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Justice and Alternative Sexuality in Herman Melville's *Billy Budd*

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By

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Letter of Recommendation

Prakash Sharma has completed his thesis entitled “Justice and Alternative Sexuality in Herman Melville’s *Billy Budd* ” under my supervision. He carried out his research from January 2025 to June 2025. I hereby recommend his thesis be submitted for viva voce.

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This thesis entitled “Justice and Alternative Sexuality in Herman Melville’s *Billy Budd*” submitted to the Central Department of English, M.Phil Program, Tribhuvan University by Prakash Sharma has been approved by the undersigned members of the Research Committee.

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Declaration

I hereby declare that this thesis entitled “Justice and Alternative Sexuality in Herman Melville’s *Billy Budd*” submitted to the Faculty of Humanities and Social Sciences, Tribhuvan University, Kathmandu, is an original work written under the supervision of Prof. Dr. Anirudra Thapa, Central Department of English, Kirtipur. It is submitted in partial fulfillment of the requirements for the degree of Master of Philosophy in English. No part of the study has ever been published in any form before and has not been presented anywhere else for the award of any degree or for any other reasons. I shall be solely responsible if any evidence is found against my declaration.

July 2025

Prakash Sharma

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Abstract

This thesis explores the intersection between alternative sexuality and the negation of justice in Herman Melville's *Billy Budd*. The thesis ponders on why Billy, an innocent character, is idealized and immortalized after being executed for killing Claggart, a sexually and morally repressed officer. This study argues that *Billy Budd* demonstrates how legal and institutional systems employ justice as a tool to discipline what is other, even at the expense of morality and fairness. Billy's otherness—particularly within the arena of sexuality as perceived by both Claggart and Captain Vere—must be eliminated prior to being assimilated or accepted. Based on theoretical insights from Eve Kosofsky Sedgwick and Michel Foucault, the analysis of the text demonstrates that Billy's innocence, perceived femininity, and silence—markers of queerness—destabilizing the naval regime, and the regime responds with violence legitimized as justice. The study demonstrates that in Melville's novella, justice is performative and exclusionary, and thus it is designed to consolidate heteronormative power by suppressing difference.

Keywords: Alternative Sexuality, Justice, Gender, Body, Performativity, Queer

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CHAPTER I

Justice and Alternative Sexuality in Herman Melville's *Billy Budd*

In Herman Melville's *Billy Budd*, the interweaving of alternative sexuality and justice is a compelling encounter into normative orders of law, desire, and identity. Though the novella seems initially on its face to be involved with naval discipline and tragic innocence, below its smooth moralized surface there is a rich terrain of queerness and institutional repression. Billy Budd is not so guilty of legal injustice as of ontological exclusion, in which his affect, beauty, and inarticulacy are a contradiction to the strict codes of masculine naval power. His tragedy is not that he has done something wrong, but that he is an advocate of non-normative sexuality and affect, and as such the victim within the symbolic order of law and justice. Melville constructs a world where the solitary ship is literally and symbolically a site of enforced heteronormativity, disciplined militarism, and elision of queer subjectivity.

The novel compels one to think about what the boundaries of justice in the realm of difference are. The world of the sea is a miniature representation of larger cultural disquiet related to masculinity, desire, and power in institutions, and Billy's fate demonstrates the way in which the law, when enforced by legal codes and normative norms, becomes an instrument of violence instead of justice. The system of justice in the novella does not exist to comprehend queerness and affective uncertainty; instead, it marginalizes them. This thesis argues that Melville's writing performs a form of exclusion whereby queer embodiment and affect are rendered unintelligible to institutions that claim to provide justice. Thus, *Billy Budd* reveals a deeper collusion between law and normativity and the complicity of the justice system in the repression of other sexualities both symbolically and in actual life.

Melville's *Billy Budd, Sailor* was written against the background of the British warship HMS Bellipotent in the late eighteenth century when there was increased political agitation and naval discipline after Royal Navy mutinies. The naval ship, at the time, would have patriarchal discipline and any sexual behavior beyond the so-called normative sexual norms would be punished. The plot of the novel set in the summer of 1997 is focused on Billy Budd, a young, good-looking, physically strong, and morally virtuous sailor impressed off merchant vessel, Rights-of-Man. Billy's aestheticized masculinity and innocence make him defenseless and revered in the highly masculine and hierarchical context of life in the navy. He is goaded into unreasonable enmity by John Claggart, the master-at-arms, who falsely charges him with conspiracy to mutiny. Presented with this charge, Billy, hindered by a stammer that makes him incapable of speaking for himself, is forced to react instinctively and kills Claggart. Despite granting Billy his moral innocence in quiet, Captain Vere nevertheless holds a rapid court-martial and stays by letter-of-law military protocol to condemn Billy to death. The novella closes with Billy's serenely embracing the fact of his own death and his becoming an almost-saintly man, celebrated in song and reverence following his execution. Behind its seeming narrative of sea life and tragic misapprehension, *Billy Budd* is haunted by profound questions concerning justice, power, sexuality, and the means through which legal institutions discipline and repress bodies of affect and normatively nonconforming ones. The ship becomes a field of symbolic action in which beauty, innocence, and affective otherness are rendered illegible to the demands of discipline and order. With Billy's fate, Melville condemns the complicity of law in sustaining power relations that close off alternative forms of existence.

Most vital and unsettling is how Billy's persecution results not because of his behavior, but since his very presence violates the laws of law, language, and masculinity. His naivety and

physical attractiveness, his stutter that breaks up logical talk and fantasizing him as an "Adam before the fall" (75) all make him 'other' in a system that values order, discipline, and control of language. What is so interesting about *Billy Budd* as a queer legal text is that justice is not withheld due to reason having been overcome but distorted through the exclusion of non-normal modes of existence by an institution. These are significant questions: Why is Billy condemned by the judicial machine? Why is Billy sanctified post-mortem? Why is he despised when alive? These are questions regarding Melville's denunciation of law and justice as anything less than impartial umpires, but as tools of normalization and repression.

This thesis presumes that *Billy Budd* denounces juridical and symbolic foundations of justice by revealing how they function to discipline or erase queer difference. In the way Melville signifies Billy as a body rendered unintelligible and desirable, this thesis argues that legal orderings on the Bellipotent perform an act of ontological violence of exclusion. Billy's demise is not necessitated by law but symbolic erasure of affect, uncertainty, and erotic possibility that cannot be brought within the regime of the navy. Drawing on queer theory, the present study argues that *Billy Budd* enacts the inability of law to keep queer subjectivity in line and enacts how justice, based on normative structures, becomes an instrument of exclusion instead of fairness.

Herman Melville's *Billy Budd, Sailor*, has created huge scholarly controversy, particularly in the novella's handling of alternative sexuality and the ambivalent state of justice. Scholars have applied queer theory, psychoanalysis, religious symbolism, and feminist critique to uncover the novella's subtextual richness. Literature review condenses key contributions to the scholarship, such as novel queer interpretations, legal criticism, historical context, cultural

tensions and gender-theoretical readings, that is, patriarchal conflict analysis by George B. Hutchinson.

Dana Sliva, Kendall North Award recipient, in her essay "Exploring Homoeroticism in Herman Melville's Novella *Billy Budd, Sailor*," argues that *Billy Budd* is composed of homoerotic subtext, and Billy is a character who is an image of idealized male beauty. She goes on:

In the novella, Billy Budd embodies good; his most apparent characteristic is his sustained and rather unnerving innocence. Although Billy has "aged [to be] twenty-one" (Melville 293), the narrator describes Billy as naively childlike: He was young; and though his all but fully developed frame in aspect looked even younger than he actually was, due to a lingering adolescent expression in the as yet smooth face all but feminine in purity of natural complexion but where, due to his sea-going, the lily was quite suppressed and the rose had some ado visibly to flush through the tan. (Sliva 1)

Billy's corpse is also a location for unspoken desire and repressed rivalries, which are indicative of the broader fear of an all-male, militaristic society.

Billy is boyish, innocent and uncorrupted in his features and his character. His beauty is subtly feminine and appears symbolic as an uncorrupted person in him. Whereas Dana Sliva highlights the homoerotic subtext of *Billy Budd* in Billy's innocence, symbolic purity, and beauty, my own argument cuts in a different direction in that I follow these qualities back to concerns with justice and institutional power. Rather than the homoerotic being an aesthetic or symbolic construction, I argue that Billy's innocence and feminized beauty are juridical vulnerabilities that control his trial and execution. And my thesis recontextualizes homoeroticism within the grander

political narrative of other sexuality and illustrates how the concerns regarding un-conformist desire are framed as legal control in the British Navy.

Caleb Crain, in "Lovers of Human Flesh: Homosexuality and Cannibalism in Melville's Novels," takes the queer reading even further by grounding eroticized violence in Melville's accounts of male intimacy. He asserts, "When a man becomes aware, however liminally, of attraction to another man, he resorts to paranoia and projection, of the sort Freud delineated in his study of Schreber. It is a desperate defense. The attraction turns to revulsion, horror, and even violence" (Crain 33). Repeating Crain's reading, Claggart's violence is read as repressed desire; his accusation of mutiny is an act of erasure grounded in sexual fixation. Whereas Caleb Crain interprets Claggart's violence as sublimated homoerotic wishfulness articulated through paranoia and projection, my work diverges by focusing on its juridical and institutional implications. I contend that Claggart's accusation is not merely a psychological act of erasure but also a juridical gesture activating the apparatus of naval justice. My own thesis, then, goes beyond Crain's psychoanalytic reading by showing how homoerotic tension is translated into legal restraint and leading to Billy's death at the end.

Kathy J. Phillips quotes Lyanne in "*Billy Budd* as Anti-Homophobic Text" and claims that the novella is opposed to social and legal institutions that stigmatize queer identity. She claims, "[R]eal men can't be attracted to other men, Vere thinks, so he can't acknowledge his physical urges. . . .Vere might well anticipate that his society would tear him apart if any detected in this 'bachelor of forty' any interest in grazing boy Billy" (388). Besides Vere himself, such sexual desires would be 'beastly,' as peasants across the channel who would demand a more equitable economic regime would themselves be beast, in the sight of his aristocratic schooling. She locates the novel as subversive, with a focus on Melville's depiction of the price of

suppressing non-normative desire. Whereas Kathy J. Phillips reads *Billy Budd* as an anti-homophobic novel that reveals Vere's suppressed homoerotic desire, my thesis broadens this reading by linking sexuality to questions of law and justice. I locate that Melville depicts justice as performativity maintaining normative order over instead of objective truth, criminalizing queer identity through legal ritual.

George B. Hutchinson, in his paper "The Struggle of Patriarchy and Balanced Sexual Principles in *Billy Budd*," discusses a major feminist element and contends that *Billy Budd* creates a symbolic struggle between rigorous patriarchal authority and an androgynous ideal. Hutchinson argues, "Melville's Billy is not purely masculine or feminine but rather a combination of strength and gentleness that is antithetical to the hypermasculine, disciplinarian culture of naval patriarchy. Claggart and Vere, by contrast, are perversions of patriarchal authority—one sadistic, the other authoritarian but powerless in the face of the difficulty of moral choice" (390). For Hutchinson, the tragic conclusion is a product of a society that cannot accommodate fluid or balanced sexual precepts. Billy's demise is a symbolic offering for preserving a fragile, hierarchical form of masculinity. Hutchinson also argues that Captain Vere's failure to save Billy shows that moral leadership in patriarchy is impotent. He claims, "Vere enacts the law not from moral clarity but from institutional obedience. In doing so, he reinforces a system that values discipline over justice, order over truth" (394). His critique illustrates how patriarchal institutions are intolerant of moral complexity, setting up disastrous choices against natural justice for characters. Whereas George B. Hutchinson reads *Billy Budd* as symbolic struggle between patriarchal power and an androgynous ideal, my research underscores the importance of justice in setting up this tension. I argue that Billy's execution represents not just cultural anxieties surrounding masculinity but legal machinery that suppresses alternative

sexuality. Thus, my thesis builds on Hutchinson's feminist reading by showing how patriarchal power operates through institutional law in exercising heteronormative discipline.

