Negotiating Individualism: Apologies, Social Contracts, and the Romantic Making of the Self

by

Charles Durning Carroll

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Date _____

Chair of Examining Committee
Nancy Yousef

Date _____

Executive Officer
Steven Kruger

Nancy Yousef
Alan Vardy
Joseph Wittreich

Supervisory Committee

Abstract

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Advisor: Professor Nancy Yousef

"Negotiating Individualism: Apologies, Social Contracts, and the Romantic Making of the Self" argues that a central mechanism for the formation of our modern identity is the ritual of the apology. This is because as a speech act the apology always involves a recognition of the notion of contract upon which depends much of what we think of as modern about society. According to the view I advance here our understanding of our sense of individualism is based on a negotiation between the personal language of the apology and those collective ideals embodied in the social contract.

I argue that our transition from an ancient world of fixed social position to our contemporary, more fluid view of ourselves depended on a movement from social coercion to collective agreement and from the rule of physical force to that of persuasive language. This social change depended first upon reconceiving of ourselves in imaginary terms as persons of equal power, and second on the construction of narratives that helped model our newly reimagined selves. These narratives required the use of a new sort of persuasive language—the literary apology. Literary apologies helped construct our modern self because structurally they were contractual offerings—proposals for negotiation and linguistic agreement. Writers of imaginative literature used such literary apologies to habituate readers to the idea of a social contract and to the political equality and individual rights that the contract inherently assumed.

After a conceptual and historical overview in the Introduction, the first chapter takes up Hobbes' *Leviathan* as that form of the social contract ultimately productive of the modern self. The contract Hobbes establishes requires an individual act of forgiveness as one of the preconditions for the establishment of his social contract. Chapter Two shows how in his *Confessions* Jean-Jacques Rousseau rewrites the Hobbesian social contract by converting this passive idea of forgiveness into the active form of the apology. Chapter Three, on William Godwin's *Caleb Williams*, analyses the apology's subsequent evolution from an external in-the-world act, to its literary form. In my final chapter I show how Jane Austen, as an inheritor of the literary apology, is able to use it to bring women into being as politically viable entities.

Acknowledgments

"No man is an island," said Donne, and in contemplating the debts I owe in this dissertation I feel like a small and narrow isthmus crowded with the multitudes of my fellow human beings. An intellectual work such as this one is always the product of many conversations, both in person and through writing, with both the living and the dead. To all of you with whom I have conversed, either out loud or in the sotto voce of my mind, I say "Thank you!"

I am thankful first to all the authors studied here who with their words have allowed my own ideas to live. My conversations with them have been long and deep; I have often disagreed with them and often disliked them, but I have come, sometimes reluctantly, to respect each of them.

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My most important influences in this work have been professors, colleagues, and friends, even members of my family. The thanks I must give here to Professor Nancy Yousef, who has served as teacher, mentor, and friend cannot begin to do justice to the measure of her character. It was in her class that I first came to know Rousseau and Austen—the writers who provided the wellspring of this project. Nancy first thought to put them into dialogue. She has borne with me through many messy and disorganized drafts and patiently corrected my work. As an editor she has both been relentless when I resisted clarifying idea, and kind when in despair I felt I lacked the

courage to begin to write again. My thanks to her are insufficient. Professor Joseph Wittreich has been a patient teacher, a wise sage, and a necessary skeptic. Through his intimate knowledge of Milton's work he has shown me how to think about the apology from a broadly historical point of view. From the beginning Professor Alan Vardy has understood the thrust of what I have been attempting here. His intuitive understanding of the task I set myself has let me feel that, strange as my topic was, I was onto something important. I also must thank him for being Canadian, though that likely was not through any choice of his own. Many student colleagues and professorial mentors at the Graduate Center English department have helped make CUNY home. Though too numerous to thank specifically, they should know that I could not have done my work without their comforting presence. Knowing I had a community of scholars ahead of and behind me has been crucial for my own growth.

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Introduction

> *literature seems to invoke what is individual in the individual*
> Miall and Kuiken: "What is Literariness?"[1]

This essay is a history and analysis of a phenomenon—the apology—and its appearance in literary works during the era of European Romanticism. Arising from the ancient Greek and Roman tradition of the *apologia* in the secular world of politics and law courts, and from the Christian tradition of personal confession, a specifically literary version of the apology flowers in the Romantic era as a heretofore unseen synthesis of these two forms. Where confessions had been used as a sign of a wrongdoer's submission to the mores and morals of a community, and the apologia as a means of defense of a political or judicial position, the literary apology, working from both traditions, emerges during the 18th century as a tool for negotiating a peculiarly modern sense of identity that works to reconcile individual freedom with community standards.

Nicholas Tavuchis has described the apology as "a special kind of enacted story."[2] Focusing on the origins of apology in the ancient Greek word *apologos*, Tavuchis reminds us that its meaning as a form of narrative has been lost in its later sense of *apologia*, meaning "a speech in defense." In English this latter sense shifts yet again to come to mean "an explanation offered coupled with an expression of regret."[3] Beyond those relatively simple and unchanging expressions we offer for a sim-

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[1] David S. Miall and Donald Kuiken, "What is Literariness? Three Components of Literary Reading," *Discourse Processes* 28.2 (1999): 134.
[2] Nicholas Tavuchis, *Mea Culpa: A Sociology of Apology and Reconciliation* (Stanford: Stanford U. Press, 1991) 18.
[3] Definitions are from the *OED*. See also Robert K. Barnhart, ed. *The Barnhart Concise Dictionary of Etymology* (New York: H.W. Wilson, 1995) that connects *apology* to the Greek verb *apolégein*, to "tell fully" through the older verb *légein* "to tell, speak" and

ple error of manners such as bumping into a stranger on the street, the explanations we give for greater wrongs are frequently more complex than the simple justification of the single word "sorry." To explain these more problematic incidents we often create narratives that recount the wrongdoing from our own perspective. If a human life can be analogized as a story, then one way to view the apology is as a distinct narrative within that larger tale. The apology, one might say, is a particular kind of story that helps demarcate important moments within the flow of living. One way of recovering this now mostly lost narrative aspect of the word is to look for the presence of apologies in stories themselves, within the literature we use to explain our lives.

My aim in the present work is briefly to sketch for my readers what I see as the essential nature of the apology: that it represents a synthesis of two kinds of discourse—one both personal and political. Central to this claim is the idea that apologies are not only social acts, but are also a form of persuasion. An apology, understood in its whole light, both requests personal forgiveness and takes a position on what ought to be forgiven. The language of the apology is a synthesis between what is and what the parties to the apology believe the situation ought to be. The emergence of the modern apology is an important characteristic of the Romantic era. Indeed, I am proposing that our modern sense of identity, a key part of what it means to be an individual, is defined by a form of language that functions largely along these lines.

Lynn Hunt, in her recent work *Inventing Human Rights* discusses how 18th century novels allowed their readers imaginatively to experience abstract political concepts of justice and equality that underlie all human rights. By portraying the inner life

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also to the English word "legend," whose etymological origins go back to ideas of "to read, gather, select."

of others, Hunt argues, we come to see that we share the same problems and concerns. This, in turn, prompts individuals to push for individual rights. As Hunt describes it, political equality arises directly from fictional representations made in novels.[4] My contention is that the link between political philosophy and fiction that Hunt sees as central to the emergence of our modern sense of rights did not happen of its own accord but had to be made by a particular kind of language. Human rights were invented, yes; but this invention required a means of transferring abstract concepts of natural rights into everyday concrete reality. This transfer, I will argue, was brought about by the apology.

Part of what I will be trying to argue against here is the commonly held view that apologies are merely personal acts—that they function only as a means of gaining the acceptance of others after an act of wrongdoing. I am not denying this commonsense view, but I do wish to modify and correct it. Many texts throughout history contain what we today would term apologies, and many, if not most, of these apologies are about personal acceptance. But I believe our current sense of what we call an apology has been colored by history; we have grown so accustomed to the apology as purely an admission of wrongdoing that we have forgotten that it is also a political act—that the apology not only admits wrongs, but equally asserts and defends our rights. Part of my purpose here will be to recover how Enlightenment and Romantic writers incorporated this aspect of political language into the apology.

Because apologies are such common everyday rituals it may seem at first that my choice of texts to analyze would matter little. This view is based upon the idea that all apologies are the same and that throughout history we have always meant the

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[4] Lynn Hunt, *Inventing Human Rights: A History* (New York: Norton, 2007).

same thing when we apologize. That would be true if society itself did not change. But the apology, I believe, is a case where the tool remained the same, but was put to new uses over time. The apology is interesting precisely because it is adaptable enough to *appear* to do the same kind of work, while in fact functioning as a mirror for larger social changes. I hope this study of the literary apology can also be defended against the opposite charge: that of merely showing what I hope it will reveal; that since I am saying that the apology is not what it appears to be it must be just what I say it is. A careful analysis of different written works should show that the apology does, in fact, have a history, and that the fact that apology appears not to have one is an essential part of that history.

The history of the apology is revealed in the peculiarities of its usage. Only in English do we call the sentence "I'm sorry," an *apology*. In French this same sentence could not be constructed; it would be: "Je m'excuse," or literally, "I excuse myself." Yet all fluent English speakers understand that an excuse and an apology are not the same thing. French speakers do have a word "apology," but their word means apologia, and not what we English speakers have come to think of as an apology. In French apology still means what it used to mean in English, before the idea of admitting a wrong entered our language. English has found a need to make a distinction between these two kinds of ideas; in English apologies and excuses have different aims and seek to accomplish different things. For English speakers, then, apologies cannot mean the same thing they have always meant. I take this as suggesting that, contrary to our commonsense view, the apology does have a history. My choice of texts—a set of case-studies in the apology—will be guided by the aim of uncovering how apologies in English came to mean what they do.

The OED shows that the change in the meaning of apology away from apologia and towards our contemporary sense of personal admission of wrongdoing began around the late 16th century—at a time roughly co-extensive with the beginnings of the European Enlightenment. Shakespeare certainly was aware of the later meaning for he uses the word "apology" as an expression of regret in "Richard III."[5] In this era then, a new distinction was born: when a defense was one of high-minded seriousness, lengthy, and most often written, it was accorded the more formal-sounding Latinate word. The anglicized word assumed the function of smoothing our everyday moral interactions. While difficult to prove, it may not unreasonably be assumed that this linguistic change was reflective of social change, with both terms evolving in a continuous reciprocal causal relation. Certainly when differences in social standing and the assumptions underlying them changed, of necessity the most profound meaning of an apology made by one person to another changed as well. By the time we reach the Romantic era, apologies of the latter sort are widespread enough in literature that they appear multiple times in the works of writers as different as Jean-Jacques Rousseau, William Godwin, and Jane Austen. What happened during the Enlightenment to alter the meaning of the word apology? What is the relationship between the apologetic literary narrative that contextualizes the wrong and the defensive

[5] Shakespeare, in fact, stands on the cusp of this change, using apology in "Richard III" (1594) as contingent on forgiveness, and thus tied to an acceptance of responsibility, but as connected to excuse in several other plays. In Act III, Scene vii, of "Richard III" Buckingham says: "Lend favorable ear to our requests,/And pardon us the interruption/Of thy devotion and right Christian zeal." Richard replies: "My lord, there needs no such apology./I do beseech your grace to pardon me,/Who earnest in the service of my God,/Deferred the visitation of my friends." In "Romeo and Juliet," (1596) however, in Act I, Scene iv, Romeo says: "What, shall this speech be spoke for our excuse?/Or shall we on without apology?" a meaning closer to *apologia* than that given in "Richard III."

apologia that attempts to excuse it? How does this semantic and literary history affect what we do when we make an apology?

This introductory chapter provides some background on the history of the modern apology as well as a consideration of the underlying structure of the apologetic process, attempting to situate it in relation to the ideas of confession, apologia, and excuse to which it is related. Chapter One shows how the apology relates to the language of political rights. The second chapter examines how the desire for power converts confessions into apologies. The third chapter extends the ideas of the second, moving from moments of apology to considering the entire text as an apology. The fourth and final chapter explores how apologies have been used in conjunction with the assertion of equal rights to promote certain desirable forms of social change. The numbered chapters move in progression from a work of political philosophy, to an autobiography, to an autobiographical novel, and finally to a work of pure fiction illustrative of the full flowering of the literary apology. This movement from philosophy and history to literature, and from fact to fiction, is intended to show how apologies are a form of persuasion that represents a merging of the personal with the broadly political.

More specifically, Chapter One provides a detailed reading of Thomas Hobbes' 1651 work *Leviathan*. Hobbes' claim in *Leviathan* is that legitimate political authority can be achieved only through the creation of an imaginary figure who represents the wishes and desires of the people. The figure he creates, called the Leviathan, is both a fictional character made from the imaginations of his subjects *and* a valid representation of sovereign political power. Hobbes' text makes a metaphorical equivalence between the spectator's experience of a theatrical performance and the sovereign's

power over the people. In this sense Hobbes sees theatrical characters and political actors as interchangeable. For Hobbes the willingness of people to see actors play a role requires the spectators' consent to the idea of representation, that is, to the idea that their personal desires can be fulfilled by using language to create an imaginary character who politically represents them. Similarly, Hobbes sees the wish for an orderly and peaceful society as requiring consent by the governed to the creation of political actors who exist only to carry out these desires. Hobbes' view that political selves can be formed through metaphorical language will be the crucial step that enables the apology to become a political act.

