actors. To be sure, *Redburn* and *Moby-Dick*’s staging of the extreme vulnerability of figures literally maimed and physically regulated in relation to an imagined public, theatrical time (the temporal dramatization of time), symbolic polis, and interdependent yet differentiated world prompt the first-person narrator into crucial contemplation.<sup>607</sup> Yet, the tragic pathos serves not as a moral tale of heroic perseverance, triumph, paternalistic rescue or murder through a sovereign gaze. This is not a recuperation of the non-citizen as necessarily a figure of resistance but, first, an acknowledgement of the stateless figure as existing and, more importantly, capable of cognition, feeling, action, and self-governance.

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<sup>604</sup> *Redburn* 251.

<sup>605</sup> See Emmanuel Levinas, *Otherwise Than Being or Beyond Essence*, 90-91. Levinas writes, citing Hegel: “This existence abandoned by all and by itself, a trace of itself, imposed on me, assigns me in my last refuge with an incomparable force of assignation, inconvertible into forms. Forms would give me at once a countenance, would accord me a delay for representation, and would put off the urgency of the assignation...A face is a trace of itself...He has no other place, is not autochthonous, is uprooted, without a country, not an inhabitant, exposed to the cold and the heat of the seasons. To be reduced to have recourse to me is the homelessness or strangeness of the neighbor,” 90-91.

<sup>606</sup> Levinas, 90.

<sup>607</sup> The dramatic quality of *Moby-Dick* can certainly be noted in adaptations of the novel by dramatist, including notably Orson Welles radio play.

## Epilogue

### Lyrical Last Words: Claiming Citizenship

*Así vivió; viendo lo invisible y revelándolo. Vivía en ciudad sagrada, porque allí, cansados los hombres de ser esclavos, se dixerón a ser libres.*

Jose Martí, “Emerson”

*¿Quién es el ignorante que mantiene que la poesía no es indispensable a los pueblos?*

Jose Martí, “Whitman”

In Jose Martí’s essay on “El poeta Walt Whitman,” he poses a question that resonates with Arendt’s question “How can one live without belonging to a polity?” This dissertation began with Arendt to pose the problem of statelessness as a philosophical dilemma and ends with Martí’s reading of Emerson and Whitman. The question Martí poses in the essay on Whitman is “How can one live without poetry?” Specifically, he questions, “Quien es el ignorante que mantiene que la poesía no es indispensable a los pueblos?”

This is not an instrumental notion of literature but an assertion of the proximity of verse and the non-citizen, a recognition Arendt asserts time and again, and Du Bois intimates through the reading of the sorrow songs. La poesía, like translation writes Martí, more necessary than industry for industry merely provides a means of subsistence (if that, we must ask). For Martí, verse becomes a mode of claiming citizenship and asserting a desire and strength for life. As Martí’s “The Poet Walt Whitman” suggests, the poetry “speaks in verses that have no apparent music.”<sup>608</sup> He reads Whitman as announcing not the birth but the end of music where the possibility of listening comes to an end. Democracy rises as the “phantom” with “distrustful aspect,” “terrible in beauty” and “power.” The explicit invocation of the term “Democratic” in Whitman’s poems is terrifying to Martí.

For Martí, Whitman’s verse, prefiguring a lyrical understanding of world citizenship, belongs more to a world of poetry than to a nation. Poetry imagines the strange new effect of a language of passion in democracy, one that includes a love not for country but for the “world with the nature of Sappho.” This lyrical world is not that of a flattened world republic of letters where brief references to poets appear severed from citations of the verse; rather, it is, as the poet claims, a lyric concept of the world built from the ties among translations.

In translating Emerson and Whitman, Martí is to borrow the words of Benjamin, asserting that a translation is not a copy of the original but that which augments a “vital connection” within the world. Politically, the lyric extends the very gesture of citizenship—the understanding of world citizenship—that cannot be fathomed by the social contract or the language of the state.

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<sup>608</sup> Martí, “The Poet Walt Whitman,” from *Selected Writings* translated by Ester Allen and Roberto Echevarria (New York: Penguin, 2002), 192.

Marti's translations of the echoes of idealism in Emerson's essays produce a notion of citizenship tied to the quotidian life of the city. Etymologically, citizenship is tied to the city in several languages. *Nagor* in Bengali is city, as is the root *ciudad* in the Spanish *ciudadano*. The city in place of the nation figures, for instance, in the prologue to Juan Perez Bonalde's "Poema de niagra," as the site of ideal notion of citizenship. There he writes: "Cities have more tongues now than there are leaves on the forest; ideas mature in the public square where they are taught and passed from hand to hand. Speech is not a sin, but a gala occasion; listening is not heresy but a pleasure, a habit, and a style." This idealization of the public square as a space where a plurality of voices and ideas "passed from hand to hand" is one way of imagining citizenship in its futural form. As a mode of belonging, —much like the kinship Marti finds with Emerson in this essay—citizenship is figured less as a contractual or formal right than as the contingent interplay between differently situated actors intimately tied to and by the lyric.

I have argued for the specificity of the lyric as well as the relation between the stateless figure and democracy. Writing about Emerson's essays as codes, for instance, Marti argues idealism is not the fleeting desire for death but a commitment to lives past whose deaths leave a serene impression in the present. Idealism he states embraces the idea that life is as beautiful and ideal as death. Identifying himself in a trajectory of idealist thought, Marti's reflections in this phrase soon merge into a reflection on poetry, *versos que batean y olean como agua de mares*.