Jonathan A. Yoder's "Melville's Snake on the Cross: Justice for John Claggart and '*Billy Budd*'" discusses the tension between morality, justice, and religious symbolism in Melville's novella. For Yoder, *Billy Budd* can be read as a Christian allegory in which Claggart, cast as the serpent/Satan, embodies evil and corruption and Billy embodies humanity in innocence or Christ-like purity. Yoder asserts, "Claggart is a snake; the snake represents Satan; Sanan represents evil. Billy represents humanity in a state of innocence. Satan attacks and (depending on one's interpretation of Billy's "crucifixion") successfully destroys Billy or destroys himself" (132). The traditional allegorical reading of *Billy Budd* situates Claggart as a Satanic serpent embodying evil and Billy as an innocent Adam or Christ figure whose crucifixion-like death stages a cosmic conflict between good and evil. My thesis diverges from the above in that it relocates the reading away from the religious allegory to a discussion of how sexuality and justice work in tension, arguing that Claggart's "serpentine" figure harbors criminalized queer desire and not the demonic corruption. Billy's execution, then, is a martyrdom of innocence but also a juridical performance whereby law itself performs heteronormative repression and makes alternative sexuality unthinkable. In this sense, the novel is a critique of institutional power in that it illustrates how justice deforms itself in repressing and erasing queer lives.

Bini B. S., in "Ambiguity and Polysemy of Justice," offers a legal-philosophical critique complementary to the above. Her reasoning is:

Billy, the protagonist, appears as a murderer, saint, angel and a Christ-like martyr from different points of view when seen through the lens of justice. These images unravel the paradoxes and play of perspectives involved in the concept and practices of justice. The

novella, like the majority of other Melville's works, shows how specific socio-cultural and political contexts (war and mutiny) redefine the dominant notions of guilt and innocence. Melville asserts that such temporal notions of justice were not comparable to the notion of divine justice, an inherent moral force having reference to a people and mankind in general. (12)

The inconsistent presentation of Billy as murderer, saint, and Christ-like martyr reflects the irregularity of justice that goes on evolving or is situation-specific. Justice has its limitations in picking up the dignity and truth of human beings. She states that the novel presents a situation where the law cannot comprehend the fineness of human morals. Billy's hanging is more a dispensation of something other than justice. It is simply an "ethical dilemma" (23). For B.S., *Billy Budd* is not a story of justice served, but justice delayed or hijacked by a system which trivializes ethics to demand.

Meanwhile, Rachel Carroll's theoretical essays on rereading heterosexuality provide background for reading Melville's subversions of gender and sexuality. She explains, "Heterosexuality as an institution continues to exert vast normative influence, though this influence most clearly impacts upon non-heterosexual identities. It also extends to heterosexual identities that don't fulfill familial, marital or reproductive norms-norms with which female identities have particular impact" (1). Heteronormativity in fiction works often through what is unsaid, i.e., through silences, lacunae, and subtextual tensions revealed by queer theory. She continues, "Queer theory is interested in challenging the binary frameworks through which sex, gender and sexuality are traditionally apprehended whereby all human beings must identify/be identified as either male or female, either masculine or feminine and either heterosexual or homosexual" (6). My reading strategy is consistent with Hutchinson's and Phillips's in which

Melville's ambivalence is a site of resistance to essentialized sexual and gendered binarism.

While Bini B. S. reads *Billy Budd* as reinforcing the paradoxical and context-dependent character of justice, my project differs by emphasizing how the legal apparatus performs heteronormative discipline. I argue that Billy's execution serves not only as a symbol of ethical intricacies but the regulation and erasure of non-normative sexuality. My thesis thus takes a cue from Bini's reading by arguing that moral instability in justice is bound up with institutional control over non-normative desire.

A reading of Herman Melville's *Billy Budd, Sailor* from the perspective of an alternate sexuality must take into consideration both the historical context of nineteenth-century sexuality and critical theory that resists heteronormative interpretation of literary fiction. Melville's novella reflects the conflicts of culture between sex and justice in an age when homosexuality was socially outlawed and legally persecuted in men. *Strangers: Homosexual Love in the Nineteenth Century*, Graham Robb's book, offers a helpful perspective on how homosexuality was thought about and lived during Melville's day. Western cultures of the nineteenth century, Robb says, tended to "identify male goodness with heterosexual domesticity", and anything else was bound "to be met with hostility and retribution". He continues to inform that "gay men suspected of the same were believed to deserve ghastly punishment, such as death and mutilation" (13). It was under such a repressive climate that writers like Melville used queer subtexts in writing as an expression. Robb cites *Billy Budd* as being one of the extremely limited nineteenth-century novels to treat male homosexuality so openly overtly, placing it in the ranks of some "fifty works of western literature in the nineteenth century" to do so (199). *Billy Budd's* nautical world is a space required for subversive sexual expression. Melville and Robb each call upon the unique social conditions of living on the high seas on naval ships. Melville, in *White Jacket*, states, "For

a ship is a bit of terra firma cut off from the main; it is a state in itself; and the captain is its king" (23), which implies ships are outside society's bounds. Robb continues this with the idea of 'submersion', where some locations or eras document homosexual expression to occupy room within popular culture without being seen (110). The homoerotic tensions between Claggart and Billy Budd, then, are legible as emerging in a space which relaxes the constraints of land-based society.

Queer theory allows for a more refined reading of Melville's novel. In *Critical Theory Today: A User-Friendly Guide*, Lois Tyson criticizes the dismissal of queer identities by traditional literary criticism. She questions why heterosexuality is presumed to be universally applicable to writers' lives and texts and queerness is routinely dismissed or minimized (318). Tyson argues:

The depiction of strong emotional ties between same sex characters can create a homosocial atmosphere that may be subtly or overtly homoerotic. Whether homoerotic or not, however, the depiction of homosocial bonding foregrounds the profound importance of same-sex emotional ties in the development of human identity and community, which is a human potential often devalued, marginalized, or trivialized by the homophobic anxiety of heterosexist culture. (339-340)

Tyson welcomes a broader reading of *Billy Budd* as a work that engages, in veiled but forceful terms, questions of stifled desire and the social consequences of queer identity.

Wilfred L. Guerin et al., in *A Handbook of Critical Approaches to Literature*, further broaden this reading by placing queer theory in the larger "culture wars" of the academy. They note that queer theory subverts traditional dualisms with theories of "gender ambivalence, ambiguity, and multiplicity of identities" (239). While queer theory tracks the mobile, unstable configurations of identity in place of looking to more traditional forms of stable sexual identities, the novel tracks

the blurred boundaries of virtue and vice, masculinity and effeminacy, authority and vulnerability in *Billy Budd*. Cumulatively, these revisionist strategies reveal *Billy Budd* to be a space of crisis: a political textual arena where non-normative masculinities, repressed desire, and shattered ideals of law meet. Homoeroticized tensions by Crain and Sliva meet Hutchinson's reading of gender fluidity here to signal that Melville represents Billy not as the figure of the conventional hero, but as a symbolic challenge to patriarchal norms.

On the one hand, the miscarried justice uncovered by Yoder and Bini B.S. testifies to the moral sophistication of the novella. On the other hand, the 'balanced sexual principles' line of argument from Hutchinson is a compelling syncretism of queer and feminist readings, situating Billy as a character whose androgynous appeal subverts the patriarchal structure. Killing Billy symbolizes that the system does not just murder innocence but reasserts a dreadful masculinity that will never be balanced or empathetic. Additionally, Yoder and Hutchinson emphasize the intra-psychic conflict of the individual between conscience and patriarchal institutions or institutional order. Carroll and Guerin even cover queer and feminist critical theoretical thought, whereas critics like Crain, Phillips, and Sliva have covered homoerotic or queer elements of Melville's work, particularly the desire, repression, or anti-homophobic readings of *Billy Budd*. But these critics have not addressed how queer desire threatens the governmentality or understanding of justice. By representing how Billy's perceived queerness is punished in the guise of legal justice, this project illuminates the way in which alternative sexuality and justice are not distinct categories in the novel but become necessarily intertwined. This two-part focus makes the present study a distinct and contemporary contribution to Melville and queer studies.

This is qualitative and interpretive research by close textual analysis and queer theoretical frameworks. The research design is thematic and analytical with an overarching interest in the

convergence of sexuality and justice by way of the structural figures of performativity, abjection, and homosocial desire. *Billy Budd* is selected for present study since it addresses the convergence of law, justice, and alternative sexuality in a nuanced manner, thereby constituting an interesting locus for critical examination. The novella dramatizes Billy's trial and execution, illustrating how institutional power controls normative conduct and suppresses non-normative identities. The novella's subtle homoerotic subtext, particularly in the interactions between Billy, Claggart, and Vere, allows for an investigation into queer desire and its repression both within social and legal orders.

In performing the research, the first data are textual evidence from the novella in question in combination with secondary research by critics such as Crain, Sliva, Yoder, Carroll, and Phillips. Theoretical insights are borrowed from Judith Butler's gender performativity theory and materiality theory, Sedgwick's description of homosocial desire, and Michael Foucault's theory of sexuality. And the data collection is dependent on close reading practices supplemented with archival and critical scholarship. Moreover, supporting materials are accessed by means of library research and online databases such as JSTOR, and Project MUSE for the purpose of establishing a comprehensive scholarly context. This research plan provides scope for rich reading of Melville's text as a site where justice, sexuality, and repression converge narratively and symbolically. While previous scholarship has examined homoerotic desire, patriarchal authority, moral-religious tension, and the volatility of justice in *Billy Budd*, these are primarily explored in isolation from one another. Few accounts fully analyze how other sexuality engages with legal and institutional machinery of naval justice. How Billy's innocence, beauty, and androgyny are disciplined, punished, or effaced by juridical processes is not yet considered. My

thesis addresses this gap by showing how justice and other sexuality are joined forces that work together to shape Billy's trial, execution, and broader critique of authority.

Herman Melville's *Billy Budd* is a novel full of homoerotic desire's complex undertow, moral nuance, and conflicts between law and justice. This thesis critiques the alternative sexuality and justice of *Billy Budd* through the unarticulated but intensely charged interrelationships between its three most powerful characters: Billy Budd, John Claggart, and Captain Vere. To theorize these interrelationships, the research adopts Judith Butler's performativity conceptual paradigms, and Eve Kosofsky Sedgwick's epistemology of the closet. Judith Butler's performativity and Eve Kosofsky Sedgwick's epistemology of the closet intersect in their performance of how sexuality and identity are socially constructed and regulated. Butler shows how gender and desire are created through iterated acts that enforce conformity, and Sedgwick uncovers how secrecy and disclosure organize current knowledge of sexuality. They both show how power renders queer identities unlivable or unspeakable. In *Billy Budd*, it charts this regime where homoerotic attraction is repressed and wherein justice is a performative act that maintains heteronormative order.