Though he is not discussed in this essay, it should be noted that Hobbes' contemporary, John Milton, provides a sterling example of the historical connection between personal and political discourse. In his 1671 verse drama "Samson Agonistes," the political aspect of Milton's earlier tract on divorce is given flesh through the creation of fictional characters whose justification of their opinions is close to the tradition of the apologia. Delila's defense of her apparent betrayal of him and Samson's impassioned response provide a rich source for thinking about apologies. The only reason for Milton's exclusion from this history is that the theory of the social contract that I use to connect apologies to political discourse was not fully developed at the time Milton wrote. Nonetheless, he remains potentially a valuable source for future exploration.

Chapter Two deals with what may be the most important and most successful literary apologia ever written—*The Confessions* of Jean-Jacques Rousseau. Drawing on the example of Saint Augustine's early medieval autobiography as well as the long tradition of written confessions as statements of doctrine, *The Confessions*, Rousseau's

1778 posthumous autobiography, cleverly conceals an apologia within the framework of an ostensible confession. Though he comes across in *The Confessions* as the thoroughly self-centered and despicable individual many of his contemporaries felt he was, by providing the history of his misanthropy and misbehavior Rousseau successfully mitigates our negative view of him. As we come to know the Rousseau created through his autobiography, we are surprised to find much of ourselves in this extremely annoying person. By painting himself as the paradox of a unique everyman and making this unusual self-portrait available to readers through the act of publication Rousseau gives new power to the idea of the individual.

William Godwin's *Caleb Williams or; Things as They Are* (1793), is, like Rousseau's *Confessions*, about the attempt to make a self through the language of the apology. A central aim of *Caleb Williams* is to create its eponymous character and then to bring that character to fruition. Caleb's master, Falkland, locked into older assumptions about status and privilege, cannot apologize publicly for the crime he has committed. Through the progress of the novel Caleb learns that he can only fulfill his destiny as Caleb Williams if he includes an apologia for Falkland's own unpardonable crime into the story he tells the reader about himself. As with Rousseau, the history of a life helps contextualize a crime such that it becomes difficult not to feel some sympathy for the character of the wrongdoer. However, with *Caleb Williams* Godwin is arguing that the novel instead of the autobiography is the most effective form of apology because it provides us with insights into human motivation that personal histories alone cannot. Thus, in Godwin's view, such literary apologies can be instruments for the establishment of justice in the real and often unjust world of class differences.

The practice of the apology is also a locus for the demarcation of relations between genders. Since women possessed no economic or political power in the 18th century society, in women's novels of the time, the literary apology becomes a tool for the ordering of domestic relations, a model, if you will, of taking female aspirations seriously. Frances Burney provides in *Evelina: or; The History of A Young Lady's Entrance into the World*, (1778) a number of moments that show how apologies were being used by women writers of the time to call attention to the improprieties of male behavior. In this schema, apologies made by male characters become a means of transferring moral authority to the females receiving the apology. Burney, for example, makes the most powerful apologetic performance in the novel the one given to Evelina by her future husband Lord Orville. By asking Evelina to pardon him for what can only be read as his minor wrongs of ill manners, Lord Orville demonstrates his recognition of Evelina's virtue and personal power by providing her with the power to accept or reject him through the proxy of accepting or rejecting his apologies. His plea for her forgiveness reduces the real-world inequality between them and enables their eventual marriage. The power Evelina gains from the right to reject or forgive will symbolically compensate for her complete powerlessness after their marriage.

Burney will not be dealt with here, however, only because it is Jane Austen who takes this same moment of imagined equality and gives it its consummate expression. In a number of her novels, the achievement of equality through apology may be said to dictate the work's fundamental structure. Moreover, in *Sense and Sensibility* (1811) Austen creates a complex variation on Burney's basic apologetic pattern and demonstrates the power of the redirected apology. Instead of following the model of having a "good" man apologize to the woman he will later marry, in *Sense and*

Sensibility Austen has a "bad" man apologize to a heroine soon to be married to another. This immoral male character will give up some of his undeserved power by transferring it to a moral woman. Through this dramatic enactment, morally virtuous women are seen to gain the social and political rights they deserve. The apology made by the villain Willoughby to the heroine Elinor thus confers, if only symbolically, the independent and permanent possession of natural rights onto a woman.

There are further works involving the apology that, in a different context, would certainly be worth serious study. William Hazlitt's autobiographical work, *Liber Amoris or; The New Pygmalion* (1823) is at once a dramatic exposé, an impassioned defense of his own feelings for the servant girl Sarah Walker, and a powerful indictment of her duplicitous character. His account, however, is more personal than political and so doesn't quite fit into the story I am trying to tell here. Thomas De Quincey in his *Confessions of an English Opium Eater* (1821), puts together an extraordinary account of his adventures and his use of opium, but though his text includes several moments of apology, it is primarily an examination of the effects of the drug and the difficulties of escaping his addiction to it. Like Hazlitt's work, it is more factual and personal than broadly apologetic, and so will not be studied here. The Scotsman James Hogg writes *The Private Memoirs and Confessions of a Justified Sinner* in 1821 and gives readers a fascinating fictional text that attempts to justify a character's murderous wrongs. These justifications are, however, based on neo-Calvinist ideas about predestination, so the work falls somewhat outside the mainstream of the development of the modern apology.

Another particularly interesting, though specialized, case of the apologetic category is what one might call the sublime apology. Romantic poetry modifies the

literary apology by distancing the narrator or the fictional protagonist from human encounters. A good example is Wordsworth's almost excessive preoccupation with escaping from society in *The Prelude*. His turn to a sacralized Nature as a moral force leads him to sublimate his acts of social wrongdoing through an encounter with the natural world. In Wordsworth's poetic philosophy, the experience of natural phenomena, by overwhelming the sense of self, re-creates us as moral beings. Wordsworth translates the social language of the apology, usually made as a negotiation between two parties, into the solipsistic language of a poetic speaker who, by disengaging from society also disengages from responsibility. The sublime experience of nature, rendered in poetic language, is used to recreate the moral language of a virtuous self. By his refusal to apologize and thereby engage with society in the stories he tells about himself, Wordsworth makes the genre of poetry less relevant for readers who are seeking a literature that struggles with the everyday problems of human life.

An important premise of *Negotiating Individualism: Apologies, Social Contracts, and the Making of the Romantic Self* is that the evolution of the modern apology is rhetorically linked with the 18th century formation of the modern individual. Primarily this is because the modern apology I will examine here—the form that is both acknowledgment and defense—is a form of language that invokes the Enlightenment's ideas about universal natural rights, ideas fundamental to what the modern world came to understand as individuality. Since the apology was designed to find the proper balance between the rights of the single person and the moral demands of so-

ciety, it became a crucial way in which Romantic writers—the inheritors of the Enlightenment's ideas—worked out what it meant to be an individual.[6]

Understanding Apologies

To understand the modern conception of apology one must connect it with its two intellectual siblings: the confession and the excuse. In the schema I will be working with, confession, apology, and excuse exist along a continuum of power where the relationship between the individual and society shifts from social to individual dominance as one moves away from confession and towards excuse. Confessions, apologies, and excuses are all *speech acts*—linguistic pronouncements with the intent to persuade.[7] As speech acts, these rhetorical forms exist to achieve a particular result. All three work to modify the power relations between individuals and society. In each of these three acts the person is using words to try to free themselves from some consequence of their actions. Used appropriately such speech acts may result in the re-

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[6] Throughout this essay I will be using the term "individual" in a slightly different way from standard usage. In the conventional view an individual is an autonomous person who exists wholly apart from their society or community. My usage, however, sees the individual as dependent upon a *negotiated* relationship with society: the person's connection to society remains fundamental, but the rhetorical work of the apology helps define that individual's relationship with the social world around them. My characterization of the term individual is sympathetic to the model advanced by the philosopher and literary critic Nancy Yousef. Yousef's work reinterprets the conventional view of individualism as one based on autonomy to a more accurate one that recognizes the reality of our everyday human interaction. She notes that "human individuals are born and develop in intimate and constant contact with others…dependence is our inescapable first condition." Her work re-reads Enlightenment philosophy and Romantic literature to show how we have bought into a myth of the autonomous individual and asks us to reconsider how our understanding of the individual is changed when read in light of our interdependent human origins. Nancy Yousef, *Isolated Cases: The Anxieties of Autonomy in Enlightenment Philosophy and Romantic Literature* (Ithaca: Cornell U. Press, 2004) 1.

[7] For a basic explanation of the speech act see J.L. Austin, *How to Do Things With Words*, The William James Lectures, 1955 (Cambridge: Harvard U. Press, 1962). See also Austin's paper "A Plea for Excuses," *Proceedings of the Aristotelian Society* 57 (1957): 1–30.

covery of a ruptured friendship, the preservation of a job, or even the freedom to move about as one pleases. The aims for which these speech acts can be used are limited only by how much power a person can derive from their performance. The emphasis on "speech" in these acts is deliberate, since such acts stand in contrast to physical acts that use bodily or technological force to compel certain behaviors. Confessions, apologies, and excuses, then, are all part of our persuasive language, which, though unable to *compel* any action, uses words to persuade people to behave in particular ways.[8]

In the pure confession the individual wholly submits to the judgment of society; the ideal confessant totally resigns his or her separate power and gives another the right to impose whatever penalty (including death, and thus the ending of a person's individual existence) it determines is appropriate. Saint Augustine in his *Confessions* provides a good example of this sort of language: "Lord, cleanse me from my secret faults, and spare Thy servant from the power of the enemy… Have I not confessed against myself my transgressions unto Thee, and Thou, my God, hast forgiven the iniquity of my heart?"[9] Augustine here asks to be spared; he confesses *against* himself. His own heart is full of iniquity, and he sees the protection from imagined enemies and his submission to God as "servant" as necessarily connected to forgiveness and the cleansing of his soul. Only by totally resigning his power to a judging God does Augustine believe he can obtain the purification he so desires. Augustine's language is characteristic of the confessional impulse that places moral judgment and

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[8] Nick Smith, *I Was Wrong: The Meanings of Apologies* (New York: Cambridge U. Press, 2008)—a legal and moral philosopher—provides a thorough and detailed analysis with numerous examples, of the conditions under which speech act apologies may be considered successful.

[9] *The Confessions of Saint Augustine*, trans. Edward Pusey (New York: The Modern Library, 1949) 6.

the power of punishment entirely in the presence of another.[10] In the excuse, on the other hand, the determination of guilt is largely decided through the presentation of facts instead of reasons. In this sense, the facts of an alibi and the rhetorical gesture of the excuse are functionally the same thing. The excuse merely cites the facts that provide the exoneration for the crime. The perfect excuse allows the individual to act with impunity and wholly escape societal judgment.

In the rough ground between the pure confession and the perfect excuse one finds the apology. If the confession represented a situation where the priest or the community had nearly total power over the person confessing, so that the confessant was at the mercy of others, and the excuse existed at the other end of the spectrum, such that the bearer of a perfect excuse would never have any responsibility for crimes or sins imputed to him and could treat members of the community without fear of reprisal, the apology represented an equal balance between the forces of the individual and those of the community. This equal balance between the rules made by the community to control the individual, and the rules made by the individual to control the community, met at the fulcrum of the apology. The aim of the apology is the re-integration of the wrongdoer into society, but it remains an aim focused on the particular individual. The apology aims to achieve this social re-integration not through the exercise of penance, as happens in the confession, but solely through the power of language.

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[10] Neither confession nor excuse carries the sense that apology does of requiring a narrative or full explanation as satisfaction of its conditions. According to Barnhart confessions are about uttering and speaking, almost as if the act of merely crying out were sufficient to constitute a confession, and excuses, because they result purely from external conditions, from concrete facts in the world, require no utterance from their subject at all. These distinctions will have vitally important implications for the argument to follow.

Apologies are necessarily imperfect rhetorical performances that accept some level of responsibility for a wrong while still trying to mitigate the potential consequences for their actor. While the decision about whether any particular rhetorical performance is in fact an apology remains subjective, the ground of the apology is generally larger than that of the confession or the excuse. As a matter of semantics we might say that very successful confessions or rather weak excuses move into the territory of being apologies. In the ideal apology the power relationship between the individual and society is in equilibrium; as sometimes happens in a pan-balance, the weights of individual desire and collective obligation turn out to be the same. Though admittedly few instances of the apology ever approximate this ideal, when we as readers find writers representing people who both accept a wrong and verbally defend their actions, such writers are being influenced by the balance of power that underlies the apology.[11]

Written apologies of the sort I will be discussing here are particularly effective because, in contrast to their oral counterparts, they can be more than the sum of their parts. It is not only that written apologies can be reread so as not to be forgotten, but the act of writing them down allows someone who has done wrong to apologize in many different ways. Furthermore, a written apology, especially when it is part of a longer work such as an autobiography or a novel, also permits a reader to consider all aspects of the apologizer's character, to see their good actions along with their reprehensible ones, and allow the reader to weigh them in their overall assessment of that

[11] I owe much of my thinking about the confession/apology/excuse distinction to a now mostly forgotten article by Jean A. Perkins, "Justification and Excuses in Rousseau," *Studies on Voltaire and the Eighteenth Century* 89 (1972): 1277–1292. See also William L. Benoit, *Accounts, Excuses and Apologies: A Theory of Image Restoration Strategies* (Albany: SUNY Press, 1995).

individual's moral worth. Whereas oral apologies are usually only made in relation to a specific and limited incident, a written apology can take its place within the narrative of an entire life, and so reflect the wrong in a more nuanced light.