Although it is misleading to read Marti as a figure enchanted with the American Renaissance, as the literalness of his exceedingly adulatory statements on Whitman and Emerson is often undercut with irony and lyricism, he points to the prophetic vision of nineteenth century literature. Marti begins the essay ironically, evoking the relationship between the "patriarch Gladstone....standing unchallenged above the crowd" and Whitman as he excerpts a quote from a North American newspaper that describes Whitman as a divine prophet. For the moment, the essay concurs that: "Only the sacred books of antiquity offer a doctrine comparable in its prophetic language and robust poetry to that of this old poet whose grandiose and priestly aphorisms spring forth like sunbursts."<sup>609</sup>

For Marti, Whitman's prophetic understanding of the dangers of American democracy emerges in the sublime, as he states: "Whitman's apparent irregularity, initially disconcerting, soon turns out to be...the same sublime order and compositions as that of mountain peaks outlined against the sky."<sup>610</sup> The subtext in the essay is precisely the discourse about the "man of nature" linked to "a new continent" which "has created a robust philosophy that voyages out to the world in athletic stanzas."<sup>611</sup> Marti's frequent reference to the disorder of Nature, a word he capitalizes in the essay, anticipates the crisis of the human subject in late capitalism; in a sense, the literature of the American Renaissance anticipates the end of modernism.

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<sup>609</sup> For the moment, I have had to rely on an English version of Marti's essay on Whitman, although the dissertation will turn to the original. Translated by Allen and Echevarria, "The Poet Walt Whitman," 183.

<sup>610</sup> *Ibid*, 184.

<sup>611</sup> *Ibid*, 185.



It is precisely in Whitman's reach for the Other that Marti notes an ethical gesture, as he states: "The man loves the world with the fire of Sappho. The world is, to him, a gigantic bed." It is in the poet's references to love of the world and in his eros that Marti encounters Whitman's political ethics. He claims, Whitman "is the slave, the prisoner, the fighter, the fallen, and the beggar."<sup>612</sup> Whitman "awaits the happy hour when material existence withdraws from him....he becomes blossom and fragrance on its swells: 'disembodied, triumphant, dead.'" Marti describes Whitman's poetry as a "language" that "strikes those who are incapable of understanding" as the poet "leans before his ideas" and produces "the material, brutal, and corporeal form in which he expresses his most delicate ideals....He suffers, yes, he suffers; but he looks upon that which suffers inside him as a minor and short-lived being, and feels, beyond the weariness and misery, another being who cannot suffer .....But where his philosophy has entirely overcome hatred...but is not entirely free from the melancholy of defeat,"<sup>613</sup> Marti's reference to "another being" suggests that the only end to suffering comes not in this life but in death; Marti embraces this death as emancipation from violent exclusion.

It is also important to point to the grief and sound of doom Marti hears in Whitman's poem, the imminent "defeat" of the project of American modernity. The turn to sound is not inserted gratuitously but is integral to looking at the acoustic notations in writing itself. Invoking sound, also invokes the question of space and listening between two poles. Dissonance implies that the incommensurable gaps, the space of silence, the noises that can't simply be absorbed by the major chords. As Marti writes of Whitman:

The best among them [poets],....will drown out the loud noise of an always incomplete prosperity the irremediable afflictions of the soul, which only finds pleasure in the great and the beautiful....Certain images are not painted in adjectives—which, in his work are always lively and profound—but in sounds...He uses repetition to summon up melancholy.<sup>614</sup>

There remains that note (the offbeat) that can't be assimilated into melody, giving forth to dissonance as opposed to harmony.

While the dissertation began with the problematic of music in Whitman and Du Bois, Marti's writings also point to aesthetics reflections that emerge simultaneously with a desire for democracy. In Mathiessen's book there is a chapter on how the United States in the nineteenth century lacks a representative musical form, as he states one of the central questions for Renaissance writers becomes: "What Music Shall We Have?" I will read the very presence of this question as one that represents the crisis of representation and the problems of racialization under democracy in the U. S. The question also gestures to the impossibility of translation between North and South.

As Marti suggests in his essay "Literary Matters" the central problem in aesthetic discourses in the nineteenth century is its inherent multilingualism; he suggests that the true test of American democracy will be on the subject of respecting the presence of Spanish in the U.S. The reading practice in this dissertation will be centered on the

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<sup>612</sup> Jose Marti, "Walt Whitman" translated by Phillip S. Foner in *On art and literature by Jose Marti* (New York: Monthly Review Press, 1982), 180.

<sup>613</sup> *Ibid*, 189.

<sup>614</sup> Marti, "The Poet Walt Whitman" translated by Allen and Echeverria, 187, 194.

acoustics, reflecting on the relationship between recognition and sound and questioning the primacy awarded to vision in reading.

Similar to Arendt's Socrates, the essay Marti is a stateless figure. Between Du Bois, Emerson, and Marti emerges a poetic and ethical claim to citizenship as an ideal. This is not an idea of citizenship tied to the nation but beyond territorial limits or shackles. "Ni el porvenir le hizo temblar," Marti writes of Emerson, "Even the coming of death did not make him tremble." An ethos of translation as both echoing and restaging an idea informs his writing, and so requires to be read as a conversation, and so the articulation of that mode of belonging that belongs to future citizenship, this linking lyric and translation both to a democracy that would honor the petitions of the stateless.

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