In building first upon Butler's gender performativity, in Melville's *Billy Budd*, identities are not desired as essential or natural but as elicited through reiterated acts in a strict regulative schema. Butler in *Gender Trouble*, a classic, asserts that "there is no gender identity behind the expressions of gender; that identity is performatively constituted by the very 'expressions' that are said to be its results" (33) According to Butler, gender is not inherent or essential, but something performed through iterated acts, gestures, speech, and appearance. That is, of course, individuals are gendered subjects by performing gender, not through some intrinsic 'male' or 'female' essence. In *Billy Budd*, while sexuality and gender are not ever mentioned in so many

words, there occur a vast number of highly important passages related to the construction, performance, or tenuousness of masculinity and thus an exemplary text to analyze through Butler's theory. The narrator explains, "Billy in many respects was little more than a sort of upright barbarian, much such perhaps as Adam presumably might have been ere the urbane Serpent wriggled himself into his company"(Melville 15). What this implies is that Billy's masculinity is not just idealized and naturalized but is actually ambivalent at its source: he is constructed in relation to innocence, beauty, and vulnerability, all of which are traditionally coded as feminine. His gender identity is constituted out of others' judgments and reactions to his body and not in accordance with any internal essence. His gendered self is not so much socially constructed from replies and utterances as it is some important aspect of masculinity. The narrator observes, "To deal in double meanings and insinuations of any sort was quite foreign to his nature" (11). Billy's personality is marked by his behavior, e.g., his naivety, openness, and honesty. He doesn't 'know' how to do masculinity (e.g., suspicion, strategy, power games), and this leaves him in a vulnerable position. His self is organized as opposition to the performance of authority and control demanded of 'real men' in the fleet rank. Billy's refusal or inability to enact straight masculinity renders him other and even dangerous.

The description of Claggart's appearance is also one of artificial beauty and elegance, and his authority is organized in terms of exterior display, not interior or natural right. Melville describes, "His brow was of the sort phrenologically associated with more than average intellect" (Melville 33). Silky jet curls clustered, partly over it, offering a contrast to pallor underneath, this pallor being stained with faint tinge of amber like the color of worn marbles of yore. This masculine act—so stiff, so cunning, so in possession of itself—is exactly that: an act. His

existence, like Billy's, is one created by outward signs that are assumed to be able to hold greater meaning, though there may not be such substance present.

Vere also performs a paternal, kingly masculinity in his reasonableness, age, and duty to military law. His masculinity is not something that he merely 'is' but is instead performed by him in public, in institutional space. He arrives to be 'masculine' by performing the task that is imposed on him in an institution that finds manhood in duty, reason, and sacrifice. More significantly, ritual and courtly form perform masculinity as discipline, hierarchy, and justice, a power theatre. He insists that Billy had no idea about the formality of this court and found "the unfortunate affair had taken place" (90), and where he stood, veiled on his heels, and they were not lacking in their efficiency in demoralizing. Billy's acting here underscores the fact that gendered power is not innate but performed by institutions and positions. Butler's observation makes possible an understanding of the irregularity of gender and sexuality aboard the *Bellipotent*. Billy and Claggart do not just perform identities; they are governed by their gestures, language, and mere presence, which are interpreted according to the strict performative norms of manhood at sea.

Disciplinary routines aboard the ship, including inspections, discipline, and hierarchical ceremonies, are regulatory systems where exemplary manhood is not merely anticipated but imposed. Foucault's theory of power and sexuality reveals how institutions regulate desire in order to exert their dominance, the center of naval discipline in *Billy Budd*. As Foucault argues, "Power is everywhere; not because it embraces everything, but because it comes from everywhere. And "Power," insofar as it is permanent, repetitious, inert, and self-reproducing, is simply the over-all effect that emerges from all these mobilities, the concatenation that rests on each of them and seeks in turn to arrest their movement." (*The History of Sexuality* 93),

displaying how institutions control desire in subtle yet inescapable ways to merge their dominance. The ship is an analogue for disciplinary society where bodies and relations are monitored incessantly, and homoerotic possibilities are repressed as a threat to order. Billy's execution here demonstrates how discipline works not merely to guarantee obedience but to repress other sexualities as well. Naval power thus illustrates how the control of desire becomes necessary to maintain institutional power.

Judith Butler's theory of gender performativity illustrates that identity is formed by the continual reenactment of societal norms so that gender seems natural but is actually constructed through performance. Eve Kosofsky Sedgwick, on the other hand, is interested in performativity of sexuality within the "epistemology of the closet," which shows how speech, silence, confession, and disclosure structure the social meaning of homosexuality. While Butler is concerned with reiteration of norms through which gender and sexuality are produced, Sedgwick is interested in how secrecy and disclosure structure the lived experience of queer identity. Together, they demonstrate that identity is never fixed but built by performance of culture and discursive power. Sedgwick further complicates this reading through her discussion of the legal and sexual force of speech acts. Claggart's forgery that Billy is plotting mutiny not only operates as speech but as performativity—something which incites performance to establish a shift in legal and narrative truth. Sedgwick inquires, "WHEN IS SAYING something doing something? And how is saying something doing something? If they are not contemporaneous with language itself, these questions at least extend as far back, even in European philosophy, as take your pick—Genesis, Plato, Aristotle?" (1). It is in tune with the maxim of speech act theory that language is not only descriptive but performative. It is critical in understanding how language on the ship works to make juridical subjects real. Claggart's declaration makes Billy a legal object, an object

that can become a mutineer. Billy's silence, particularly his stutter and final muteness, indicate his exclusion from juridical activity. He is rendered speechless, his inability to perform the speech acts required of a legal subject condemning him. The narrator states:

The next instant, quick as the flame from a discharged cannon at night, his right arm shot out, and Claggart dropped to the deck. Whether intentionally or but owing to the young athlete's superior height, the blow had taken effect fully upon the forehead, so shapely and intellectual-looking a feature in the Master-at-arms; so that the body fell over lengthwise, like a heavy plank tilted from erectness. A gasp or two, and he lay motionless. (82)

The fact that Billy did not speak out (due to stammering) makes him react physically instead. His silence shows itself through a violent act, illustrating that 'not be able to say something' is also 'do something'.

Building on this, Butler's *Bodies That Matter* precludes any such idea of pre-discursive embodiment. Matter itself, she argues, is always already discursively constructed. Billy's body, fetishized now as beautiful and innocent, is not an unmarked body but an overflowing object of discourse. His body is read and misread by official naval report and seaman rumor, and Claggart's pathological suspicion. Meaning inscription onto his body renders him sacred and threatening. Butler notes:

The body posited as prior to the sign, is always posited or signified as prior. This signification produces as an effect of its own procedure the very body that it nevertheless and simultaneously claims to discover as that which precedes its own action..... it is productive, constitutive, one might even argue performative, inasmuch as this signifying

act delimits and contours the body that it then claims to find prior to any and all significations. (30)

It is a reminder of how bodies are constituted through and in signs. The scene of the trial is a grim reminder of how discourse puts Billy's body into juridical form, a legible subject crime that is constructed by the very same legal apparatus that boasts of being objective. The narrator affirms it in the following way, "a man-of-war's-man's violent killing at sea of a superior in grade be allowed to pass for aught else than a capital crime demanding prompt infliction of the penalty" (100). The language of law here makes Billy's action both a corporal punishment and an act of violation, re-signifying his body—innocent sailor to murderer. Act and body cannot be separated from the law speech that makes them their sense and corresponding penalty.

Butler's performativity theory demonstrates how Billy's self is discursively constructed, in this case by the discourse and gaze of Claggart and Vere, whose juridical and ethical constations inscribe ontological force. Claggart's accusation of 'depravity' is a constative performativity speech act—naming an enemy on the basis not of conduct but of a bodily presence that must be expelled in order to secure normative order. On the Butlerian lexicon, Billy is abjected (*Bodies That Matter* 8)—not on the grounds of what he does but on the grounds of what he is assumed to mean. His silence during the accusatory moment aligns with Butler's theory of "unlivable bodies" (*Bodies That Matter*, xi), the subject positions not recognized and excluded from 'intelligible speech' (*Gender Trouble* xviii).

Foucault's treatment of discipline and power is in line with Butler's observation, specifically the manner in which naval formation makes the bodies compliant. Power is not only restrictive, as Foucault contends, but also productive in the sense that it creates the very individuals it aims to control. Butler, in *Bodies That Matter*, sums up Foucault, one of the

significant theorists, in the following terms: "Power works for Foucault in the construction of the very materiality of the subject, in principle which at the same time constitutes and governs the 'subject' of subjectivation. Here the body is not pre-existent materiality invested by relations of power external to it, but it is that with respect to which materialization and investiture are coextensive" (35). This quote supports that power does not so much operate on a body that is already given but constructs the very materiality of the subject itself where materialization of the body and power are concomitant. In *Billy Budd*, Vere's feelings illustrate how law and structures of power shape Billy's fate. Melville teaches us that the shipboard law and duty of the captain obligate him to his actions (101). Billy's body is not here so much acted upon by law; law also defines the materiality and subjectivity of Billy as a criminal subject of punishment. Billy, whose presence and character will not be contained by the order of discipline, is a cause for discomfort. His punishment is necessary not for his deed, but for what his body represents: failure of control on the part of the system.

As Butler helps us to theorize queer subjectivity's production and exclusion, Jacques Derrida locates the debate within the context of how justice itself is structurally impossible within the systems that seek to maintain it. In his "Force of Law," Derrida differentiates law (an infinitely coded system) from justice (an infinite ethical imperative that never can be ultimately decided). This is performed in *Billy Budd* in the interior conflict of Captain Vere: as he performs the martial law that necessitates Billy's death, he secretly acknowledges Billy's moral innocence. In Vere's crisis, Derrida discovers the aporia of justice, the contradictory requirement to be ethical in an institution that cannot tolerate moral uniqueness. Law, according to Derrida's prescription, relies on a power that cannot be proved and repeats violence in its presentation of itself as a neutral forum. Billy's killing is not, therefore, a miscarriage of justice—rather, it is the

realization that genuine justice is not expressible in the rigid frameworks of law. Justice, as seen by Derrida, is always "an àvenir— a to come" (27) never present, always held in suspense. Reading *Billy Budd* with Derrida, this thesis disrupts the structural eliding of queer life from the intelligibility of law. Billy's silence, Claggart's ambivalently desiring, and Vere's divided conscience all point to a juridical process that cannot write over the affective and ethical density of queer embodiment.

In *Billy Budd*, Claggart's falsehood is a speech act that makes Billy into a political subject of criminality and threat regardless of empirical truth. The institutional speech act that is filled with power makes seeing believe. Butler's and Derrida's reinterpretations of Austin's theory reveal the ways in which such speech acts are not neutral but are inscribed in power relations. Billy's failure to repel Claggart's accusation with words leads to a physical response—a punch—that serves as the ground for his legal condemnation. Ironically, the speech act does not recognize Billy as a speaking subject, yet it exercises the power of law against him. In contrast, the narrator's own narrative—marked by irony, ambiguity, and uncertainty—encourages a metafictional consciousness of the provisional nature of linguistic authority. Billy's final words, "God bless Captain Vere" (114), are a counter-performance—a speech not accusing or forgiving in normative discourses but enacting a queer grace that denies legal closure. Billy in this performance regains performative agency, converting execution into an act of affective resistance.