In my argument apologies signal power relations between people. If I apologize to you, I give you power over me. My apology gives you the right to judge me and simultaneously validates your judgment of me; it signals that I place your moral judgment above my own. When I apologize to you I acknowledge your moral rights. In a formulation that I will use repeatedly throughout this essay, an apology transfers power from one person or group to another. This transfer of power is an essential part of social cohesion, for only through these power transfers can individuals hope to maintain peaceful relations with one another. The apology, therefore, remains a key method for acknowledging our common, shared moral values. Because people with strongly shared values, even from the same society or family, can still disagree and do one another harm, apologies are necessary for healing the inevitable rifts between people. Even as figures quantifying the number of public apologies are hard to come by, such public apologies are nonetheless a testament to our intuition that rights must belong to *all* members of a democratic society.[12]

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[12] In June 2008, for example, the Canadian government, in the person of Prime Minister Stephen Harper, made a public apology for the treatment of Native Canadians in "residential" schools. The physical and sexual abuse of Native children in these government-funded schools has been widely documented. The Canadian government has responded by agreeing to offer financial compensation to many of the students who attended such schools. Though undoubtedly much racism towards Native Canadians remains, the closure of the last residential school in 1996, and this recent public apology by the Canadian government is a sign that Native Canadians are increasingly being accepted as equal members of Canadian society. See http://www.cbc.ca/canada/story/2008/05/16/f-faqs-residential-schools.htm for more information.

Avoiding an apology or trying to do so in a roundabout way by making excuses is a way of preventing the necessary redistribution of power. Apologetic resistance signals an unwillingness to accept another's judgment; it suggests exceptionalism—a sense that one is not bound by the common moral principles the apology invokes. In situations that would otherwise call for an apology, I may avoid that situation, try to bribe you, or even use physical force in an attempt to avoid admitting any wrong. Because of the perceived loss of status involved, apologies that admit wrongdoing usually occur only when no other means of regaining power is available to the person. When neither blandishments, physical force, *nor* other forms of persuasive rhetoric are sufficient, then an apology becomes the only means available for the restoration of a person's power and reputation. Though the performer of the apology may not wish to give up the power the apology confers on the receiver, yet the performance of an apology is a sign that they have decided they have no choice. In the analysis of costs and benefits that precedes the apologizer's performance, the power that that person has determined they can gain from the apology outweighs the perceived loss of power from its avoidance. Apologies, however, are usually a last resort, a form of moral retreat, a metaphorical offering of the nape of the neck to one's opponent.

Unlike other forms of verbal communication that serve either to inform or to entertain, the apology exists primarily to persuade. The apologizer therefore determines their degree of success in the apology from how much forgiveness they are able to obtain. Literary apologies are particularly interesting in this respect because they allow the writer to reflect on the effectiveness of the apologies they create or describe, something that is much harder to discover in real life where true feelings often

remain concealed behind the veneer of social decorum. Because an apology is always an attempt to persuade through the means of language (as opposed to say through financial means or the threat of physical violence) the person apologizing needs to craft their words in such a way as to appeal to the person or people to whom they are delivering the apology. From the perspective of the person receiving the apology, forgiveness is often contingent on the sincerity of the speaker. The recipient of the apology will determine how successful that act is by making a subjective assessment of the emotional and factual truths presented by the apologizer. At the risk of over-simplifying, the person receiving the apology needs to *believe* the apology. Whatever the words used to apologize these must show the wrongdoer to be free of deception or subterfuge.

Even as apologies sometimes yearn to be excuses so it often makes strategic sense to call them confessions. This is so not only because, as I will be arguing, the apology arose historically out of the confession, but also because confessions signal for us that the power of moral judgment belongs to the person hearing the speech act. The rhetorical feint of calling one's speech act a "confession" gives the apologizer an advantage by appearing to yield power to the other. So it is that we find books called "Confessions" quite common, running the historical gamut from *The Confessions* of Saint Augustine in 4th century A.D., through Rousseau's 18th century text *The Confessions*, to quite recent works like *Hotel Heaven: Confessions of a Luxury Hotel Addict* and *Confessions of a Demented Housewife* to cite only two amusing examples. In contrast to this, works with titles containing "Apology" or "Excuse" are both progressively more recent and less common. Whether the works in each category are what they claim to be is finally for readers to decide, but the predilection of writers

towards calling their works confessions is statistically quite clear.[13] Because of the social and moral power hearing and/or reading confessions confers, they are desirable commodities—the rhetorical equivalent of a box of chocolates. One of the roles of literary critics is to call things by their right names, and so part of what I aim to do in this analysis is uncover situations where I believe these confessional speech acts may have been misnamed. To do this is not to make a moral judgment about the writer's actions. Rather, my purpose in analyzing such speech acts of power is to see what they reveal about the writer's intentions. Though I will be working with both confessions and excuses, in looking at these I will be trying to define the boundaries of both so that the proper ground of the apology may emerge.

If one axis of understanding confessions, apologies, and excuses is that of power, the other axis is that of time, where human history moves from a more primitive world of force of arms to one driven primarily by the force of words. In this sense one can analogize human history as progressing from a world of confessions (which were sometimes forced) towards a world of apologies, which by definition must be

[13] As a rough measure of the relative popularity of these words in book titles I used the *WorldCat* search engine—a resource that records the holdings of libraries worldwide—to do a title search on each term. According to the rules of the search these words could occur anywhere in the title; they did not have to be the first word. As of June 5, 2008 the results were as follows: "Confession" yielded 15,777 titles, "Apology" produced 5,480 titles, and "Excuse" found 1,667 titles. The plurals of these words yielded slightly different numbers, but the overall frequency ratio of about 3:1 for each pair remained the same. Barnhart gives dates of 1378 for "confession," of 1533 for "apology," and of 1225 for "excuse." Although Barnhart's early date for excuse might appear to invalidate my claim, this early date may be misleading because, unlike confession or apology, excuses are not in themselves rhetorical, and in our standard understanding require only facts to make them true. In support of this explanation a title search for the English word "excuse," (speaking now about excuses that require *linguistic* explanation for their support) at the catalog of the British Library gives the earliest date in its records as 1597.

made voluntarily.[14] The equilibrium of power between action and explanation the apology aims to achieve is, therefore, prototypically modern. That apologies begin to occur at all in literature is, in my view, evidence of a culture in transition, one that accepts that its imaginary apologies are a way of demonstrating what *should* happen morally, that show the writer's perception of an important gap between who has and who ought to have power. By having characters make or receive apologies, writers are able to invest particular people or social groups with moral and political authority and through this help construct an ideal social order. In the 18th century language of natural rights, the imaginary apologies I will be examining help contribute to the formation of one of that period's most important legacies—the modern individual.

One key moment in this shift towards the modern apology is shown in the autobiography of the medieval philosopher Pierre Abelard. In his *Historia Calamita Mearum*, or *The Story of My Misfortunes* (c. 1136) Abelard writes a work that Aaron Gurevitch has said, "cannot really be called an autobiography, and despite certain similarities to one…is not a confession because it is not sincere enough and it is permeated with a spirit of incurable pride. It is, rather, an apologia."[15] In making his rhetorical self-defense for his acknowledged crimes Abelard argues: "And since everything occurs by divine ordinance, let every faithful soul under every affliction find consolation in the fact that God in His great goodness never permits anything to occur outside His plan, and that no matter what wrongdoing is done, He makes it work to

[14] See, for example, the story of Damiens the regicide and his *amende honorable* in Michel Foucault's *Discipline and Punish: The Birth of the Prison* trans. Alan Sheridan (New York: Vintage Books, 1977).
[15] Aaron Gurevitch, *The Origins of European Individualism* trans. Katherine Judelson (Oxford: Blackwell, 1995) 142.

the best issue."[16] Unlike Augustine's impulse in his *Confessions*, Abelard here has shifted responsibility for wrongdoing from himself onto God. God's very omnipotence—which both Augustine and Abelard take for granted—is used here to excuse personal agency. When things go wrong, this is because everything is part of God's divine plan; consequently there is no need for anyone to make an apology. In essence, Abelard is denying the concept of free will here. As Gurevitch sees it, Abelard understands wrongdoing not as based on actions, but rather as determined by the *intention* governing our behavior. Without the necessary and powerful concept of Augustine's "iniquitous heart," Abelard refuses to see his behavior as immoral. If we may take Abelard's conception of sin as characteristic of a mindset, we can see that even by the twelfth century, Europe had begun to shift away from a concept of full acceptance of responsibility for an action, and was beginning to use the act of writing apologia as a means of self-justification. An apologia such as Abelard's that aims to justify the actions of the person making it has for all intents and purposes become an apology.

Modern life, seen as a movement from a world of unequal power towards one of greater equality, demonstrates that this progression from confession to apology may also be viewed as a shift away from tyrannical political systems that rule by force and seek to deny individual choice, and towards democratic systems that respect individual choices and rule through words. I read the presence of apologies (and the corresponding absence of externally-forced confessions) in the literature of a society as evidence of an emerging egalitarianism, as a concrete sign that power is being redistributed from those who would rule by force—whether military or institutional—

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[16] Peter Abelard, *The Story of Abelard's Adversities (Historia Calamitatum)* trans. J. T. Muckle (Toronto: Pontifical Institute of Medieval Studies, 1964) 79.

towards those who view the domain of language as the best means for establishing a just society.

A conventional understanding of the apology sees it as happening exclusively against a background of social norms—one apologizes when one has violated certain, sometimes implicit and unspoken social rules. To be introduced to someone without greeting them (extending one's hand, saying hello, etc.), for example, would be a violation of a widely-held social norm. Apologies usually work on the premise of this sort of underlying agreement about what constitutes inappropriate behavior. It is only because much of society shares and agrees with the concept of "indecent exposure," for example, that nude sunbathing in a city park remains a crime. Without clear social norms to regulate behavior, the concept of what is morally wrong disappears. Yet even as we may recognize that too much freedom is a problem, many people often feel that more rather than fewer moral choices are preferable. Because people recognize that a functioning society needs shared values, but also that an expansion of forgivable behaviors is generally a good thing, some fair portion of our moral rhetoric is involved in the making of apologies to help us negotiate these contradictory desires.[17]

But seeing apologies as occurring solely within the context of social norms ignores several important aspects of their functioning. What the social-norm idea most centrally neglects to acknowledge is that an apology is always a dialectical, reciprocal process. The social-norm model sees the apology as a one-sided action made by the wrongdoer to the wronged party. But the apology, in fact, is not a single speech act,

[17] I recognize that this is a claim that may open me to charges of attempting to express a "liberal" point of view. While no footnote can do justice to the complexities of political ideology, I would argue in reference to the above that even those who are most deeply conservative rarely suggest that they be denied moral choices they have already been given. The concept has been extensively demonstrated in behavioral economics under the rubric of "loss aversion."

but a paired exchange between the person making the apology and the person or people receiving it. When I apologize to you, you evaluate the language and context of my apology and, if the conditions I've given satisfy you, you in turn provide me with a corresponding speech act of forgiveness.[18] As this speech act exchange exists at the base of any apologetic negotiation, it becomes important to see the context of the apology not as one-sided and based on social norms, but as a dynamic process of two contending parties trying to come to an agreement about shared rules and collective responsibilities. Because of this, the continuing reciprocity that the apology requires can fairly be analogized to a conversation or a debate.

Alternatively one can view the apologetic process as an attempt to deal with the feelings of guilt and shame that arise from the commission of a wrong. John Rawls sees guilt as arising from "transgress[ing] the rights of others," and shame as coming from the fear of social rejection.[19] The commission of a wrong therefore prompts the wrongdoer to find some way of exposing their guilt and shame to society. Viewed from a therapeutic standpoint the apology converts feelings of shame and guilt into speech acts that imaginatively replay the original crime in various contexts in an effort to justify it. The decision about whether to confess, apologize, or try to make an excuse is always a strategic one that requires a careful assessment of power relations.

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[18] As Nick Smith has pointed out, there is also a religious dimension to this process that sees forgiveness as a moral act that should exist regardless of an apology. In his book Smith cites Martin Luther King and the words of Christ on the cross: "Forgive them Father, for they know not what they do," as examples of this moral forgiveness (139). On the other hand, most people who apologize are doing so with the expectation of forgiveness. While King's sort of absolute forgiveness is certainly moral, in itself it also signals a disengagement with the wrongdoer and may lessen the chance to change their behavior.

[19] John Rawls, *A Theory of Justice* rev. ed. (Cambridge: Belknap Press, 1999) 391. See also June Price Tangney and Rhonda L. Dearing, *Shame and Guilt* (New York: Guilford Press, 2002).

Adding to the difficulty for the rhetorical performer is that the person hearing the speech act often changes their sentiments about the performance as it is underway. While determining what the audience is thinking and feeling is essential for the success of any of these speech acts, the receiver rarely communicates their assessment and it is usually left up to the performer to determine how successful they have been.[20]

The Canadian sociologist Erving Goffman has characterized the apology as "a gesture through which an individual splits himself into two parts, the part that is guilty of the offense and the part that dissociates itself from the delict and affirms a belief in the offended rule."[21] According to Goffman the apology is a form of unmaking an individual. Goffman's definition, however, while perhaps correct in its characterization, ignores the distinction between the *conditions* that prompt the apology and the *speech act* of the apology itself. The splitting of the self actually occurs earlier, perhaps even before the wrong is committed, as the person is contemplating whether to perform an illegal or immoral action. When the wrong path is taken, the self splits. The apologetic speech act then, as opposed to the conditions that caused it, becomes

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[20] The literature on pragmatics of the apology is not extensive. Linguists and psychologists working in this area have tended to focus on the *when* and *how-to* of the apology without much attention to the power dynamics involved. One key recent text in the how-to mode is Aaron Lazare's *On Apology* (New York: Oxford University Press, 2004). Additional studies in the pragmatics of the apology have been made by Vassallo; Moore and Kramer-Moore; Cohen and Olshtain; Scher and Darley. Most of these studies work to develop complex typologies for the elements of an apology; they often end up being inconsistent with one another, and though they do throw some important light on how and when to apologize, they do little to tell us what an apology really is or what it represents in society. The one study that seems more promising in this regard looks at political life, in this case, in Israel. See Adina Abadi, "The Speech Act of Apology in Political Life," *Journal of Pragmatics* 14 (1990): 467–471. Unlike the other studies, Abadi's schema focuses on the ways in which attempted apologies acknowledge and/or partially deny responsibility for an action.

[21] Erving Goffman, *Relations In Public: Microstudies of the Public Order* (New York: Basic Books, 1971) 113.

a way of attempting to *unify* the self, of trying to bring this split self back into accord with social norms. For the apology itself to make the self split would serve no useful purpose, and apologies as forms of personal defense would disappear altogether. What Goffman's formulation ought to acknowledge is that the apologetic act is an act of power that works to linguistically get rid of "the part that is guilty of the offense" while attempting to retain "the part that…affirms a belief in the offended rule."

The aim of the apology is rhetorically to compel the acceptance of the offending self by society. The person or people wronged, and thus those to whom the apology is made, serve to represent society and its social norms for the apologizer. In the sentence "I am sorry," the "I" referenced is only the part of the self that is guilty of the offense. The self "sorry" describes is not the self the person wishes to retain. This part will be cast away upon having made a successful apology. What remains, in Goffman's terms, is a now reunified self that may still believe in the offended rule, but that has been accepted again by society through the linguistic casting off of the self that did wrong. The result of the successful apologetic speech act is not merely a reunified self, but an individual—someone who, through persuasive language, has been able in a certain sense, to "get away" with their wrong.

Because the self that remains after the successful speech act is the portion of the self that still believes their wrong was right, an apologetic speech act may appear at first to be an excuse. But this getting away with it happens in a very specific fashion. Though the decision about whether any speech act is a confession, an apology, or an excuse is a subjective one, nonetheless, the key distinction between the apology and the excuse is that the language of the apology references rights. By accepting the apology, (often accompanied by a speech act of forgiveness) the person to whom the

apology is made signals that they intend no further harm to the apologizer. The recognition that the apologizer has suffered enough and that punishment must stop is at the same time a recognition that the apologizer possesses individual rights, and that the person forgiving also possesses such rights and would wish their own rights to be recognized were they to do wrong. The act of recognition in the speech act of the apology stands apart from the excuse, where the acceptance of the wrongdoer is based not on the abstract idea of justice, but primarily on the assertion of exonerating facts.

In all this apologetic talking there is also a hidden contract—an agreement about what words and actions are sufficient for forgiveness. A contract, of course, is an agreement between two parties. The contract specifies the rights, duties, and obligations of the respective parties to the agreement.[22] We tend to think of contracts mostly in their legal context as written documents that specify a set of limited and legally-enforceable agreements between two parties. But there is another form of contract that references rights and obligations but whose particular clauses remain unwritten—the social contract. Social contracts, as their name implies, are contracts that the members of a society make with one another. The power of the social contract is that, unlike in conventional contracts, the parties to the social contract are necessarily assumed to be equal. Whereas in a legal contract one party nearly always has more power than the other and usually attempts to construct the contract for its own bene-

[22] The question of whether the apology in fact creates an obligation to respond will be a tricky one, but it should be clear that an apology can only function as form of moral exchange when the recipient of the apology accepts the obligation. Conservative thinkers, such as Leo Strauss, (see e.g. *Natural Right and History,* Chicago: U Chicago Press, 1971) who have bemoaned our culture's shift from duties and obligations to a culture of rights should take comfort in the fact that apologies, that may on the surface appear to be a form of moral weakness, help create duties and moral obligations.

fit, in a social contract the fact that all parties are equal means that neither party can gain advantage over the other. Because of this, the social contract by definition is fair and just. Of course the social contract remains just an idea, and in practice such justice and fairness are difficult to achieve. Nonetheless the notion of the social contract has been a powerful one, influencing the ideas of many thinkers in political philosophy and the constitutions and founding documents of countries such as France, Canada, and the United States. The apology, as a rhetorical attempt to redress wrongs and achieve fairness, will become a key means for invoking the ideas contained in the social contract.

The important thing about contracts, and their reference point for the apology, is that any contract assumes that parties have reciprocal rights and responsibilities. While the particular rights and obligations that underlie any apology may not be written down, the apology nonetheless works as a way to call them to mind. If I do a wrong to you, you acquire or are implicitly granted, a *right* to an apology. When I make my apology, you, in turn, acquire an *obligation* to respond to me in some way—to tell me that my apology is insufficient or to let me know that I've succeeded in obtaining your forgiveness. A successful apology then, represents a mutual acknowledgement of both our rights—yours to have the wrongs done to you redressed, and mine to be forgiven when I have expressed that I am sorry and/or have agreed to perform certain actions to satisfy you. In looking at the process of apologetic exchange and negotiation, it is important to emphasize this aspect of mutual recognition of unwritten rights. The way various forms of apology call forth the rights understood in the social contract will be the main thrust of this book.

The distinction I've drawn here between the rights of one party and the obligations of the other may seem a minor one, but obligations are sometimes understood as external forces that don't necessarily recognize a human other: if I fall into a stream I may be obliged to swim; if I miss the bus I may be obliged to walk. Rights, however, are always granted to a specific entity (usually human) and are understood to be *possessed* by that entity. In thinking about the forms of contract that underlie the apology it is important to see that the apologetic process—focused as it is on a specifically human exchange—balances rights and obligations. The apology is only successful when the human rights and human obligations are felt by the contending parties to be in balance.

One cannot talk about apologies and social contracts without also invoking ideas about consent. In its ideal, the act of the apology always involves the consent of both parties—the apologetic speech actor and the audience or receiver. Without this mutual consent we have a forced apology, an act that ceases to be itself. In the absence of this vital feature of consent the apology becomes a confession—a speech act made under duress. Properly analyzing the rhetoric of power, therefore, requires giving due attention to the social context in which the speech act takes place. Some fair demonstration of mutual consent is necessary if we are to denominate any particular speech act an apology.

Apology and Contract

The relationship between apology, contract, and their closely related concept of consent can most clearly be shown by looking at the three main types of contract—the commercial, the social, and the sexual. The oldest of these was the commercial con-

tract, for there are records of such contracts going back to Roman times. [23] These contracts could have been regarded at their simplest level as simple promissory notes, with one party promising to deliver some purchased goods or services to another.[24] No apology or apologia would have been needed here unless things went wrong. The relationship between apology and contract then, is shown first of all in the breach—when, for some reason, the contract is *not* fulfilled. When disputes arise over the provisions of a contract, parties usually defend themselves by making apologies or issuing apologia. The apology shows both that there *is* a contract and that at least one of the parties believes the provisions of the contract have been misunderstood. Although contractual breaches frequently end up in the legal system, in most cases the disputants first attempt to resolve their differences by using apologetic language—they concede, argue, and explain. Because of the cost and high stakes involved, only when contractual disagreements prove to be insoluble through the conventional means of the apology will the justice system be called into play. The way in which commercial contracts gave rise to the other two sorts of contracts must here be partly speculative, but it seems clear that as the scope of contractualized relationships broadened over time so correspondingly did the rights the contract sought to guarantee.

Commercial contracts, of course, were essential to Europe's vast growth in capitalism and trade. Because commercial contracts were concerned primarily with tangible goods and services, contractual breaches would likely have been justified through the use of rational secular arguments instead of from the religious justifica-

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[23] Sir Henry Maine, *Ancient Law: Its Connection with the Early History of Society and its Relation to Modern Ideas* introd. J.H. Morgan (London: J.M. Dent & Sons, 1917). See especially Chapter IX "The Early History of Contract."

[24] Charles Fried in *Contract as Promise* (Cambridge: Harvard U. Press, 1981) links lying to a theory of contractual obligation. For Fried, lying and deception serve to undermine the fundamental social concept of trust without which contracts cannot function.

tions that held sway in most other realms. When the commercial contract was breached, the facts and arguments used by each side would have to be relevant to what had been contracted for. The influence of these commercial contracts gradually yielded to a view of the *individual* as the essential party to the contract. In the world of commerce, two such individual and ostensibly equal parties would come together and stipulate conditions for the accomplishment of their exchange. Once each side had formally consented to these conditions a contract was established. Though each party was seeking its own self-interest, the upshot of this type of agreement was the economic advancement of society, and thus the benefit of all.[25]

In all probability the social contract arose gradually out of the secularizing and equalizing tendencies of the commercial contract. The social contract took the notions implicit in the commercial contract and applied them to the realm of political rights; it abstracted the concrete goods and services heretofore regulated by commercial agreements and converted them into the intangible yet useful form of political rights. While the notions of exchange and consent still lay at the heart of the social contract, as a specifically *social* contract it also became a generalized set of agreements about rights. The social contract made such an agreement possible by taking the notion of economic value that formed the basis of the commercial contract and applying it to political rights. The existence of the social contract functioned as the recognition of a key concept of modern life—that rights had an inherent value. By serving as a means

[25] See P.S. Atiyah, *The Rise and Fall of Freedom of Contract* (New York: Oxford U. Press, 1979). Large entities, whether early companies or today's monster corporations that have control over significant capital as well as a large number of employees, can hardly be considered equal parties in bargaining with very much smaller entities or with the single individual. The spreading concept of individualism that was so positively supported by the theory of commercial contract, has thus ironically been less realized in the economic realm, particularly in the United States and Great Britain, than in the political and personal realms.

for thinkers and writers to conceive of government as legitimized by and dependent upon the consent of the governed, the social contract provided an ideological framework for the advocacy of individual rights. The view of rights advanced by the social contract saw these rights as a fundamental quality of each person instead of being a bartered good obtained through the accident of birth or the process of reward. In the social contract individual rights became the things of fundamental equal value that were to be exchanged. In its assertion that people possessed *equal* rights, and did so *before* the existence of any social institution, Enlightenment political theory was to remove any valid basis upon which rights of particular individuals could be denied. Though social contracts were not capitalistic *per se*, the writers and thinkers of the Enlightenment who first dreamed up social contracts cleverly used the concrete language of commerce and property to justify them.

Though it may not be widely recognized in our contemporary discourse, the connection between contracts and apologies is a long standing one. Hobbes, for example, uses the same formulation of contractual breach to call upon the language of the apology. "INJUSTICE," he says in *Leviathan*, "is no other than the *not Performance of Covenant*."[26] Inevitably, to restore justice the covenant must be performed. As we will see, central to this performance of covenant will be the language of apology and forgiveness—those concepts that would be exchanged in the apologetic negotiation that Hobbes argued ultimately underlay the social contract.

What philosophers had created in theory in the Enlightenment it fell to Romantic literature to model and describe. Literature was to function as the link between theoretical philosophy and concrete reality. Imaginative literature during the 18th and

[26] Thomas Hobbes, *Leviathan* ed. C.B. MacPherson (New York: Penguin, 1968) 202. This will be the edition used for all future references.

early 19th centuries used the framework of social contractualism created by Enlightenment philosophers to invent a new kind of individual—one possessing those natural and inalienable rights that so many of us today take for granted. The apology as admission of wrongdoing, because it occurred only when the rights of an individual were violated, functioned as a recognition of those rights. The apology stood at the intersection of personal desire and collective will and attempted to reconcile the two. As such, the success or failure of a person's apology could also help determine the extent of their individuality.

The idea of equality among individuals must have also led to ideas about the sexual contract between the genders, for though powerlessness has had many faces, women were powerless in nearly all modern societies and, unlike males, were until recently to remain so throughout the duration of their lives. The sexual contract—the idea that women deserved the equal rights that men were arguing for in published political tracts and fighting for in the realm of action—was a specialized yet ultimately powerful instance of the social contract. In effect, the powerlessness of women in 18th century society meant that the sexual contract served as a proxy for the social contract. Though it is difficult to conceive of powerful men having to apologize to generally powerless women, yet intimate domestic relations make for lots of promises and agreements and so for the possibility of many apologies and apologia when things go wrong.[27] Women writers of the 18th century used cross-gender apologies in literature (usually made from a man to a woman) as a way to affirm the existence of a sexual

[27] The relationship between the social and sexual contracts and the way contractualism itself has served as the grounds for an emergent equality has been conclusively shown by Nancy Armstrong in *Desire and Domestic Fiction: A Political History of the Novel* (New York: Oxford U. Press, 1987). Armstrong convincingly argues that women writers in the 18th century used the novel to recast the social contract in sexual terms and thereby help confer on women the glimmerings of natural rights.

contract and remind readers of both genders that rights could only be secure when they were given universally, to all people.