Eve Kosofsky Sedgwick's *Epistemology of the Closet* expands and deepens this theory by placing on center stage queer subjectivity's prerogative of secrecy, ambiguity, and knowledge. For Sedgwick, the closet is not metaphorically a figure for repressed sexuality; it is a pervasive Western epistemological model, on which "binary oppositions" (9) like in/out, innocent/guilty,

and natural/perverse organize meaning making and policing. In *Billy Budd*, the closet works both formally and thematically. The novella does not so queerly desire subjects in an explicit way, but it is full of homoerotic tension, affective intensities, and silences that performatively enact queerness. Claggart's desire for Billy, Vere's interior conflict, and the narrator's indirectness all mark a narrative arranged around secrecy. Sedgwick's thesis enables us to see that silence is not the lack of meaning but its very conveyance. The unutterable in *Billy Budd* is that which generates its most intense significations. The charge of Claggart is a performative utterance of law, and Billy's silence and unutterability exiles him into a non-subject. The naval system of justice, demanding subjects defend themselves as rational speech, interprets silence as guilt. Billy's body—young, muscular, handsome—is constructed as a space of ambivalence. Sedgwick argues, "Claggart, here, 'is thus a personification of ambiguity and ambivalence, of the distance between signifier and signified, of the separation between being and doing'" (96). It is eroticized and prized, but it also has the potential to subvert the codes of masculine order. This embodiment, Butler's object of criticism as a locus of discursive production, is constructed into legal evidence through its perceived deviance. Most importantly, Sedgwick argues that performativity is always 'infected with queerness' less in identity than in its potential for undermining normative order. In *Billy Budd*, this queerness manifests itself in Billy's stutter, his ambiguous relationships with Claggart and Vere, and the unnerving effect that he has on the ship's power dynamics, which implies a subtlety but pervasiveness of resistance to heteronormative order. Even in its silences, *Billy Budd* throws up the possibilities of other sexuality. The absence of overtly sexual mechanization ironically reinforces the presence of homoerotic desire and regulative repression.

Claggart's obsession, the terror of the sailors, and the vulnerability of Billy make up a matrix of sexual uncertainty. Butler's call in *Gender Trouble* for "[t]he ambiguities and incoherences within and among heterosexual, homosexual, and bisexual practices... operate as sites for intervention, exposure, and displacement . . . " (42) forces us to be reading such hesitations and elisions as potential queer acts of resistance. Billy's failure or refusal to place himself within normative sexual or juridical spaces creates a site of reading in which queerness is not spoken through explicit statement but inscribes itself in terms of marginality and contradiction. Sedgwick's management of sexual dualities also makes clear with critical illumination the implicit homoerotic tensions in male homosocial relations and how those tensions disrupt strict dualism of sexuality. Hegemonic homosocial matrices govern male bonds and desire, according to her definition.

Explicating homoeroticism in *Billy Budd*, Sedgwick explains how homoerotic tension is never far from the surface—the conflict between Claggart and Billy for dominance, and the captain's glance—and how the court is read by paranoia and projection. Billy's silence and emotional uncertainty are ambivalent spaces. In the end, the justice of the naval court is a performance, Foucault would say—a production of re-asserting the power of the institution and not of justice. The public spectacle is no more a question of recovering the degree of naval sovereignty than Billy's culpability.

Justice here has nothing to do with brokering truth but punishing the uncontrolled body. But in Butler's argument, there can be another sort of justice—one that regards bodily vulnerability, inarticulateness, and non-normative embodiment as assets, and not deficits. This is open to the potential for justice that is not silencing and exclusionary, but one of cohabitation and recognition. This theoretical triangulation—Butler's performativity and discursive materiality,

and Sedgwick's queer ambivalence—is one that performs a critical work of interpretation by which *Billy Budd* can be read not only as a tragedy of innocence lost, but as a performance of the tension between institutional justice and nonnormative sexuality. Applying this model to moments like Billy's entrance, Claggart's accusation, the court-martial, and the execution, the thesis aims to chart the way in which non-normative bodies and longings are made and remade, disciplined and possibly resisted by the nautical machinery of Melville's novel.

CHAPTER II

Alternative Sexuality, Heteronormativity and Justice in *Billy Budd*

This chapter is a close text analysis of Herman Melville's *Billy Budd* with a focus on the connection between alternative sexuality and justice. By analysis of the language, imagery, and narrative strategies of the novella, an attempt is made to discover in order to reveal the elusive but powerful ways in which queerness, translated in terms of homoerotic desire, aestheticized male beauty, and performative innocence, manifests itself and is suppressed in the text.

Describing the knowledges of queer theorists - Judith Butler and Eve Kosofsky Sedgwick, this chapter reads the text not only for what it says in plain language, but for what it encodes, what it omits, and what it does. Through close and critical reading of key scenes and relationships between, particularly, Captain Vere, Billy Budd, and John Claggart, the analysis supports how justice in the novel is entangled with desire acts, repression, and normative order performance. This chapter then functions as the interpretive center of the thesis in the sense that it formulates abstract theoretical concerns within the terms of the text's language. Alternative sexuality is foregrounded in Herman Melville's *Billy Budd* through subtext, ambiguity, and highly coded language, which reflects the cultural and historical taboos of Melville's time. Drawing on the work of Eve Kosofsky Sedgwick and Judith Butler, this analysis examines how homoerotic desire, repression, and identity operate below the surface of the novel that affects to justice.

Melville's novella puts individual rights versus institutional authority into play in the impressment of Billy and in the ideology of those who surround him. The naming of the merchant ship as the Rights-of-Man refers to natural rights and revolutionary justice, and its symbolic conversion to warship Indomitable marks a turn from liberty to war discipline as indicating conflict between personal and authoritarian law. Billy's passive compliance "thoug

much to the Lieutenant's satisfaction, Billy made no demur" (6) demonstrates his habitual deference to authority, rather than the lieutenant's exercise of state power over individual volition. Captain Graveling's complaint "You are going to take my best man from me, the jewel of 'em" (7) highlights the moral imperative of impressment, as Billy is taken away not for misconduct but as an instrument of institutional imperative, and bringing genuine emotional pain, as evident again when Graveling finds it hard to suppress "a rising sob" (9). Even Billy's farewell to the Rights-of-Man, as ambivalent as it is, raises a core reflection upon injustice and passive resistance, suggesting that the human toll of legalistic governance transcends certain crime or culpability.

Melville's carrying out of *Billy Budd* serves to introduce a paradox wherein legality splits from justice: however legal according to the Mutiny Law of 1690, it is ethically unjust. The law demanded discipline and penalized any attack upon a superior, Captain Vere having no option but to sentence Billy for the accidental act. Billy's stammer, which made him incapable of defending himself, was the cause of an automatic physical reaction, illustrating how stringent codes of law permit no mercy or consideration of purpose, causing injustice in the name of legality. This courtroom strictness overlaps with the novella's exploration of other-than-heterosexual sexuality: Claggart's false accusation sounds like a projection of suppressed desire in a hyper-masculine naval hierarchy, and the court's decision to execute Billy enforces heteronormativity by removing a figure whose beauty, innocence, and vulnerability disrupt established hierarchies. Observed through Rawls's theory of justice as fairness, rational decision makers behind the veil of ignorance would never sanction a system criminalizing without intent or repressing difference; Sedgwick's *Epistemology of the Closet* verifies this reading, illustrating how binarisms conceal and control alternative sexualities and render non-normative desire

threatening. Together, these theories emphasize how Billy's legally yet unjustly inflicted death makes the danger of merging law and morality aesthetic and shows the broader cost of repressing difference, making Melville's novella a compelling critique of legalism, power that is institutionalized, and repression of other selves.

Herman Melville's sea experience had a lasting impact on writing *Billy Budd, Sailor*, as his service on ships like the *St. Lawrence* (1839), the whaler *Acushnet* (1841), and U.S. Navy frigates like the *United States* (1843–44) gave him firsthand information on the law of the sea, shipboard hierarchies, and the excruciating stress of life at sea. A seminal event in his imagination was the 1842 USS *Somers* mutiny, in which midshipman Philip Spencer and two others were accused of plotting against their captain, tried before drumhead court-martial, and put to death against heavy odds without a complete tribunal—a scene eerily foreshadowing Billy's trial. The quick deployment, driven by the imperatives of discipline over equity, embodied Captain Vere's dilemma in the novella: whether to uphold strict military code or allow compassion and procedural fairness. The experience was made intimate through Melville's cousin Guert Gansevoort, who was aboard the *Somers* and an eyewitness to the affair, and further informed Melville of the moral and juridical nuances of sea power. These historical and personal factors supplied the grounds for Melville's reflection on justice, vulnerability, and the power of institutions, as he recast a genuine naval tragedy into the fictional tragedy of *Billy Budd*, wherein law imposes order on the cost of humanity.

The first visual of the "Handsome Sailor," advancing "like Aldebaran among the lesser lights of his constellation" (*Billy Budd* 3), positions him immediately in the reader's gaze as a light man whose presence acts with a gravitational power of admiration and craving. This heavenly metaphor positions him apart from his comrades but also bestows upon him a halo of

shared wanting, making the ugliness of shipboard labor beautiful and even sexy. But such magnetism is not necessarily a natural given, as Foucault observes, "Sexuality must not be thought of as a kind of natural given ... it is the name that can be given to a historical construct" (*History of Sexuality* 105). The metaphor overflows with cosmic awe, promising a gravitational attraction like erotic magnetism. Not only is the mariner loved, but he is also revered, his presence transforming the drudgery of life on board into something of great beauty and pathos. Eve Sedgwick, in *Between Men: English Literature and Male Homosocial Desire*, argues that 'homosocial desire' is found in spaces where "the shapes of sexuality, and what counts as sexuality, both depend on and affect historical power relationships"(Sedgwick 2). Here, she writes of, men gather in hierarchically rigid structures, often allowing erotic attachment to happen in repressed or coded form. The 'constellation' metaphor acknowledges a structure with the social formation of sailors around an idealized focus, an alignment imbued with hierarchical and homoerotic tension.

Billy Budd, the direct embodiment of the Handsome Sailor, is presented with stunning aesthetic detail and feminized innocence. He is characterized as "Apollo with his portmanteau" (Melville 9), immediately situating him in the realm of the Greek god of beauty, youth, and male desire. The invocation of classics is drawn from a culture in which male beauty and male-male desire were integrally communal, such that Billy's perfection becomes not so much an issue of form but of mythic, sensual meaning. Then Melville proceeds to tell how Billy has "the lingering adolescent expression in the as yet smooth face, all but feminine in purity of natural complexion" (Melville 12). The combination of 'adolescent', with 'smooth' and 'feminine', suggests an image of pre-sexual or androgynous beauty—a fashion category most frequently aligned with queer desire, especially within nineteenth-century literary works. Judith Butler's gender performativity

theory in *Gender Trouble* can serve to depict this construction. She states, “. . . gender proves to be performative . . . There is no gender identity behind the expressions of gender; that identity is performatively constituted by the very “expressions” that are said to be its results” (33). Billy's gendered appearance is performative and fluid since he is a man by position but stigmatized with physical signs of femininity and passivity. He disrupts normative masculinity, and he, too, is dwelling in a place of queer unreadability.

Furthermore, Irigaray's silent feminine, as interpreted through Butler, confirms, or verifies, the work, or labor, of the unlistenable and unspeaking. Judith Butler quoting Irigaray in *Bodies That Matter* writes, "For Irigaray, the ‘feminine’ which cannot be said to be anything, to participate in ontology at all, is—and here grammar fails us—set under erasure as the impossible necessity that enables any ontology. The feminine . . . is domesticated and rendered unintelligible within a phallogocentrism that claims to be self-constituting" (40). Although *Billy Budd* is not about per se femininity, Irigaray's disavowed operations are in effect being enacted in the trial of Billy. His coming unglued into inarticulacy signifies something more than silence; it signifies his ontological removal from the domain of justice and his placement as disposable excess in a bid to uphold naval order.

Billy's queerness is perceived in an affective way. His presence is enough to draw the crew of the ship to him "like hornets to treacle" (8), and this aligns Billy with sweetness, stickiness, and unchosen desire. The metaphor serves to confirm his status as a collective object of desire that calls forth an uncontrolled and overwhelming response. Desire here is not pair-bonding love, but it is collective, shared, and warmly threatening in its violence. This is consistent with Caleb Crain's thesis in "Lovers of Human Flesh," wherein he discusses the way Melville builds homoeroticism as an instant of both desire and suppressed violence. To Crain,

Melville's male bodies are not only sexually hungry and jealous but also desirable and consumable since he asserts, "Melville's hungry gazers are explicitly jealous of the bodies they gaze at" (Crain 43) and Billy's good-looking body midst agglomeration of men not only to be sexually consumed but symbolically for having been contested, "Billy Budd is envied for his good looks, cheery health, and frank enjoyment of young life" (Crain 43). In the novel, the hornets, though attracted to sweetness, sting and swarm in a sign that Billy's beauty will bring love but also destruction.

Melville's fascination with racialized male beauty is also to blame in the novel's queering of desire. The unidentified seafarer who is "so intensely black that he must needs have been a native African," who "bears big hoops of gold" and a "Scotch Highland bonnet" (4), is a hyper-visual and exoticized masculinity. His is a 'shapely' one, his form flashy and hybridized. These hyper aestheticized bodies work, Crain notes, as signs of erotic otherness, especially when Melville places them outside the "white Christian" constructions of masculinity (Crain 46). The bonnet and the hoops are more than ethnic specificity—they write body appearance as spectacle, as erotically visible and symbolical.

Billy's presence is not only envied by his crewmates, but also by his officers: "[T]he favorable effect his person and 'demeanor' had upon the more intelligent gentlemen of the quarter-deck" (13). Language is suggestive but reserved; "favorable effect" suggests a restrained form of liking or admiration, especially if this is accompanied by 'demeanor', a word which itself is imbued with overtones of restraint and calm—qualities that are routinely feminized in patriarchal discourses. Sedgwick's homosocial model of desire is useful here again. She in *Between Men* argues, "Along with its erotic component, then, this was a bond of mentorship; the boys were apprentices in the ways and virtues of Athenian citizenship, whose privileges they

inherited. These privileges included the power to command the labor of slaves of both sexes" (6). The eroticism among men in master-slave hierarchical dyads (officers and sailors) is also hidden under the façade of respect or mentorship. The naval rank, as strict as it is, even succeeds in giving love and respect that nurture such passion.

At the top of all, Billy is compared to Hercules, but with a blend of heroism and beauty serenity: "[H]e showed in face that humane look of reposeful good nature which the Greek sculptor in some instances gave to his heroic strong man, Hercules" (13). The traditional sculpture pose stresses stillness, beauty, and control, the same qualities which turn masculine power into aesthetic desire. As Judith Butler has so succinctly put it, "Gender is the repeated stylization of the body, a set of repeated acts within a highly rigid regulatory frame that congeal over time to produce the appearance of substance, of a natural sort of being" (43), pre-existing norms are reiterated to form the gendered subjects. By calling upon Greek art, Melville is performing a queer citation that he identifies Billy, not with contemporary ideals of heteronormative masculinity but with the homoeroticism of the previous era. The Hercules of sculpture isn't a warrior on the battlefield but a body of vision and reflection—qualities which plague Billy's passivity and tragic silence.

John Claggart, also called Jemmy Legs, demonstrates the perversion of homosocial desire in the face of repression. His obsession with Billy as implied by his compliments "Handsomely done, my lad!" (44), and this strange combination of fascination and aggression he feels when other individuals notice Billy are readable as a pathological queer desire. Claggart's repressed and illegitimate desire under naval codes of masculinity manifests his aggression and outer hypocritical denunciation. Sedgwick argues, "There is a special relationship between male homosocial (including homosexual) desire and the structures for maintaining and transmitting

patriarchal power: a relationship founded on an inherent and potentially active structural congruence" (25). She argues that homophobic culture reads homoerotic tension as violence, in an effort to reinstate heteronormative domination—precisely what we see in Claggart's betrayal of Billy.

Claggart's fixation on Billy is this queer gaze at its strongest. His own desire is infected with envy, self-loathing, and repression. Claggart "saw the charm of it . . . and fain would have shared it, but he despaired of it" (51), admitting to a wish that is both erotic and destructive. He sees Billy's radiant innocence as unattainable and threatening, driving what the narrator describes as his "natural depravity" (48). But this 'natural depravity' can be read, in Butlerian fashion, as being generated by coercive norms of heterosexuality rendering queer desire understandable only as perversion.

Rachel Carroll's reading of queer melancholia, a kind of grief, loss, or longing recognizable as unarticulated queer desire, particularly against heteronormative regimes in which such desires are socially impossible or inarticulable, comes into play here; Claggart's frustrated and unsatisfied desire is expressed as melancholic fury, psychic mourning for love he does not have. Claggart's movements are full of body metaphors—he approaches Billy with a "mesmeric" gaze, compared to a snake or a "torpedo-fish" (81), both threat and temptation imagery. The scene when he comes across Billy sleeping is full of sexual tension. Billy "mechanically rose, and sleepily wondering what could be in the wind, betook himself to the designated place" (57). The proximity of the atmosphere, the exposed position of Billy, and Claggart's strategic timing all lead us into an experience that is a closeted sexual advance but not explicit. Here, Claggart is the closeted queer subject, whose desire must be written out in terms of threat and hidden action.

The narrator's own desire for Claggart complicates the ability to maintain the good-vs-bad binary. The narrator reasons:

The countenance was a remarkable one; the whole of the features save only the chin neatly chiseled as on a Greek medallion; but the chin, sleek as Tecumseh's, had something of unformed protuberant heaviness in its conformation that reminded one of the prints of the Rev. Dr. Titus Oates, the historical deponent with clerical drawl in Charles II.'s time and the imposture of the so-called Popish Plot. It pleased Claggart in his office that his glance could cast a tutoring look. His brow was the kind phrenologically linked to greater than average intellect; silken jet curls partly clustering over it, furnishing a foil to the pallor below, a pallor colorable with a deep tone of amber similar to the color of time-colored marbles of yore. (33)

These are rendered sensual and idealized as Billy's. This aestheticizing decouples moral polarities and indicates a shared affective register between the two men, though they are further stood in opposition to each other narrologically. The novel instates a desire, envy, and punishment circuit eroticized among males, that is, in the projection of military discipline and surveillance.

Caleb Crain's *Lovers of Human Flesh* places Melville's depictions of male-male desire within an even greater nineteenth-century discomfort with homosexuality and cannibalism. Crain remarks, "In the nineteenth century, cannibalism and homosexuality shared a rhetorical form. Both were represented as 'the unspeakable'" (28) and argues that male flesh in Melville is all too often fetishized and symbolically consumed, and Billy—whose looks evoke love and destruction—is the ultimate sacrifice to this practice. The crew's reaction to Billy "they took to him like hornets to treacle" (8) is that of a prompt, half-animalistic response. Crain's 'Metaphors

of eating men' is an apt metaphor in this regard. Desire is so overpowering that it obliterates all else. Sugariness and enticement rhetoric blurs the distinction between admiration, hunger, and lustful desire (Crain 46). Billy, being a "Baby Budd" (42), is an innocent yet dangerously seductive figure, whose seductive power inspires love and violence. It is so in the figure of Claggart, whose unwholesome voyeurism of Billy becomes sadistic and perverse. Claggart's compliment "Handsomely done, my lad! And handsome is as handsome did it too!" (44) is duplicitous flattery, both admiring and predatory. The "grimace," (44) "rattan," (43) and "natural depravity" (48) imagery is an articulation of a desire inscribed into crime. Dana Sliva, in queer critique of *Billy Budd*, describes how Claggart's 'sexual orientation crisis' (3) occurs since he is sexually attracted to Billy, and this is a repetition of Sedgwick's closet theory, i.e., same-sex desire is repressed, twisted, and displaced into hate. Claggart's violence is symptomatic of the queer terror produced by Billy's subversive good looks.

Likewise, the Admiral Nelson icon is charged with homoerotic adoration: "adorns himself for the altar and the sacrifice" (23), "ornate publication of his person" (21), "jewelled vouchers of his shining deeds" (22). These are feminine representations putting Nelson on a quasi-divine level, suggesting sainted martyrdom to an all-male peer group. His charisma—capable of "win them. by force of his mere presence" (25)—is eroticized power. As with Butler in *Bodies That Matter*, "Power operates for Foucault in the constitution of the very materiality of the subject, in the principle which simultaneously forms and regulates the 'subject' of subjectivation... Here the body is not an independent materiality that is invested by power relations external to it, but it is that for which materialization and investiture are coextensive" (35). It is to note that the body is a location of both agency and subjection. Nelson's body in the novella is mourned even as it is inscribed for death, desire, and reproduction.

The lieutenants standing behind their men "with drawn swords" (25) also implies an unmarked sexual violence deployed to maintain masculine conformity. On this regime, desire must be policed, even as it is summoned time and again. It is in this place where Sedgwick's *Between Men* insight is useful. She argues, "There is a special relationship between male homosocial (including homosexual) desire and the structures for maintaining and transmitting patriarchal power: a relationship founded on an inherent and potentially active structural congruence" (25). That is, she contends that male relationships in patriarchy are triangulated by women or other triangulated desire exchange. In *Billy Budd*, however, between men desire runs freely, unrestrained by women, and heightened in the world of homosociality on the ship.

Captain Vere's desire for Billy is queer-contaminated, too, not by explicit lust but by idealization and loss. Vere fantasizes Billy as "young Adam before the Fall" (75), an innocent male body that provokes paternal as well as erotic fantasy. Vere's own personal turmoil throughout Billy's trial and eventual hanging is authentic as a failure of justice, lust, and sorrow. His final words, "Billy Budd, Billy Budd" (123), uttered when he died, are the affirmation of the continued presence of an unrepressed feeling that law, ethics, and manly responsibility could not hide. This is Dana Sliva's reading of the queer elegy of the novel, a lament for an unnamable love through Claggart who "seems to lament his sexual dilemma" (3). The interlude that the question, "Was Captain Vere suddenly affected in his mind . . .?" (85) provides is a psychic moment of disorientation as Vere struggles with the accusation of Claggart and the moral handsomeness of Billy.

This is not merely a question of distaste for madness but of a temporary collapse of Vere's rational and moral structure, spurred by an unbearable internal conflict, one that can be read, in Butlerian terms, as dislocation of identity under the pressure of culturally unnameable desires. If as Butler in *Gender Trouble* argues "There is no gender identity behind the expressions of

gender; that identity is performatively constituted by the very 'expressions' that are said to be its results" (33), then Vere's breakdown will be due to the fact that he cannot reconcile his emotional attachment to Billy with the masculine juridical position he is required to adopt. The vulnerability of the scene thus queers not only Vere's desire but also his identity.

Billy's final words to Vere "God will bless you for that" (91) are spoken with kindness and conviction and vibrate as a blessing which cancels the old distinctions of officer and sailor. Billy's gratitude towards Vere, even when the latter orders his execution, is astoundingly intimate and suggests a connection beyond duty and into the domain of emotional complicity. Vere's insistence on upholding Billy's charge against the afterguardsmen on the basis of Billy's "repugnance to playing a part of informer against one's own shipmates" (92) attests to the moral innocence of Billy but also serves to vindicate the character of Billy in the way that represents a private interest larger than jurisprudence. Billy's "spiritual sphere [is] wholly obscure" (92), a sentence that at best intermittently demands spiritualized reading of his character even as it makes his inner life opaque and off-limits, conceivably an echo of what Sedgwick calls the unrepresentability of queer touch within heteronormative narrative structures.

When Vere utters "the heart here denotes the feminine in man" (97), he is performing an act of gender trespassing, wherein affect, vulnerability, and pity (attributed to Billy) are united with femaleness in a male subject. This supports Butler's argument that gender is not determined or essential but is that which is produced by acts of discourse. Vere's definition unwittingly queers himself and Billy, granting feminized feelings to the masculine sailor and by extension to himself, for he too is disturbed by Billy's arrival. The term is a moment of discursivity where masculinity is breached, revealing the loopholes of gendered boundaries. The narrator's hesitating remark "some conjectures may be ventured," (102) points to the narrative stake of the

novel in uncertainty, and particularly concerning desire. The rumor that "Captain Vere... may in the end have caught Billy to his heart" (103) invokes an image of intimate bodily and affective involvement which can be interpreted as absolute, transgressive surrender to repressed emotion. The adjective "closeted" in "closeted interview" (104) between Vere and Billy also recalls Sedgwick's *Epistemology of the Closet* and invites us to reflect on how homoeroticism and male intimacy are closeted away into metaphorical and actual closets in the novel. The fact that these sessions take place at the same time in rooms characterized as "small confessionals or side-chapels" (108) joined together the religious with the private and the intimate, implying that male homosexual desire is acted out in ritualized privacy rather than open recognition.