Thus, the historically legal term apologia, connoting a generalized defense of a position, now buffeted by the winds of these various forms of contract, began to accept the fundamental notions of equality, natural rights, and freely given consent, and was gradually transformed into what we think of today as an apology. The period covered here shows the emergence of a society moving, as famously noted even two centuries ago by Sir Henry Maine, from status to contract.[28] The development of the modern apology, with its increasing emphasis on secular values, democratic ideals, individualism, and individual rights is a key component of this social evolution. Given its close logical and linguistic relationship to the commercial contract, the modern apology will have a key role to play in these new social and intellectual value systems.

[28] "There are few general propositions concerning the age to which we belong which seem at first sight likely to be received with readier concurrence than the assertion that the society of our day is mainly distinguished from that of preceding generations by the largeness of the sphere which is occupied in it by Contract" (Maine, 179).

Chapter 1: Men Made Only of Words

"But enough of metaphor and declamation: it is not by such means that moral science is to be improved."
Jeremy Bentham, *Introduction to the Principles of Morals and Legislation*[1]

The literary version of the apology emerges concurrently with broad-scale social changes during the European Enlightenment that begin to transfer formerly specific and limited political rights into a universal realm.[2] In order for limited rights to become universal two key ideas have to be accepted. First, ordinary people have to understand themselves as possessing rights. Second, to secure the possession of these rights against arbitrary removal, these rights have to exist before any one person holds them. In other words, rights have to come to be understood not only as pre-existing any particular person, but as pre-existing society itself. In the vision of the Enlightenment rights have to become natural instead of being thought of as merely social. To make our rights natural, Enlightenment thinkers reconceived of society in imaginary terms. By understanding society as formed through a creative act of the imagination, rights could be given universally, to all people, regardless of their history or material circumstances. Establishing an imaginary origin for society was necessary to help people escape the limitations of traditional roles and forms of behavior. This imaginary origin for society was manifested in the idea of the social contract. In the social contract, societies were founded on a universal agreement about the existence of

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[1] Jeremy Bentham, *Introduction to the Principles of Morals and Legislation* (Amherst, New York: Prometheus Books, 1988) 2.
[2] Richard Tuck, *Natural Rights Theories: Their Origin and Development* (Cambridge UK: Cambridge U. Press, 1979) situates the idea of possession of rights [in the personal subjective sense] as an outgrowth of the natural theology ideas of Thomas Aquinas and Jean Gerson. Tuck aims to undermine the position that argues that all rights are derived from duties, and therefore that the concept of "natural rights" is meaningless without reference to some sort of pre-social form of obligation.

natural rights. The function of the apology in this philosophical system was to invoke this fiction of a social contract and convert it from imagination into reality. Through social contracts and the apologies that made them real, the model for how we understood ourselves shifted from one informed primarily by tradition and history into one more informed by literature.

The movement from limited rights granted by a particular ruler to a particular person or group, towards universal rights granted to everyone was linked to a specific form of our self-conception. As long as society was conceived of in historical terms rights would always be contingent. But if society could be understood in imaginary terms, people would begin to assume the mantle of natural rights unencumbered by the specifics of any particular reality. To overcome these limitations universal rights had to be possessed by imaginary people before they could be transferred to ordinary real-life people. Imaginary people were required in order to convert the universal, imaginary rights of the social contract into something useful. By forming imaginary people and societies out of the *words* that represented natural rights, the characters that resulted would inalienably come to possess these rights.

Social contracts took the idea of natural rights and translated them into textual form. This meant they could be published and made available to a wide audience. The role of the literary apology in this process was to take the generalized concepts of natural rights in the social contract and model them for readers. Because the social contract was a new idea, and any truly universal application of natural rights was impractical, people needed guidelines for when and how to apply these natural rights. The gap between the ideal of the social contract and its practice in real life demanded a tool for transforming this Enlightenment ideal into everyday human reality. The lit-

erary apology functioned as this tool—a verbal illustration of what to do or not do. By using the apology as both admission of wrongdoing and as a justification about what ought to be, writers of imaginative literature helped create the habits of mind that made universal rights real. To understand the fundamentally political function of the literary apology, we must examine how Enlightenment thinkers first began to reconceive of the subject and society in imaginary terms.

By seeing ourselves as formed by language, as Enlightenment writers did, instead of as purely from material and historical forces, people and societies could be formed anew. The first step in this change had already been made by the print revolution. By the time of the Enlightenment the technology of printing had made reasonably cheap books widely available. The corresponding growth of a reading public enabled more and more people to present themselves to others through the medium of words. Where once we had been limited to the reality of face-to-face interactions, people could now let others come to know them through the language of the printed page. To know someone only by what they wrote, instead of just what they said to you in person, had dramatic implications for how selves could be understood. Assisted by this new technology, people could now be seen in linguistic as well as material terms. To the mundanity our earthly selves we could add an imaginative part made through printed words. The literary apology, as a particular way of using words to make ourselves, was only a small part of the enormous possibilities unleashed by this linguistic turn in society. Yet apologies were an important aspect of our new imaginative selves, for they revealed something of the people we wished to be.

The Enlightenment was important for apologies because its ideas would help sever the link between political institutions and the rights these institutions were de-

signed to protect. Cutting these ties meant that the state and the subject could imaginatively be made equal; one could begin to think a formerly unthinkable idea—that the state depended on its subjects as much as subjects formerly depended on the state. Niccolò Machiavelli's great short treatise of the 1520s, *The Prince*, is an early example of this growing interdependence between subject and ruler. Not only is Machiavelli's text a wholly secular manual for the acquisition and defense of political power, but despite his apparent defense of absolutism he is also intimately aware of the importance of a ruler's gaining the consent of his political subjects: "Even with the most powerful army, if you want to invade a state, you need the support of the people," Machiavelli asserts.[3] This suggests that Machiavelli believes force alone is insufficient for successful rule; some acknowledgement of the needs of the people is necessary. According to Machiavelli, a skillful prince will recognize his moral obligation to those over whom he rules. Machiavelli's book cannot by any measure be thought to support democratic egalitarian ideals, yet neither will it countenance wanton cruelty towards subjects. Power, even in a tract such as *The Prince*, comes with certain responsibilities.

Richard Hooker, in his 1593 treatise *On the Laws of Ecclesiastical Polity*, had declared that people came together into a state for natural advantage, but he wasn't prepared to recognize the existence of a person with rights wholly apart from any political or institutional framework. Hooker, whose focus was on laws, left aside the fundamental question of origins—how exactly political subjects came into being. Yet the problem of the subject's origins would need to be addressed if rights were truly to become natural and universal. In the end, though, it was not a political thinker who

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[3] Niccolò Machiavelli, *The Prince*, trans. Peter Constantine (New York: The Modern Library, 2007) 9.

first reimagined the subject's origins, but the philosopher and mathematician René Descartes. His reasons for inventing an imaginary self were also not political, but scientific. When in his 1641 *Meditations*, he used his celebrated "cogito ergo sum" —I think therefore I am—as the basis for an all-encompassing philosophical system, his stated aim was to put reasoning on a secure foundation.

As Descartes formulated the cogito, the self-evident recognition that there were thoughts led to the conclusion that there had to be a self doing the thinking. For Descartes, "I am," followed logically from the self-evident fact of "I think." By reinventing himself as a purely thinking being, Descartes believed people would come to see that all humans shared this same attribute of having thoughts. The fact that we all had thoughts meant that what we knew of the world through the evidence of our senses was essentially the same. All of us who looked at the daytime sky, for example, could agree that it was blue. This was important because if we could agree on the color of the sky then we could set about trying to understand why this was so. Once our sense perceptions were understood to be the same, we could begin to apply reason to the solution of complex problems. Without the identical thinking selves Descartes made us into, humans would forever be lost in disagreement, confusion, and bias; true knowledge could never progress. Paradoxically, to understand nature and the world around us, we would have to take a step away from our natural origins and reinvent ourselves through an act of the imagination.

Though the cogito was false, even self-evidently so, since human beings were always the product of a natural biological process, Descartes' act of inventing a sense-certain self inaugurated the idea that selves could be invented, for the first time, wholly without any real-world context. In the familial model of the subject given by

biology and history, people owed their existence and consequent obedience to the family that had given them birth and that largely defined their identity. Political rulers adopted this model and styled themselves parents of their nation—figures in whom the state's authority was personally vested. Post-Cartesian subjects, however, by imaginatively inventing themselves as thinking beings, were able to assert their independence from this ancient model. Over the reality of biological birth the cogito threw a man-made costume that enabled a fundamental transformation of the self.

Although the cogito represented a reevaluation of the power relations between self and world, the notion of a self-created self raised the possibility that subjects might now no longer need society at all. Descartes' system, while powerful, allowed man not only to think himself independent, but also to view himself as entirely isolated and alone.[4] Yet the purpose of the cogito was not to suggest that man ought to be alone, but rather to inaugurate an intellectual model of the self that would allow people to do useful work. Descartes' set of thought experiments in the *Meditations* was intended to enable people to examine the world around them without any preconceptions. In order to achieve the sense-certainty that Descartes thought necessary to set knowledge on a secure foundation, he had to assume that although the self created by the cogito was established independent of any society, a similar self could be reproduced by other people engaging in the same speech act; the recognition of having thoughts enabled anyone to recognize himself as an independent self and de-

[4] Timothy J. Reiss, "Revising Descartes: on Subject and Community," *Representations of the Self from the Renaissance to Romanticism* ed. Coleman et. al. (Cambridge: Cambridge U. Press, 2000) 16–38, argues that "As an agent, the cogito's own contents were converted and became its ground. As an agent it also conceived the idea of agency more complete than its own, indeed, capable of everything" (29). Reiss's argument is that the modern understanding of Cartesian solipsism is really the result of a misunderstanding about the process by which the cogito is externalized.

clare it with the statement "I am." By making the self reproducible through the cogito we could come to agree about the evidence of the world around us. The cogito then, could be seen as a kind of algorithm for the creation of an independent, imaginary self. Through the process of repeating Descartes' cogito people could now *speak* themselves into existence.[5] Though ostensibly referring only to a broad agreement about our sense perceptions, Descartes' cogito could also be understood to suggest an equal relationship between people. Hidden in the cogito was the potentially revolutionary implication that the perceptions of the pauper were worth as much as the perceptions of the king. In effect, the cogito was invoking a sort of social contract, albeit one based on sense perceptions instead of on political rights.

The next step in the evolution of natural rights was the extension of Descartes' self-created self into one that was fundamentally social. In his 1651 text, *Leviathan*, the English political philosopher Thomas Hobbes uses a speech act much like the Cartesian cogito to establish a social contract among members of society. But whereas Descartes uses his speech act to make a sense-certain version of himself, Hobbes' political formulation will be used to make an all-powerful ruler called the Leviathan. While for Descartes what was important was a self that could be certain of its sense perceptions, Hobbes' interest was not sense-certainty, but personal security. By grounding the state in linguistic instead of strictly physical or material acts, Hobbes was able to attach equal rights to Descartes' independent self.

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[5] The format of the cogito is stated as an argument: "I think *therefore* I am" only in the *Discourse* (1637). In the *Meditations* (1641) it is closer to an assumption, without the presence of any overt speech act. Yet the latter work's assumption of a sense-certain self does not deny the self created by the speech act, but is made possible, on the contrary, only because of the form given in the earlier work.

In *Leviathan* Hobbes shows us how creative language forms the basis of the modern state. Although a number of Enlightenment thinkers contributed to the establishment of natural rights, Hobbes is unique in his awareness of the connection between imaginary people and the natural rights embodied in the social contract. Because the Leviathan will be a figure made from the idea of people's pre-social rights, he will become a representation of their natural rights. Each person will have to resign all their power in the creation of an omnipotent Leviathan, and all will be made equal by that act. Any differences in class, age, status, and power will be eliminated in the simple yet powerful act of making this imagined person. The deliberately artificial creation of the Leviathan as a living man, and his role as guarantor of people's rights, will change rights from artificial and limited into natural and universal. Those people who create him will then have specific and limited rights redistributed to them through the laws and institutions the Leviathan establishes. Hobbes' philosophy in *Leviathan* will lead to the establishment of the literary apology as a ritual to regulate these contractually-derived rights.

In a fashion much like the Cartesian self, the figure of the Leviathan is formed from an act of the imagination, without the contribution of any material substance or institutional progenitor: "For by Art is created that great Leviathan, called a Commonwealth or State (in latine Civitas) which is but an Artificiall Man" (81). Hobbes' "art" here is the art of words. Though Hobbes will provide his readers with mechanical metaphors for the construction of the Leviathan as a way of reminding us that the Leviathan is also an "artificial" creation, the interplay between the arts of language and the artifice of mechanical construction implied in the word "artificial" will continue to

structure the entire book—"artificial" here will not be merely a synonym for unreal, but will also mean imaginary.

Hobbes views society as formed by people using language, all speaking together to bring their government into being. In Hobbes' view people:

> conferre all their power and strength upon one Man, or upon one Assembly of men, that may reduce all their Wills, by plurality of voices, unto one Will…it is a real Unitie of them all, in one and the same Person, made by Covenant of every man with every man, in such a manner, as if every man should say to every man, *I Authorise and give up my Right of Governing my selfe, to this Man, or to this Assembly of men, on this condition, that thou give up thy Right to him, and Authorise all his Actions in like manner* (227).

The covenant that makes the Leviathan, though uttered by separate people, involves having all of them speak the same words. The separate wills of the people are made into one will through their unified speaking. By having all people say the same thing, all become united. This shared declaration also makes "a real Unitie of them all, in one and the same Person." Each separate person's declaration, because it is the *same* declaration, and is made publicly to other people, makes all these separate people into one person. That person, whom Hobbes will call the Leviathan, is his artificial man. The art that makes him is the art of speaking words, in this case, the art of people speaking them together.

Where Descartes had brought into being a version of himself through the solitary speech act of the Cogito—a process that equated declaring a self with that self actually existing—Hobbes alters Descartes' procedure so that society as a whole now invents the imaginary self; he transforms the Cartesian cogito into a social act by having the entire community speak the Leviathan into being.[6] Hobbes' innovation of link-

[6] The connection between the process of creating the Leviathan and Benedict Anderson's notion of the "imagined community" from his book of the same title, (London: Verso, 1983) has to my knowledge, not been explored. Yet Anderson's arguments

ing the social contract to the invention of an imagined individual avoids the solipsism of the Cartesian cogito; society and the subject are now rejoined in the power of this unifying, creative act. His formulation also makes the creation of the Leviathan conditional: the instituting speech act can happen if and only if other people also agree to perform the same act at the same time. Each person makes the same speech act, and each makes its fulfillment as an act dependent upon its fulfillment by everyone else. Unlike the Cartesian formulation—which is wholly independent of other selves—Hobbes' imaginary self can come into being only when a certain condition is met: namely, having others simultaneously engage in the same verbal declaration. The speech actors here are not merely speaking together, they are acting in concert.

Even though the Leviathan is clearly a fiction, this doesn't change the fact that for Hobbes the Leviathan actually *is* a person: "A person, is he whose words or actions are considered either as his own, or as representing the words or actions of an other man, or of any other thing, to whom they are attributed, whether Truly or by Fiction" (217). Hobbes' definition here depends upon his notions of "consideration," and "representation." For him the mental act of considering is the first element in understanding what makes us into people. Though we see actions performed, it is the fact that we mentally assign these actions to *someone* that enables us to call them people. Because our senses are necessary to recognize that some person has performed an action, consideration should properly be distinguished from belief (since belief can exist independently of any sensual verification). Yet Hobbes' notion of consideration is not the same as logical inevitability. When we hear words spoken or see actions performed, there is nothing self-evident in this that enables us to conclude

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about how the print media binds people into an imagined community has many similarities with Hobbes' speech act.

these sense-data together constitute a human person. The common-sense view that sense-data alone are sufficient to construct a person will not do. Common sense ignores that a mental act of considering or assigning has actually taken place. Rather, according to Hobbes, we must mentally "attribute" actions to somebody for them to be considered a person; their actions in the world must be matched by our corresponding action in the mind that assigns actions to them. Hobbes' choice of language for establishing the grounds of our humanity seeks a form of reasoning based neither on a vision of belief divorced from sense, nor just on the external evidence of our senses. The apology is a good example of this sort of language, for when we experience an apology we usually consider that apology as made by someone or for someone. In Hobbes' terms, an apology is an act that creates a person.

Hobbes' definition of how personhood is established states that it may legitimately be grounded not only on the consideration of actions, but also on the consideration of words. His use of "words" here is generic and makes no distinction between writing and speaking. The conspicuous omission of any distinction between written and spoken language suggests that written words alone can also serve as a basis for concluding the existence of a person. This distinction matters, because unlike in speaking, in writing we no longer have direct evidence of a human actor. Hobbes' omission allows us to contemplate the idea of an author—a person whom we know only through the evidence of written words. In Hobbes' formulation we may take the physical specimen of writing, whether a letter, book, or other form of graphical expression, as a signal of a person. A written apology then, like an oral one, may be taken as a sign of a person. Both may be said to make that person.

Hobbes asserts that any "representation" of or by a person is sufficient for our consideration of that representation as a person. What this means is that not only can actions signal the presence of a person, and words that of an author, but the representation of either words or actions can be taken to signal the presence of someone who wrote those words or performed those actions. Our attribution of personhood can validly happen either through the representation of "true" actions or through the representation of "fictional" actions. For Hobbes representation itself is an act that signals our humanity; the fact that we *can* represent is really all the proof we need that we are human. While the representation here remains distinct from the person doing the representing, yet Hobbes permits a form of backwards reasoning, of using words and other forms of representation as evidence of things unseen. Behind all forms of representation there is a person, Hobbes is arguing, and according to his definition we can *know* that.

"When they [the words or actions] are considered as his owne, then is he called a Naturall Person: And when they are considered as representing the words and actions of an other, then is he a Feigned or Artificiall person" (217). One person may bear their own words and actions, whereby we know them to be a real person, or they may also represent the words or actions of another person, in which case the representer is considered as an artificial person. When we, as real people, represent the words of another person, that represented person is carried along with our real person. One living person then, may bear within them both their real person and a multitude of feigned or artificial people. "And from the Stage, hath been translated to any Representer of speech and action, as well in Tribunalls, as Theaters. So that a *Person*, is the same that an *Actor* is, both on the Stage and in common Conversation; and

to *Personate*, is to *Act*, or *Represent* himselfe, or an other; and he that acteth another, is said to beare his Person or act in his name" (217). Actors then, may represent real people or, according to Hobbes' earlier definition of person, they may represent fictional people. Though the representation remains distinct from a real person, yet this act of representation does not distinguish between the representation of real and fictional people. To impersonate Romeo or Henry V is the same; in both cases, though neither figure is available to our senses, we are still seeing feigned people. The fact that one remains an entirely invented character and the other the recreation of a historical person is unimportant since we commonly recognize both as "people." Just because one was real and the other is a fiction does not, for Hobbes, affect our experience of seeing them represented. From the standpoint of natural rights imaginary characters and flesh-and-blood humans are both considered people. The crucial point about representation is not whether the thing, person, or event, being represented is historically true, but whether we can consider it as a representation. If we conclude that *something* is being represented, then we can conclude that the representation stands in for a real person.

An integral part of Hobbes' argument about the nature of representation is the often reproduced frontispiece of the original edition of *Leviathan*. That image shows a crowned figure—intended to represent Hobbes' all-powerful sovereign—holding a sword and scepter, and looking straight out at the viewer. The most curious feature of this figure is that his entire body is made up of other people drawn in miniature. All these miniature people are shown from the back or in profile such that their bodies and gazes taken together appear to provide both substance and power to the image of the Leviathan. Just as the gazes of these tiny figures composing him suggest, the

Leviathan is only an image. Yet by each of them gazing *up* at him they show that they believe in him as one might in a god. Their gazes and bodies are meant to suggest the essential nature of the Leviathan: that he is both a feigned and a real person. As a representation he is only a fiction, yet for the tiny figures who look up at him, themselves just representations of other people, he has become real. The Leviathan's person then, is created and made real by the people who compose him. The image translates into concrete form what a verbal argument can only repeatedly point to—that the Leviathan exists purely as a collective act of belief. The universal and conscious belief in the Leviathan, and the subsumption of the subjects' own identities into his person, is what makes him real. The frontispiece image also illustrates that neither the people nor their separate emotions are extinguished in the creation of the Leviathan. Rather, each person remains whole—as a separate distinct person—while nonetheless carrying their entire physical and emotional selves into the making of this imagined person.

Because the tiny figures composing the Leviathan bring him into being with their gazes and bodies, they may be said to invent the Leviathan. Whether this act of collective creation is visual, as in the frontispiece, and we assume their gazes make them into the artists of the Leviathan, or the creative act is verbal, and the figures are considered as authors who make him through fashioning written words, or if still otherwise the figures are considered actors, inventing through performance a Leviathan who exists previously only in a text called *Leviathan*, all are forms of representation. Thus, whether we call representers artists, authors, or actors is all the same, for behind each representation there is a person or group of people. The choice of whether someone is an author, actor, or artist is merely a way to label each different form of

representation. As such it is likely not an accident that the frontispiece image of the Leviathan is supposedly a portrait of Hobbes himself, the author of *Leviathan*.[7] The dual identity of the portrait as both that of the *Leviathan* and of Hobbes himself illustrates his argument about the fundamentally human nature of representation.

Hobbes' definition of an "actor" as a person sets up three parallel and functionally equivalent forms of representation: the theatrical, the fictional, and the political.[8] Though Hamlet is a fiction, yet the possibility of his representation by an actor means Hamlet's character represents real human actions. Just as an actor through his performance represents the words and actions of a character such as Hamlet, so may the written words and actions of *Hamlet* (the text of the play) be taken to represent the feigned person Hamlet, even in the absence of an actor to play him. Any representer may represent a fictional character such as Hamlet in the theater, or equivalently they may represent a real person in law, as happens in a tribunal. A lawyer, when she represents her client, does so in the same way an actor represents a character. For Hobbes, as long as we can conclude that some person is being represented by the lawyer, that representation is valid. The lawyer, therefore, like the actor, not only stands in for her client, but she also bears her client's person and may legitimately speak in her name. By acting for her client she *becomes* her client. Political representatives, like lawyers, can also represent people, bearing the people they represent along with their real persons. In Hobbes' view whether our senses present us

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[7] Christopher Pye, "The Sovereign, the Theater, and the Kingdome of Darknesse: Hobbes and the Spectacle of Power," *Representations* 8 (Autumn 1984): 84–106. See page 105.

[8] Quentin Skinner, "Hobbes on Representation," *European Journal of Philosophy* 13.2 (2005): 155–84, notes that this sort of equivalence was an accepted commonplace among political thinkers of Hobbes' time. See especially Skinner's discussion on the meaning of *repraesentatio* on pp. 160–163.

with a text that records the words or actions of a person or a group of people, a performance of a role by an actor, or the speeches and writings of a sovereign person or group of political representatives, all are equally valid as forms of impersonation. In all these cases a later performance of words or actions by an actor may be taken to represent the original words or actions, regardless of whether the original words or actions really happened or are merely a fiction invented by an author.[9]

When Hobbes imagines people coming together to invent the Leviathan through a performance, they are at once authors and actors. As authors, the covenant of their speech act will at once "authorize" the invention of the Leviathan and provide him with his "authority." Speech acts always bring something or some situation into being, and so are properly considered acts of authority. Hobbes tells us: "when the Actor maketh a Covenant by Authority, he bindeth the Author, no lesse than if he [the author] had made it himselfe" (218). When a political representative makes a covenant, she is acting just the way the people she represents would have themselves. Because she bears the separate and distinct persons she represents within her, what she does in this role is only what each would separately have done. The representative is merely a vehicle through which the authors of the covenant (the people themselves) make their wills known.

For an actor to speak the words of a covenant and an author to write them is the same thing; both actor and author are representing the same words. Similarly, both actor and author are bound by the conditions and expectations declared in the

[9] Hobbes' theory here suggests that consent and belief are also the same thing. When we, as members of a state, read the founding documents of that state, we are recreating the state in our minds and giving our consent to it. As long as the act of reading is universal for all people in the state, it doesn't matter whether the original speech act to which we are consenting actually happened or is the invention of an author. We may become subjects of a fictional state.

covenant. Hobbes' invention of *Leviathan* as author is simultaneously every actor's invention of the Leviathan through the reading of Hobbes' words. Like the actor, the reader too, who creates the Leviathan in her imagination by silently repeating the words Hobbes has written, becomes in this view an author of the Leviathan. By representing the Leviathan in her mind, the reader joins the community of actor/authors who together invent the Leviathan and provide him with his authority. Though the reader reads alone, without the presence of anyone else, yet she becomes one person with all other readers through the process of mentally enacting with other imagined actor/authors the covenant that creates the Leviathan. Each individual reader invents the Leviathan and becomes one with other readers through reading the same words. For Hobbes, *Leviathan* the text, Leviathan the role, and Leviathan the character are all interchangeable forms of representation.[10] In each case the Leviathan results from a speech act that brings him into being.