The evocation of Billy's "rose-tan complexion" (108) is likewise within this move towards aestheticizing Billy's body in sensual and feminized descriptions. The kissing of Billy's cheek by the chaplain and the intoning of the "fleece of the Lamb of God" (115) sanctify Billy's body as one of beauty, purity, and sacrifice—terms invoked repeatedly to indirectly inscribe queer martyrdom. Sedgwick explains how homosexual desire is most often transferred onto the vocabulary of spirituality and death in nineteenth-century literature. The chaplain's kiss, while sanctified by a religious ritual, is an act of bodily nearness that reperforms Billy's execution as holy and homoerotic.

Billy's final blessing "God bless Captain Vere" (114) documents this spiritual and emotional connection, presenting Vere not as the soon-to-be-hanging-officer Billy but as the one to whom he will be speaking his last words and love. The hanging itself, a "prodigy of repose" (120), abolishes the violence of death and replaces it with aesthetic calm, reminding us of romantic or homoerotic fiction idealized, beautiful deaths. The narrator's focus on the

peacefulness and loveliness of Billy's death achieves a kind of textual consolation that simultaneously sanctifies and sexualizes the boy's body.

Finally, the narrator's hypothesis that Captain Vere, even in his "philosophic austerity," might have given way "in the most secret of all passions, ambition" (123) once more toys with the game of concealment and the unthinkable. Where declared passion by oneself is recognized as ambition, the language is recalled as used in the study of queer desire—concealed, deep, repressed, and pervasive. As Sedgwick asserts, "The closet is the defining structure for gay oppression in this century" (71) and also argues that the closet is a site of hiding only but a structuring rule of knowledge and power as well. In *Billy Budd*, the closet is not only home to characters but also narrative techniques themselves, which are queering affect and desire by being ambiguous, displaced, and overinvested in affects.

In the final part of *Billy Budd*, Melville continues to enrich the novel's exploration of the sentimental, aesthetic, and sacred dimensions of male beauty and closeness, revealing how alternative sexuality functions in relation to sublimated affect, memory, and melancholic holding. The sea officer, "the most reluctant to condemn" Billy (123), silently carries the affective tension between law-bound duty and emotional truth. Whereas he apprehends the ethical and potentially erotic singularity of Billy's self, "he kept the knowledge to himself" (126), something that rings extremely true to Eve Kosofsky Sedgwick's thesis in *Epistemology of the Closet*. Sedgwick claims, "Coming out: it can bring about the revelation of a powerful unknowing as unknowing, not as a vacuum or as the blank it can pretend to be but as a weighty and occupied and consequential epistemological space" (77). The silence of the navy officer becomes a closet, a withholding not ignorance but of love, admiration, or desire speechless beyond the closet. The narrator's comparison "a chip of it [Billy's spar] was as a piece of the Cross" (126) reveals the

sanctification of Billy's body and memory, encoded in unmistakably Christian but homoerotically charged symbolism. The cross, symbol of sacrifice divine, places Billy in the position of Christ-like and thus in an ethical as well as spiritual discourse. But this image provides the possibility of the inscription of queer desire through the language of martyrdom, because, as Judith Butler in *Bodies That Matters* cannot help but asserts:

The body posited as prior to the sign, is always posited or signified as prior. This signification produces as an effect of its own procedure the very body that it nevertheless and simultaneously claims to discover as that which precedes its own action . . . it is productive, constitutive, one might even argue performative, inasmuch as this signifying act delimits and contours the body that it then claims to find prior to any and all signification. (31)

Butler asserts that abject or marginal bodies can only be rendered intelligible through being transposed into symbolic structure. Billy's eroticized and mourned body is a body that functions as a sacrificial text which renders homoerotic feeling to travel in the disguise but resonant mode. His murder is not just the result of juridical power but is also the force that makes a public emotional stake which writes his body into religious and aesthetic modalities.

Ballad structure in honour of Billy queers the text further by sanctifying the sailor in lyric, emotional, and oral tradition. The ballad is both praise and passing on of an idealized, romanticized male figure whose innocence and physical attractiveness are recollected fondly, in stylized terms. "His beauty, his innocence, his 'fresh young image'" (126) are the standards on which the crew—and the novel—refuse to let Billy die. These words retroactively echo upon the idealized and feminized language used earlier in the novel to describe Billy as a youth: 'the rose-tan complexion', 'welkin eyes', and 'Apollo with his portmanteau'. Melville's repetition of description of Billy's corpse is an unbitter attachment, one that Butler would describe as "The

construction of a coherent sexual identity along the disjunctive axis of the feminine/masculine is bound to fail; the disruptions of this coherence through the inadvertent reemergence of the repressed reveal not only that 'identity' is constructed, but that the prohibition that constructs identity is inefficacious . . ." (*Gender Trouble* 37). It shows repeated internalization of the missing object within the ego, a psychosomatic process tending toward attachment to socially unacceptable desires.

Use of the lines "A friendly hand ere I sink" and "stand by the plank" (127), from the ballad, again sees more representation of the closeness and yearning focused in the discourse of male friendship on the sea. The fantasized sailor's request for corporeal nearness in death is an affective exposure which complicates the stoic masculinity demanded in naval life. This gives an 'a friendly hand' turn to Sedgwick's theorization, in *Between Men*, of the homosocial continuum, where affective relationships between men would normally be as camaraderie or brotherhood and might blend into the erotic. She observes, "To draw the 'homosocial' back into the orbit of 'desire,' of the potentially erotic, then, is to hypothesize the potential unbrokenness of a continuum between homosocial and homosexual" (2). In *Billy Budd's* ship, isolation, masculine exclusiveness and calls for trust and corporal cooperation permit blurring. The solidarity hand that touches out is equally the lingering, touching, or comforting hand, if not so called in the public sphere.

Queering Billy's body in the minds of those who remain on board is testament to the persistence of queer affect over time. Not erased by death, Billy is a ghostly presence—a body of desire and mourning. This ghosting is what Butler in *Gender Trouble* calls, "The construction of a coherent sexual identity along the disjunctive axis of the feminine/masculine is bound to fail; the disruptions of this coherence through the inadvertent reemergence of the repressed reveal not

only that 'identity' is constructed, but that the prohibition that constructs identity is inefficacious. . ."(37) and may be referred to as the return of the repressed, the inassimilable difference of queerness taking shape in forms containable within hegemonic norms. The innocence and beauty so central to Billy's characterization are not so many aesthetic qualities as cultural signs upon which desire must be recalled rather than spoken. Accordingly, with these final reminders, Melville completes a mode of closeted grieving in which Billy's death no longer desires but turns it into myth, memory, and symbol. The silence of the marine officer, the spar's holy relic, the ballad's muted longing, and the ritualistic preservation of Billy's beauty form a queer archive—a cluster of affective traces wherein alternative sexuality is not rejected nor diverted. Melville's novel, avoiding themes of its own overt declarations of queerness, thus opens a textual field in which queer desire travels in secret, in sorrow, and in poetic memory.

Against such a backdrop, justice in *Billy Budd* is a rich dialectic of law, violence, ideology, and body, in which Melville problematizes juridical power's inability to sustain human freedom and dignity. The novel opens with a climactic political allusion - the merchant vessel Rights-of-Man (10), which carries the same name as Thomas Paine's revolutionary pamphlet, and which foreshadows the ideological terrain Melville is evoking such as revolutionary hopes, democratic equality, and man's inalienable rights. But this symbolic vessel is soon replaced by the Bellipotent, a warship whose very name betroths beauty and brutality, and whose operations rely on haphazard impressment. Billy's "arbitrary enlistment" (17) serves to unveil a legal injustice sheathed in convention—an effacement of consent in the service of empire. This replacement is a break of theme from Enlightenment ideals to martially brutal reality. Derrida's formulation of justice as the 'undeconstructible,' that which is beyond legal calculation, haunts

this transition: while the law seizes Billy away from the Rights-of-Man forcibly, actual justice, as a moral virtue, is forsaken.

Melville in *Billy Budd, Sailor* performs the institutionalized tyranny targeted by Thomas Paine in *The Rights of Man* where the law accounts for power, not for the protection of individual rights. Billy's forceful shift from merchant ship Rights of Man into the Indomitable warship is a typical case of impressment and denial of freedom. His fatal encounter with Claggart and his stammer disabling him to defend himself lead to a legally correct but morally incorrect execution under the Mutiny Law of 1690. Captain Vere implements the law mercilessly, illustrating Sedgwick's point that heteronormative and homosocial forms suppress other longings, while Rawls' theory of justice as fairness emphasizes the manner rational agents would damn a system punishing on outcome basis without regards to intent and equality. Billy's fate thus demonstrates how the law, interpreted literally, forces compliance at the expense of humanity, stifling difference and non-conforming selves and masking systematic injustice under legality.

The affective economy of Billy's impressment also plays into the complicity of the act's morality. The merchant captain's lament "You are going to take away my peacemaker!" (9) and close-mouthing sob, breaks the illusion of disembodied legal power. His affection for Billy, to whom he speaks as "the jewel of 'em" (7), brings out the human dimension of justice: Billy's presence on the Rights-of-Man served to humanize and to unite, and his loss leaves one melancholy. But the Bellipotent's lieutenant is "much satisfied" (7), which points out the skewing of justice in institutional systems—where legal compliance can still be a desecration of human bonds. This resonates with Judith Butler's theory of *Gender Trouble*, in which she deconstructs liberal justice's disembodied, universalized subject through showing the ways power works

through normative disciplining of bodies. She reflects, "Foucault proposes an ontology of accidental attributes that exposes the postulation of identity as a culturally restricted principle of order and hierarchy, a regulatory fiction" (32).

Billy's body is brought not as a rights-carrying subject, but as an imperial object of necessity, a casualty to military necessity. Billy's response to power—obedience and innocence—is itself morally questionable. Billy's famously quoted lines, "Please, Sir, I don't know... God knows, Sir" (14), are both an exclamation of ignorance and a call to a higher, unknowable justice. That he was found "in a pretty silk-lined basket" (14), is remembering Moses's story, placing Billy again as an innocent factor on systems of law and brutality. This kind of narrative production is in line with Austin's performativity theory as cited by Andrew Parker and Eve Sedgwick in *Performativity and Performance*: "Austin can be seen to have identified two radical condensations: "... producing and underwriting relations on the 'hither' side of the utterance, and ... negotiations that comprise its uptake" (7). Priority and order in speech do come into play in *Billy Budd*—Billy's past, his personality, and the officers' interpretation are what govern reception and response to utterances such as accusation or denial. This conflict is the soil of tragic injustice. More generally, Billy's speech act is obedience and resistance. It can't be admissible as legal evidence but can speak a moral truth unavailable to the courthouse. His 'silence' thus is not empty but ethical-rich, breaching what Austin would call the 'felicity conditions' of legal speech acts.