Hobbes' establishment of the social contract is intended to recognize our fundamental equality. Though he admits to some differences in physical strength and mental agility, "yet when all is reckoned together, the difference between man and man, is not so considerable, as that one man can thereupon claim to himselfe any benefit, to which another may not pretend, as well as he" (183). However, the fundamental equality that exists in our natural condition is thwarted by our competition for power. Competition puts people into a state of war against one another—a condition

[10] It should be obvious to literary scholars that my argument here has much in common with the tenets of reader-response criticism—the idea that literature is an act intended to shape the emotions and ideals of the reader. Where my approach departs from theirs is in suggesting that the apology transcends particular "interpretive communities" (Stanley Fish's concept), and indeed exists for precisely the opposite reason—to function as a tool whereby members of different communities are enabled to convey universal ideals to one another.

where "the life of man [is] solitary, poore, nasty, brutish, and short" (186). In this state, however, people also possess a natural right: "The Right of Nature…is the Liberty each man hath, to use his own power, as he will himselfe, for the preservation of his own Nature" (189). Since everyone in the state of nature possesses a pre-social right—the Right of Nature—that right makes them equal before the establishment of society. If a tyrant, through the use of force, gains dominion over others, his arbitrarily acquired power will contract the truth that "every man looketh that his companion should value him at the same rate he sets upon himselfe" (185). *In*equality for Hobbes is unnatural—the result not of nature, but of society. To prevent this unnatural tyranny, the members of Hobbes' imagined political community will agree to establish a social contract that recognizes their separate and distinct Right of Nature. They will do this by resigning all their power to the person of the Leviathan.[11]

Through the speech act that makes him, the Leviathan obtains the authority to prevent tyranny and provide the covenanters with security. The purpose for the creation of the Leviathan is the preservation of our natural equality. Safety and security can only come about when we publicly recognize our own equality with other people through a common speech act. Hobbes argues that "The safety of the People, requireth further, from him, or them that have the Soveraign Power, that Justice be equally administered to all degrees of People; that is as well the rich, and mighty, as poor and obscure persons…" (385). To bring about justice Hobbes will re-establish society from the ground up with the Leviathan as its imaginary sovereign. The Levia-

[11] Though we often use the phrase "natural rights," there is nothing "natural" about our rights. Our rights can only become "natural" when we imagine that they exist before us, as a fundamental property of our existence. As both a natural person and an artificial man Hobbes' Leviathan becomes a tool for making our artificial rights "natural."

than then, is a manifestation of our natural equality; he is the creative product of our naturally equal rights. His role is to institute justice through the recognition of our inherent equality. As the public expression of the natural right of each author the Leviathan is brought into being as a natural person.

A crucial distinction in *Leviathan* is that made between contract and covenant: "The mutuall transferring of Right, is that which men call CONTRACT.…Again one of the Contractors may deliver the Thing contracted for on his part, and leave the other to perform his part at some determinate time after, and in the meantime be trusted; and then the contract on his part is called PACT or COVENANT" (192–3). We can then understand the speech act of the covenant as a sort of one-sided contract, where the thing to be delivered is promised but not yet delivered or performed.

Hobbes' explanation of the process of contracting happens through the taking of an oath. But Hobbes is skeptical of conventional oaths, asserting "that the Oath addes nothing to the Obligation. For a Covenant if lawfull, binds in the sight of God, without the Oath as much as with it" (201). Instead, in Hobbes' view, an oath must be made public—not merely as a promise to God, but as a speech act performed in front of other people. An oath made in the sight of God alone, (through prayer for example) cannot bind us to the keeping of our word. Hobbes instead understands the oath, as "a Forme of Speech, added to a Promise" (200). What this means is that the promise of the covenant, first made to ourselves, must be externalized through public performance. Only by transforming our private thoughts into publicly-witnessed speech acts can we be counted on to keep them. This public witnessing can be a conventional performance or it can be a text that serves as a record of a performance. In either case, when done as a speech act, people will keep their oaths, for then they will

have: “either a Feare of the consequence of breaking their word; or a Glory or Pride in appearing not to need to breake it” (200). When the oath is made public in this way it transforms covenants into contracts. As a public speech act, the apology is a form of contract.

In Hobbes’ view the translation from private to public speaking automatically engages the idea of reputation. When speech acts are made public they bind people to the promise embodied in the speech act. This binding is necessary for turning the internal conviction of the covenant into the public form of a contract. Hobbes understands that we are formed by our speech acts. Our words, by being made public, become how we define ourselves and that by which we are known. Our fears about a loss of reputation from not keeping the promises we have made becomes a way of binding us to our obligations. The speech act, tied as it is to the reality of social power, is a way of inserting the language of duty into our promises. Even if we fail to do our duty for the sake of duty, we may ultimately follow laws because we are concerned about our reputation.

Since the Leviathan comes into being only *after* an agreement among the people, and as the unique result of a speech act, the covenant becomes a contract only once the Leviathan has been created. A covenant can never be more than a promise made to ourselves. To be binding our promises need a *physical product* that can be independently verified by others as proof that our promise has actually been kept. A contract must be more than a promise; it needs to be a thing, a tangible object. That tangible object in this case will be *Leviathan* itself, a printed text that records a covenant and demonstrates that it has taken place. Anyone may be sure the covenant has

been kept and made into a social contract because they can see the text in front of them. Should they wish to examine the contract, they have only to read *Leviathan*.

Leviathan then is both text and contract. Inventing the Leviathan requires reading the book called *Leviathan* and coming to understand through its language what the contract says. The language of the contract is equivalent to the words of the book called *Leviathan*. The contract can be fulfilled only through the act of reading *Leviathan*, for only in this way does the Leviathan come into being. All who choose to read *Leviathan* subject themselves to the character of the Leviathan and by reading about him willingly become his subjects. Although the Leviathan is an imaginary figure, yet he may be considered as sovereign because the attention of the reader is focused on the book *Leviathan*. Like the visual figures in the frontispiece whose upward gazes form the power of the Leviathan, so the reader who bends his will to reading *Leviathan* invents him as a character with absolute power over himself. *Leviathan* then is much like a novel with only one character. Yet like the yin and yang of eastern philosophy, that character is at once Hobbes and us. Together with Hobbes we are made into one person through the process of reading *Leviathan*. The multiple manifestations of the Leviathan as image, person, and text are the result of the speech act that has brought him into being. Once our transfer of rights is complete and the Leviathan has come into being, society can begin again on the foundation of a social contract.[12]

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[12] Compare this with Hegel's explanation in the *Philosophy of Right* (1821) of the transfer from property to contract: "Thus property, as a visible external thing, is determined by its relation to other external things, these relations being both necessary and accidental. But property is also a manifestation of the will, and the other, for which it exists, is the will of another person. This reference of will to will is the true and peculiar ground on which freedom is realized. The means by which I hold property, not by virtue of the relation of an object to my subjective will, but by virtue of another will,

Hobbes' insistence on "the Unity of the Representer" as one person made from many suggests that *Leviathan* may also be viewed as a version of a political autobiography, a tool whereby our selves are invented by being converted into the public persona of the Leviathan. As Raffaella Santi has asserted: "Hobbes 'invented' the *social self* by considering the projection of the individual self into a social dimension."[13] The individual, considered as a self taken into the social dimension, is carried in the public person of the Leviathan; we become our individual social selves through inventing him. By inventing the Leviathan we simultaneously project ourselves into the social realm and invent ourselves as individuals.

As a "mutuall transferring of Right" the social contract demands that there exists something to be transferred. Without such a possession and at least two people there can be no contract. *Leviathan* fills both functions. As a representation of a person—the Leviathan himself, *Leviathan* creates another party with whom people can contract. As a physical record of a speech act, the text of *Leviathan* is also that thing that will be received in the mutual transfer. Because in any contract the transfer must be mutual, the covenanters need to have some possession they can exchange for the object of *Leviathan*. This possession, though not material, is our Right of Nature. Without the possibility of holding our Right of Nature as a pre-social form of property within ourselves there can be no transfer. By transferring our Right of Nature to an imaginary person—the Leviathan himself—we establish the idea of possession. This transfer recognizes the Right of Nature as uniquely *our* right.

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and hence share in a common will, is contract" (§ 71). G.W.F. Hegel, *Philosophy of Right* trans. S.W. Dyde (London: George Bell & Sons, 1896) 23.

[13] Raffaella Santi, "The Invention of the Self in Hobbes and Locke," *The Dalhousie Review* 85.2 (July 2005): 252.

In return for transferring our Right of Nature to another person, we receive *Leviathan*, the physical record of our exchange. Now that we have made an exchange that can be objectively verified, we may be considered to have engaged in a contract. Only when all parties to the covenant have effected the transfer of their Right of Nature to the Leviathan can it be called a mutual transfer of rights. The transition from covenant to contract is therefore not the abandonment of our Right of Nature (which Hobbes calls a gift) but the fact of its recognition in others. This recognition happens through the original contractual speech act that creates the Leviathan. An apology, of course, also recognizes the rights of others. Although Hobbes' speech act creating the Leviathan may not take the form "I'm sorry," or "I apologize," yet conventional apologies and Hobbes' foundational speech act are alike in their mutual recognitions of our rights.

Society begins again when the Leviathan returns specific and limited rights to the social contractors. For Hobbes these rights are embodied in the form of natural laws. He derives nineteen "Lawes of Nature" that specify our duties to one another. Because we now have all had our natural rights recognized in the establishment of the social contract, we may be considered to have given our consent to these natural laws. The natural laws are valid because our Right of Nature is embodied in the social contract that has invented the Leviathan. When the Leviathan makes laws, he is making them solely in recognition of our pre-social Right of Nature. We therefore have a duty to obey the natural laws that emerge from the social contract. As long as the Leviathan continues to provide us with the security that was the reason for his creation, the social contract remains in force. Hobbes asserts: "The Lawes of Nature oblige in Conscience alwayes, but in effect then onely when there is Security" (215).

Out of their authorship of the social contract the covenanters grant the Leviathan the authority to make civil laws. For civil laws to be fair the people subject to those laws must be convinced that their laws are free of bias. Only fair laws can be voluntarily obeyed. The Leviathan's role as an imaginary person is essential to the making of fair laws since only as an imaginary person can the sovereign be free of bias. Out of the making of civil laws human beings can begin to struggle their way towards justice. Justice results because the Leviathan exists only to recognize our pre-social equality. As an imaginary man who is the reflection of our equal condition in the state of nature, the Leviathan, instead of using personal preference, pre-existing power relations, or tradition, as a natural man would, will be compelled to use reason to make laws. Using reason to make decisions about justice will be the only choice when all lives are understood to have equal value. Through the absolute power of the fictional character Leviathan, laws, like rights, will cease to be arbitrary and will begin to take their place as fundamental expressions of human reason. Through this creation of an imaginary, fictional person, Hobbes will enable us to solve human problems using the same application of reason that Descartes brought to the problems of the natural world.

One of the Laws of Nature that follows from the Leviathan's establishment is a willingness to pardon the crimes of others. Hobbes explains, "That upon caution of future time a man ought to pardon the offenses past of them that repenting, desire it. For PARDON is nothing but granting of Peace" (210). This pardoning is a direct corollary of Hobbes' first law of nature—our duty to seek peace. Since pardon is nothing but the granting of this peace, the act of pardoning is necessary to bring peace about. Because peace is necessary to end the pre-social war of all against all, then the

speech act granting peace—here called pardon—is functionally the same act as that that establishes society.

Like any law of nature, Hobbes' forgiving speech act is made in recognition of our fundamentally equal rights. The duty to forgive, as a duty derived from our original Right of Nature, is held by all subjects of the commonwealth. The social contract that grants individuals equal rights also demands of them equal duties. Because the speech act that results in a pardon happens *after* the establishment of the social contract, these equal duties are part of the social contract. So forgiveness is a duty imposed on all who would live under a social contract. Hobbes' duty of forgiveness then, both creates a person to whom rights are transferred through a speech act, and upon the receipt of that forgiveness, brings into being the rights-bearing subject who first asked for pardon. To ask for or grant forgiveness then, is to perform the same act as the one that first establishes the social contract: rights are transferred, duties are respected, political subjects are invented. The act of pardon, like the act that makes the social contract, involves the exchange of both rights and duties, and so as a speech act it should be considered neither confession nor excuse, but an apology.

Hobbes' frequent attestation that covenants made out of fear are still valid has often been taken as an apology for tyranny, but this is to think of fear only in negative terms—as the possibility of preventing harm to oneself. It should be obvious that tyrants need neither covenants nor agreements; tyrants rule by force and arms, not by the consent of those they govern. In contrast to this negative fear, there is another sort of fear—that of the meaninglessness of language that results when words have ceased to represent anything real. Such meaninglessness not only prevents security, but it stymies the progress of knowledge as well. In order to obtain useful knowledge, words

must have a clear, agreed-upon meaning. As Hobbes tells us: "a man that seeketh precise *truth*, had need to remember what every name he uses stands for; and to place it accordingly; or else he will find himselfe entangled in words, as a bird in lime-twiggs; the more he struggles the more belimed" (105). Establishing meaning, therefore, may be the result of an actor's conscious choice driven by this positive fear of meaninglessness, as well as the ubiquitous negative fear for one's own security. Unlike the fears caused by a tyrant, this positive fear of meaninglessness can be eliminated *only* by agreement.

When meaning is established through agreement, we gain security and the possibility of useful knowledge. Hobbes' social contract is above all a linguistic one, because it depends upon an agreement about the meaning of words. Indeed, for Hobbes, to contract *is* simultaneously to agree on linguistic meaning. Victoria Kahn has explained that for Hobbes "consent to the political contract involves consent to a linguistic contract."[14] Understanding the social contract as fundamentally a linguistic one is one way of ensuring that individual consent is embodied in the establishment of sovereign power. By having the speech actors make a choice for the word "leviathan" from among multiple possible meanings, Hobbes makes the powers of the Leviathan the result of a conscious choice. The powers of the Leviathan will thus be limited by how, precisely, the speech actors choose to define him. Once the new definition of "leviathan" has been made public through writing and publishing the text *Leviathan*, it will become a social contract.