Melville contrasts bureaucratic legality and natural virtue in the novel. Billy is consistently described as a "sort of upright barbarian," (15), and credited with an ethical purity that has not been corrupted by institutional evil. His "unobtrusiveness" is the product of "unaffected modesty of manhood. . . aristocratic in kind" (27) and can be seen as standing in for

a kind of natural justice in opposition to the state's artificial legality. For, as Jonathan A. Yoder argues, Melville's 'poetic jurisprudence' lies in his call for modalities of justice that cannot be codified but which instead originate in beauty, affect, and relation. This is most illustrated in how Billy's presence and body inform and affect others. His presence seems to demonstrate moral order, in contrast to the corrupting influence of military-law apparatus. Yoder quotes John H. Timmerman and asserts that Billy's crime is "not against society" but "against a satanic individual" (132).

Institutionalized violence in naval discipline also accounts for a lot of Melville's criticism. The author admits that although press-ganging is "by custom sanctioned for centuries" and "judicially maintained," it cannot be morally justified (24). These paradoxes are the content of the text's exploration of justice, in which law is not a reflection of morality, but of its systematic repression. This is a deconstruction restated in Derrida's differentiation between law (*droit*) and justice: one a power that can be regulated, the other an incalculable ethical appeal ever in excess of the law (4-5). Billy's definition as a "contagious fever" (19) allows for a biopolitical reading of justice: his innocence, looks, and emotional innocence threaten the rigorously regulated systems of naval stratification. If justice in the novel fails Billy, then it is because he himself subverts the masculinist hierarchical structure which supports the law. Eve Sedgwick's reading in *Between Men: English Literature and Male Homosocial Desire* is worth recalling here. She writes, "There is a special relationship between male homosocial (including homosexual) desire and the structures for maintaining and transmitting patriarchal power: a relationship founded on an inherent and potentially active structural congruence" (25). It is, masculine homosocial order, stabilized under patriarch command, founded upon exclusion of

eroticized or affective homosocial relations. Billy's charm and ardor which he elicits subvert this economy.

Billy is 'the peacemaker', a social glue demonstrating how law, derived from power, may be hostile to affective justice. This crisis of justice is in its most robust form in Captain Vere's determination to have Billy court-martialed and shot. Vere's intra-psychic conflict performs the breakdown of legal positivism: he sticks to the letter of the Articles of War but betrays the spirit of equity. He attired himself "for the altar and the sacrifice" (22–23), making justice synonymous with ritual violence, recalling a Greek tragedian hero. But since Butler is the first to remind us "Power operates for Foucault in the constitution of very materiality of the subject, in the principle which simultaneously forms and regulates the 'subject' of subjectivation . . . Here the body is not an independent materiality that is invested by power relations external to it, but it is that for which materialization and investiture are coextensive" (35), justice can't be distinguished from the bodies it rules. Billy's body 'fair, passive and abject' becomes the very place where law and justice diverge. It is both the sacrifice by means of which the ship reconstitutes order, and the wound through which Melville complicates the cost of that order.

In *Billy Budd*, Melville locates justice as a disputed process and not as a category, a process that is resolved through power, silence, and body exposure. The novel's legal and moral details are theatrically examined most intensely in the figure of John Claggart, an agent and instrument of institutional violence. He functions not through overt command but through "converging wires of underground influence" (37) and thereby suggests that justice within the Bellipotent is as much a result of overt command as it is one of covert pressures and affect manipulations. Claggart's "peculiar ferreting genius" (36) and "ingratiating deference" (36) are

proof of his capacity to work within systems, fleshing out what Derrida would identify as the spectrality of justice: its working in secret, its proximity to secrecy, and its deferment.

Captain Vere, described as having "settled convictions" that were "a dyke against those invading waters of novel opinion" (30), is a second instance of juridical rigidity—one that rejects ethical transformation in the name of preserving institutional continuity. His refusal to let himself be "invaded" by new ideas of, political or emotional, betrays the law's requirement to be outside the experience richness. But justice, Butler argues in *Gender Trouble*, has to take into account the body and its performative vulnerability. Billy, whose behavior and wishes are "externally ruled" (65), is a prejudice beyond sovereignty. He may talk himself into legal existence only in part, as testified to by his "reluctance, almost an incapacity, of plumply saying no to an abrupt proposition not obviously absurd" (57). This deficiency of language or the failure of performativity that holds Billy accountable to the law is the same reason that makes him nonessential in a system where articulation is good but not feeling.

The ill will Billy inspires in Claggart is "spontaneous and profound" (46), an idiot malice which overthrows legal systems founded on identification of intention and reason. The text is inquiring, "What can more partake of the mysterious than an antipathy spontaneous and profound?" (46). This mystery confronts the rational legal order and calls us to the affective and erotic spaces that may animate ostensibly non-sexual male attachments. Eve Kosofsky Sedgwick in *Between Men: English Literature and Male Homosocial Desire* termed it as, "To draw the 'homosocial' back into the orbit of 'desire,' of the potentially erotic, then, is to hypothesize the potential unbrokenness of a continuum between homosocial and homosexual" (2). Claggart's inexplicable hatred for Billy thus needs to be explained not as a solitary psychological quirk but as a product of underlying, culturally unspoken forms of desire, which are antagonistic to the

integrity of law and morality. That is to say, Claggart, who is never quite so much as directly put down as desiring Billy in so many words, nevertheless possesses what Sedgwick would call the paranoid epistemology: he is fixated on Billy's innocence as threatening the masculine regime of mastery. This eroticization of violence against innocence, particularly within the confines of rigorous martial discipline, illustrates how justice will then be less a gesture towards moderating economies of affect, like envy, desire, and resentment, and more a reaction to evil.

Billy's innocence is presented as an act of inability: he is "nothing more than innocent" (51), lacking in "intuitive knowledge of the bad" (64), and bound by "unfounded scruples" (62). These are fine virtues morally, but as virtues demanded by a legal system that insists on not virtue but proof, expressiveness, and compliance, become handicaps. His innocence is therefore disabling stigma, a refusal to let it be the symbolic order of justice. In Butlerian terms, Billy's body is abject; it cannot perform the subjectivity legal discourse demands. His "externally ruled" life (65) is one of mere acquiescence but dispossession—a mode of being which Judith Butler, especially in *Bodies That Matter*, designates as the mode of subjects excluded from the normative field of intelligibility (35).

The site of Billy's deadly accusation is not a formidable courtroom but a "scrubbed gun deck" (53), and affective tension is dense even there. Passion, Melville maintains, "does not require grandeur; it operates fiercely even among the beggars and rakers of garbage" (53). The scene remediates the court drama as more than a procedural event but a release of moral intensity within a limited, affect-charged environment. Here, Melville is following Yoder's understanding of *Billy Budd* as a poem of 'poetic jurisprudence', where the physicality of experience collides with the abstraction of law (140-141).

The cunning use of situation by Claggart, as he is "capable when astutely worked . . . of operating to the mysterious discomfort" of the crew (37), gains him a "lawyer to his will" (55), one who uses the veil of the law to serve injustice. His Pharisaic hypocrisy, incarnate as "the Guy Fawkes prowling in the hid chambers underlying the Claggarts" (55), alerts one to the hidden brutality of law: the government that presents itself as keeping peace and performs the disorder it purports to suppress. This internal tension supports Derrida's description in *Force of Law* that "law (droit) is always an authorized force, a force that justifies itself or is justified in applying itself law is itself always in force" (6–7). It describes how violence is not beyond law but rather it is performative in force. Billy's death is also signified by the symbolic "Jimmy Legs is down on you" (42), an uncertain assertion which legitimates the unofficial, affective modes of judgment in advance and beyond any formal trial. Justice is foreshadowed by rumor, inference, and the allocation of affect. That Claggart's charge against Billy is due to something incapable of being proven or known "antipathy spontaneous and profound" (46), as the novel defines it—is evidence that justice in *Billy Budd* is something other than reasonable but of unseen and illogical forces.

Justice inflicted upon Billy is not a quest for ethical reality but an improvisation, an imperative to "act out to the end the part allotted to it" (52). This fatalism denies the law of its juridical function letting it degenerate into ritual behavior. Here, J. L. Austin's performative theory is given its darkest form: the sentence of law operates not as an echo of justice, but as an institutional speech act that kills through institutional power. Austin says, "To utter the sentence (in, of course, the appropriate circumstances) is not to describe my doing of what I should be said in so uttering to be doing or to state that I am doing it: it is to do it" (6). Justice is not characterized by moral goodness, but rather is what the authoritative pronouncement is.

In *Billy Budd*, Herman Melville draws a haunting portrait of justice as an imbalanced tension between legal form, incarnate innocence, emotional insight, and ritualized institution. Billy Budd's death relies not on moral certainty but on the law's fearful respect for order, a fearfulness present in the language, identity, and action contradiction that pervade the novel. When Claggart is described as "rather queer at times" (67), the adjective invites double reading: as an idiom of mannered peculiarity and as coded reference to deviant desire or inner upset. The narrator maintains however that such queerness is 'not threatening' and this means that queerness can be tolerated, even ignored, as long as it does not upset institutional status quo. This introduces the foundation of a broader meditation on justice as containment of disorder, most particularly the disorder of uncontainable affects and non-normative bodies. Billy's body and voice are thus described. His "vocal impediment" (81), his stammer that silences him briefly before the drum-head court (84), becomes symbolic of his dislocation from the juridical process.

Austin's performativity theory is a reminder that language is not just expressive but constitutive. Billy's powerlessness to speak for defense leaves him unintelligible and weak in a system that insists on confession, articulation, and codification by law. The body that fails to carry out legibility in alignment with dominant normativity becomes an abject to which Judith Butler's *Bodies That Matter* states it as dispossession rather than shame. Billy's silence is not a case of individual failing, but it explains how justice relies on being able to speak and be heard within sanctioned discourse. This is consistent with Foucault's comment, as noted by Butler, that "the 'soul' becomes a normative and normalizing ideal according to which the body is trained, shaped, cultivated, and invested The soul is the prison of the body"(32–34). Billy's insignificance in the legal order renders him not only vulnerable but virtually unintelligible, his

body and silence both produced and legitimated by the same machinery that claims to disclose truth.

Captain Vere's mind is characterized as follows: "Was Captain Vere suddenly affected in his mind, or was it but a transient excitement...?" (85). Even Vere's own thoughts are put to trial even while he sits in judgment over the legal trial. The surgeon's statement "To argue his order . . . would be insolence. To resist him would be mutiny" (85) is about the coercive environment in which justice is not negotiated but obeyed. The drum-head court is a circle of coercion disguising itself as a tribunal of reason. For Derrida, the law's performative authority is enforced under coercion, rather than on the grounds of the clarity of the evidence but on its position within a "sovereign"(Force of Law, 30) system. The "martial code" (88) to which Vere refers is war's child, born in extremity and intended to avoid confusion. And confusion reigns over every tier of this legal tragedy. To quote the narrator, "innocence and guilt... in effect changed places" (88). Billy's frank testimony "I never bore malice. .. I did not mean to kill him ." (91) does not clear him in accordance with the rule of the court. Vere, aware that "Budd purposed neither mutiny nor homicide" (98), nonetheless condemns him to death. This is a broad gulf between ethical truth and legal sanction. In *Gender Trouble*, Butler contends that law performs gendered and moral subjects by means of repetition and citation (preface, xx, 19199). Vere cites the "Mutiny Act, War's child" (98) not as a site of justice but as a repetition machine: the law must reinscribe itself by erasing any subject who intrudes into its performative space, even one who is "innocent before God" (96).

Similarly, the site itself, the "quarter-deck cabin" (88), is a stage, where the performance of justice takes place. The "latent misgiving" (90) of Vere and others is an unnamed knowledge which continues to reside in the juridical process. In Eve Kosofsky Sedgwick's view, "Coming

out . . . can bring about the revelation of a powerful unknowing as unknowing . . . a weighty and occupied and consequential epistemological space" (*Epistemology* 77). Affective bulk is embodied in unsaid tensions all through the court, the framing of the trial itself refusing to mention what it cannot. The cabin is Sedgwick's "the open secret," the cabin "never. .. pure hermetic" but defined by "the more imponderable and convulsive" liberty of public speech and home repression (*Epistemology* 80). *Billy Budd's* juridical space then not merely symbolically performs legal determination but stages violently erased alternative, illegitimate knowledge and desire.

Finally, the law must kill Billy because he is innocent but cannot be written into its order. His stuttering, his innocence and his affective presence render him a subject whom law forces to punish. Claggart, on the other hand, comes into conflict between forces of law and desire in which the legal force compels him to remain in repression. The fact that Claggart lacks the "spiritual organization" (67) which motivates Billy is only to confirm that law is not dictated by metaphysical truth but by absence of spirit and presence of structure. Both the funeral rites for Claggart and Billy suggest a "strict adherence to usage" (106), i.e., the notion that even in death, the characters are not dealt with in accordance with truth or feeling but in accordance with formal expectation. Justice here is a choreography of appearance. Repression of "undesirable speculations" (106) is both narrative strategy and juridical repression, mimicking the repression by the state of affective or sexual deviances that would otherwise destabilize its unity.

In *Billy Budd*, Herman Melville resists the slippery nature of justice as an arrangement inextricably bound with violence, performance, and repression of feeling. The " heavy artillery painted in funereal hue " (108) imagery forebodes the clash of war order with death, and it brings war machinery into sight of ritual sacrifice rather than righteous judgment. Justice here is an

aestheticized spectacle and not an ethical ideal. The chaplain, a "minister of the Prince of Peace serving in the host of the God of War" (111), is himself paradoxical, the very essence of Christian mercy's paradoxical coexistence with war commission. This theological paradox is employed to function as an indicator of the criticism of institutional justice in the novel on the basis of symbolic function rather than its internal moral paradox.

Captain Vere's adherence to the law, even at the level of his own perplexity, is the aporia of justice: the incompatibility of moral action and institutional obligation (16). Vere's rigid adherence to duty constitutes a "momentary paralysis" (115), a physical expression of internal tension. His inability to do otherwise is structural coercion, not inadequacy, the vice of war afflicting his conscience. Billy's execution is therefore represented not as a punishment for guilt but as a "vice of fate" (109), drawing an innocent youth into the apparatus of imperial control.

The language's function to administer justice is also prodded towards ambiguity by the surgeon's insistence upon clinical detachment. Denying such concepts as "will-power" (116) or "euthanasia" (117), he adheres to an account of Billy's death as mechanistic "mechanical spasm" (116), material with no religious or moral dimension. Austin's account of speech acts as performance makes clear how such statements fail to report but succeed in doing so; they close off ambivalence and exact a story of control. The aseptic tone of the surgeon serves to repress the affective and metaphysical consequences of the execution since the "appearance. .. not immediately to be assigned " (117) denies the impossibility of total knowledge or closure.

The naval report that releases " some few weeks after the execution " (124) gives the final word on narrative control by the institution. This euphemism-sounding document, released officially, contrasts with Billy's lived reality of death, replacing moral complexity for procedural expediency. Melville's juridical spaces, in Yoder's definition, expose the gap between the

performative power of legal regimes and the affective realities they erase. The chronicle's narrative is not one of justice but one of discovery by the authorities. Therefore, in *Billy Budd*, justice is more than a paradox: it craves truth and order but overlooks emotions and inner life and convicts an innocent man for defending the authority of the state.

Relying on the theories of Butler and Sedgwick, the study claims that the novel thereby reveals the fact that law cannot control difference or ambiguity and ends up failing individuals who do not fit its laws. Melville undermines the law in depicting justice as something that simply cannot function, and this is indicative of a broader conception of justice in terms of the recognition of the uniqueness of all people, something hard to define and ever just beyond reach.

Sexuality and justice are intertwined with repressed, and socially controlled, terms, in *Billy Budd*, and this reveals a power system adverse to difference whether sexual, moral, or religious. Melville's novel does this refusal in the strict hierarchies of naval power, in which beauty, innocence, and unorthodox desire are successively denounced in the name of law. Billy's sexually-innocent form—his aestheticized form, radiant charm, and emotional vulnerability—is doubly-vulnerable in a same-sex world governed not by understanding but discipline, suspicion, and domination. His persecution is an example of what Butler in *Bodies That Matter* refers to as the "abjection" of bodies that challenge normative intelligibility. Billy's mere existence, which Sedgwick would refer to as "ambiguities and incoherences within and among heterosexual, homosexual, and bisexual practices" (42), upsets the homosocial order and to him becoming a menace not for what he does but because of what he is.

The injustice that *Billy Budd* is subjected to is not legal but ontological. He is not accused of his intention "Budd purposed neither mutiny nor homicide" (98) but of the way his presence disrupts the symbolic order. Derrida, in *Force of Law*, explains that the law always involves a moment of

violence that cannot be reconciled with justice; this violence is most apparent when law punishes something that it cannot fully name. The courthouse proceedings, conducted as a "drum-head court" (84), are a sign of performative legality and emergency rather than indicative deliberative justice. Austin's theory of performativity can be applied to describe how such institutional performance does not symbolize justice but creates injustice through ritualized speech acts: the verdict becomes true not because it reveals truth, but because it is spoken with institution's authority. Since truth is not debated but stated, the power gets derived from the performative strength of naval institution: "In wartime at sea a man-of-war's-man strikes his superior in grade, and the blow kills. Apart from its effect, the blow itself is, according to the Articles of War, a capital crime" (Melville 97–98).

Claggart's unjustified accusation and premature death, provoked by an outburst of violence in Billy himself when his stammer renders him speechless (81), is a critical plot twist in the novel, where inability to argue one's point is a fatal flaw. The scene reveals the horrific truth of Melville's "irrational hatred," an impulse sustained not by logic but by the "insane" jealous rage and pent-up passion Claggart harbors. Claggart's actions are the very embodiment of what Sedgwick, in *Between Men*, refers to as the unstable boundary between homosocial desire and homophobic violence: muted desire kills (25). The ship itself, which is saturated with bodies of men stuck together in a hierarchical and segregated manner, is an experimental forum for such muted intensities.

Captain Vere, in his attempt to maintain the rule of the "martial code" (88), is both culprit and victim of institutionalized injustice. His following of the law's rigidity even after his discovery of Billy's moral innocence is the tragic loss of justice in the maintenance of social

order. Vere's conflict of will, in his "momentary paralysis" (115), shows the way justice too often gets lost to the law's need to protect itself. Denial of the affect and ambivalence of Billy's act—his fear, his speechlessness, his beauty—is denial to work with the queer subject as a subject. Butler's *Gender Trouble* accounts for the way that power machinery reproduces itself by foreclosing on the recognition of these ambiguities; the subject that is incapable of performing in a manner legible to gender, power, or reason is rendered as unintelligible (33). The sea scape space—hierarchical, masculine, and antagonistic to emotional difference—is literal and symbolic space in which other sexualities and affect differences are brutally excluded. Billy's "rose-tan complexion" (108), his "fresh young image" (126), and the chaplain's kiss (115) compose a sacrificial eroticism which the military order cannot be faultless. The Gospel presence of the chaplain is no salvation; he is "a minister of the Prince of Peace serving in the host of the God of War " (111), another character torn between ethics and order. The ballad written about Billy after he is dead, his innocence and beauty wrapped up in memory, only serves to illustrate how affect is reinstated when it is safely posthumous. The state admits only emotion after the threat that it has presented has been defused.

This affective and symbolic conservation of Billy's body as "a chip of it was as a piece of the Cross" (126) is like Yoder's description of Melville's exercise of revealing the inability of justice to account for the truth of human subjectivity. Billy is martyred to a system that cannot account for non-normative forms of being. His death, a "prodigy of repose" (120), is rather an aesthetic and religious gesture in which obedience and beauty are preserved in safety in death rather than a punishment.

Justice, in *Billy Budd*, is not the triumph of truth or reason, but an exclusionary ritual of alterity. Melville questions upon alterative sexuality under juridical control that reveals a

formation where justice is always broken or damaged. That is, the law aims to suppress the very human desire, feelings, and difference that undermine its authority. As Butler, Sedgwick and Foucault help to uncover, *Billy Budd* is a tragedy of not an individual but of a system, where the failure to understand nonconforming ways of being is the excuse for violence passed off as law.

CHAPTER III

Justice as an Apparatus to Repress Alternative Sexuality in *Billy Budd*

The tragedy of *Billy Budd* is not a failure of justice but its turn into an apparatus of disciplining otherness. In Billy, Melville makes a figure of alternative sexuality whose existence becomes uninterpretable with respect to the rigid structures that make up naval life. His physical good looks, emotional expressiveness, and linguistic inadequacy make him desirable as well as vulnerable to being disciplined.

Billy's brilliance attracts admiration and lust, but it also renders him other. In a militarized, hyper-masculine culture, affective alterity of this kind is illegitimate, and it gives rise to a performative act of law that will sacrifice truth to preserve order. Judith Butler's theory of abjection describes this dynamic: Billy is disciplined, not for what he did, but for what he is in being what the law cannot comprehend. He is the queer subject whose undecidability complicates the intelligibility of institutional norms. His speech impediment at the trial sets this dynamic, reducing him to a body without voice and revealing how sexuality, as Foucault notes, is less natural truth than historical construction. It shows how corporeal and linguistic difference subverts the law, rendering him unintelligible in the naval hierarchy. Melville's text generates a seaborne world in which homosocial intimacy forever teeters on the edge of homoerotic longing and where the boundaries between justice and revenge, discipline and lust, are erased.

The charge brought by Claggart, the result of hatred and repressed desire, illustrates shipboard justice's inability to hold apart various affect and explode into violence. Sedgwick's interpretation reveals this violence to be no exception but the inevitable consequence of homophobic terror in a homosocial regime. The fatal blow Billy strikes in defense of himself, pictured in tragic closeness as "he next instant, quick as the flame from a discharged cannon at

night, his right arm shot out, and Claggart dropped to the deck" (Melville 82) renders him murderer and martyr, demonstrating how performative law kills not moral fault but the specter of undecidability.

Vere's speech to the crew highlights the way in which the law values hierarchy and discipline over substantive justice, even as he himself feels moral tension. His exercise of authority demonstrates that legal order is reinforced less through truth than through ritual obeisance. The chaplain's belated gesture of affection similarly illustrates the way in which tenderness is only permitted once Billy is out of the reach of institutional power. Together, these moments reveal how law represses other forms of relation until death renders them harmless. This confirms the notion that the system can only permit intimacy after the danger of subversion has been eliminated. Finally, the sailors' ballad honoring Billy, only after his execution turns him into a heroic icon, confirms Yoder's gist that Melville politicizes sacralization to demonstrate how justice excludes lived human truth.

The implications of this reading are significant. Melville demonstrates that justice, far from an impersonal keeper of order, is an historical bio-power apparatus which represses queer difference for institutional stability. In illustrating that Billy is devastated not for being wrong but for his undecidability, Melville anticipates recent controversies in queer theory over recognition, intelligibility, and abjection. The relevance of this scholarship to our current discourses is therefore clear: policing non-normative sexuality, silencing non-normative existence, and the aestheticization of queer pain remain matters of urgent concern in our institutional and cultural discourses. Through monitoring the way *Billy Budd* depicts the nexus of law and sexuality, this project is a reminder that Melville's queries—concerning justice, acknowledgment, and the cost of abjection—are not unique to the nineteenth century but are at the very heart of present debates

on queer being and rights. Finally, *Billy Budd* teaches one the truth that societies still regulate normativity with law and culture, and the cost of the failure to perceive queer life is nothing but erasure. Future scholarship might explore further into Melville's broader sea fiction observing how oceanic existence and naval layers enrich queries about empire, identity, and human boundaries.

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