In Hobbes' time the accepted definitions of the word "leviathan" were of an enormous sea monster, a large ship, and from the late 14th century on, as another

[14] Victoria Kahn, *Wayward Contracts: The Crisis of Political Obligation in England, 1640–1674* (Princeton: Princeton U. Press, 2004) 137.

name for Satan. In the early 17th century, some writers also began to use the word to represent a person of great power or wealth.[15] Hobbes' sense, of making this powerful man equal to the government, appears to originate with him. Hobbes then, not only writes *Leviathan*, but through the process of writing, he invents a new meaning for the word "leviathan." For Hobbes and many other Englishmen who had lived through the upheavals of the English Civil War uncertainties about the meaning of the idea of sovereignty had been one of the key sources of the conflict. One purpose of the social contract in *Leviathan* is to establish "leviathan" as meaning "sovereign."

Hobbes begins the contractual process by providing us with the verbal raw materials for making an artificial man. "What is the *Heart* but a *Spring*, and the *Nerves* but so many *Strings*; and the *Joynts* but so many *Wheeles*, giving motion to the whole body" (81), Hobbes contends. This sequence of metaphors provides us with the pieces that will make the Leviathan. These metaphors will prove crucial for considering covenanters as authors of the Leviathan. The heart is, of course, an organ, a physical part of the human body. But it is also understood metaphorically as the source of our feelings. By linking heart to spring Hobbes not only suggests that feelings spring from the heart, but also that the physical organ of the heart can be considered both as a mechanical spring that absorbs and transmits motion, and as a natural spring that is the beginning of a river. Spring is both noun and verb, and Hobbes' yoking of heart to spring grammatically constructs this metaphor as at once action and object. One sense of spring belongs in the factory, the other in wild nature. Crucially,

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[15] See the *OED*. For comparison note also Milton's more evidently metaphorical description from Book VII of *Paradise Lost*: "Tempest, the Ocean: there Leviathan/Hugest of living Creatures, on the Deep/ Stretched like a Promontorie, sleeps or swimmes/And seems a moving Land, and at his Gilles/ Draws in, and at his Trunck spouts out a Sea." (ll. 412–16).

neither sense of spring is specifically human, though both are involved in our feelings about what makes us human. Like the heart, our nerves are physiologically a part of our bodies, yet they too are connected with our feelings. Strings, like spring, may be understood in at least two ways here. First, of course, a string is itself metaphorically like a spring in connecting things. But the strings here are also connected to heart-strings, likely a metaphor from the art of music. Because spring and string are near homonyms the reader is led to make the mental substitution of strings for spring, thus moving the emotional association backwards to the word heart. A similar process happens with the third metaphor of joints and wheels. The wheels not only turn the strings, they also connect us back to the heart. Even as the connection with feelings weakens and the mechanical associations are strengthened, the parts of this sequence of metaphors is internally linked both through its grammatical structures and through our own feelings. What this analysis is intended to reveal is that even as we begin to read, we are functioning as authors and actors by constructing the Leviathan in our minds.

David Johnston has explained that in contrast to Hobbes' earlier work *The Elements of Law*, in *Leviathan*, "[t]he language is vastly more vigorous, vivid and rhetorical in character…Simile and metaphor are in constant use."[16] According to Johnston the reason Hobbes made this change between the two works was because he wanted to make the language of politics available to general readers instead of merely the intellectual elite who had read his earlier works. For Johnston, *Leviathan* was Hobbes' attempt at extending the foundational language of the political state to all its subjects. By carrying the covenanter's emotions into the construction of the sovereign power

[16] David Johnston, *The Rhetoric of Leviathan: Thomas Hobbes and the Politics of Cultural Transformation* (Princeton: Princeton U. Press, 1986) 67.

through metaphor, that sovereign will be the contractual result of his subjects' desires. [17] Now, when the sovereign makes laws, he will have the consent of those he governs.

For Hobbes every physical part of the Leviathan's body has a metaphorical equivalent in the commonwealth: sovereignty is the Leviathan's soul, the magistrates are its joints, the rewards and punishments are its nerves, wealth and riches its strength, counselors its memory; and "the *Pacts* and *Covenants*, by which the parts of this Body Politique were at first made, set together, and united, resemble that Fiat or the *Let us make man*, pronounced by God in the creation" (82). To assemble the Leviathan people in the state of nature must take these metaphorical pieces and engage in a covenant. This metaphorically-constructed covenant will bring into being the sovereign of the re-invented political state. The metaphors used here will work to show the covenanters how one connects feelings to things through language and brings living things into being. The covenant works because the pieces that are used to construct the Leviathan are metaphors about him, built from the feelings of the covenanters about their own Right of Nature. Because the feelings of the speech actors are involved in these metaphors, they will *want* to construct the Leviathan. Making the construction of the Leviathan a voluntary act is necessary for him to serve as a valid representation of the social contract. In order for the Leviathan to be properly considered as a natural person he must live as the oxymoron of an "artificial man." For the social

[17] I the word "construct" here intentionally, not only because it follows from Hobbes own language but because I want to suggest that Hobbes, though a seventeenth century writer, is running the twentieth-century notion of "deconstruction" in reverse. Where the literary movement called deconstruction stressed that words could never have definite meanings because the chain of signifiers was always beyond any attempts at definition, Hobbes makes the act of giving definite meanings the foundation of both personal identity and the political state.

contract to be valid we speech actors must recognize him simultaneously as an artificial construction *and* a living being. In essence, the Leviathan must behave like a character in literature in to whom we ascribe life even as we may understand he is not real. Because metaphors transfer qualities in the world to qualities in the mind they are fundamental to his creation.

The process of making the social contract will involve a creative act similar to God's own speech act of human creation in the Bible. By co-opting the creative power of words that God used to make man, man, through the same power of logos, will invent the "Mortall God" that can rule over him. Just as God made man out of dust, so people will construct their Leviathan out of metaphors. Although the covenant is a creative act, Hobbes' process of construction is closer to that of an inventor—someone who combines existing objects to make a new thing. The thing invented by the metaphors with which the text of *Leviathan* begins, is, of course, the Leviathan himself. The process of reading *Leviathan* then, is the process of taking these metaphors and combining them to invent the Leviathan. Though readers are not identical to authors, yet by reading *Leviathan* the reader comes to define the Leviathan in his mind. As Robert Stillman has noted: "Always *Leviathan* is in the business of making definitions."[18] These definitions, as the combination of multiple metaphors, will work together to construct the Leviathan.

The linguistic nature of the contract comes about through the creation of the Leviathan. As Hobbes informs us, in the condition of nature "[t]he notions of Right and Wrong, Justice and Injustice have there no place…They are Qualities that relate to men in Society, not in Solitude" (188). If we are to have laws, we must first define our

[18] Robert E. Stillman, "Hobbes *Leviathan*: Monsters, Metaphors, and Magic," *ELH* 62.4 (1995): 800.

rights. The problem, as Hobbes recognizes, is that different people have different ideas about rights, and they often come to blows in an attempt to resolve their differences. Consequently the linguistic contract is an agreement about the meaning of rights that begins with the definition of the word "leviathan." By defining words, Hobbes believes, one can bring about peace and security. If "leviathan" is defined as a person with absolute sovereign power, then the contract will at the same time empower him to give meanings to all other words. In order to prevent conflict, the covenant must also be a promise about what words mean. As Werner Hamacher has asserted: "only after the promise [embodied in the covenant] does language emerge as *one* language—as a coherent language common to many."[19] This one coherent language is necessary for conflict to cease and true knowledge to begin.

Through the process of defining words and recognizing the way our rights are embodied in words, we each become individual subjects and gain the security that comes with living in a political state. Hobbes makes clear that this security is not temporary, but persists into the future: "the right passeth, not onely where the words are of the time Present, or Past, but also where they are of the Future" (194). Where a covenant is a promise made to the future, a contract comes into force only once that promise has been translated from an inner conviction into the sort of public declaration that can persist across time. The published text of *Leviathan*, because it is a real object, becomes a way of securing our political rights for the future.

Much of the critical response to Hobbes, both from his contemporaries and since, has revolved around doubts about the legitimacy of Hobbesian consent. One way to frame this conventional critique is to point out that in appearing to give up all

[19] Werner Hamacher, "Wild Promises: On the Language 'Leviathan'," trans. Geoffrey Hale, *CR: The New Centennial Review* 4.3 (Fall 2004): 215–245.

power to the sovereign, the subject leaves him or herself without any power to oppose the ruler should that sovereign turn into a tyrant. The problem, as Christopher Pye has explained it, is that: "Because the subject is the author of the sovereign's actions, he can never legally, or even logically assert himself in opposition to the ruler."[20] In this view, the sovereign, while instituted by a contract, is nonetheless bound neither by the instituting contract nor by any made subsequently: "whatever he doth; it can be no injury to any of his Subjects" (232) Hobbes asserts.

At first glance the problem of tyranny would not appear to be solved by establishing the linguistic social contract, for this fixing of meanings through definition would seem at the same time to be the elimination of dissent. In order for the problem of tyranny to disappear and legitimate consent to emerge, Stillman's claim that "people become authors once and once only" must be false.[21] Those other meanings of "leviathan," now seemingly lost, or hidden in the moment of the Leviathan's creation, must remain available to political subjects in the event they are needed. Hobbes' imaginative model of the state requires the possibility of redefinition of the idea of "leviathan" in order to preserve subjects' political freedom. The pre-social Right of Nature we all possess must also be a pre-social right of language. Freedom is fundamentally about the right to use words as we wish. If the metaphors that were used together to define the "Mortall God" cannot be turned back into the metaphors as which the Leviathan began, then the collective speech act of inventing the Leviathan has indeed become irrevocable. We can therefore reframe all questions about Hobbesian consent as one question that asks whether our right to redefine words is preserved

[20] See Christopher Pye, "The Sovereign, the Theater, and the Kingdome of Darknesse: Hobbes and the Spectacle of Power," *Representations* 8 (Autumn 1984): 84–106.
[21] Stillman, 812.

after the creation of the Leviathan. If the Leviathan becomes a tyrant, can his subjects begin define him again in his older senses of "monstrous" or "satanic"? Put another way, are the metaphors used to make the Leviathan permanent, or are they analogous to the sorts of conditional metaphors used in an apology?

Hobbes' understanding of the liberty of subjects under the laws of the Leviathan is based on a distinction between the actual words spoken and the subject's reason for having spoken them: "such arguments [about liberty] must either be drawn from the expresse words *I Authorise all his Actions*, or from the Intention of him that submitteth himselfe to his Power, (which Intention is to be understood by the End for which he so submitteth;)" (268). For Hobbes, any specific authorization of the sovereign's actions is distinct from the language act that creates the Leviathan. The creative act of inventing the Leviathan is a speech act that brings into being the subjection it declares. However, the subject's authorization of the Leviathan's actions functions not as a speech act, but as an opinion about the specific laws made by the Leviathan.

Since the Leviathan is invented through the keeping of a collective promise, he is the embodiment of that promise. The Leviathan's promise is the promise of the protection of equal rights that was the reason for his creation in the first place. Even as the originary covenant is built on a promise, our equal rights are guaranteed by that promise. Because the Leviathan's promise is also a historical one that must endure into an unspecified future, he must keep that promise in order to retain his subjects' consent. As conditions under the dominion of the Leviathan change, subjects are free to reevaluate their authorization. The Leviathan can endure as sovereign only as long as he preserves the inherently equal rights of the covenanters who have invented him; his own security is always bound to the security of his subjects.

While the Leviathan as sovereign is created by the speech act itself, the laws and commands of the Leviathan are to be judged by the subject according to "the End for which he so submitteth," or the way in the subject understands the relationship between the Leviathan's action and his original purpose for being. The subject, therefore, retains a permanent right of disobedience based on his or her individual understanding of the ends of the establishment of sovereignty: "When therefore our refusall to obey, frustrates the End for which the Soveraignty was ordained; then there is no Liberty to refuse: otherwise there is" (269).[22] Since the purpose for creating the Leviathan is the preservation of our original natural equality in the state of nature, then the only valid end for human submission to the Leviathan's authority can be to obtain the justice available to us in civil society. While in theory the Leviathan possesses absolute power, the fact that humans are inherently equal before the contract means that the Leviathan comes into existence only in recognition of this equal value. Though the Leviathan may use law as he sees fit, he cannot go against the reason for his own creation. Should the Leviathan ever fail to maintain equal justice in the commonwealth, he may legitimately be deposed.

Interpreting the ends for which a subject has submitted permits interpretation, debate, and possible rebellion—in Hobbes' terms, the liberty to refuse. This liberty to refuse permits the meaning of the word "leviathan" to acquire different meanings over time. If the Leviathan comes to be a tyrant, the latent meanings, hidden in the origi-

[22] Timothy Rosendale in "Milton, Hobbes and the Liturgical Subject," *Studies in English Literature 1500–1900* 44.1 (Winter 2004) gives a specifically religious cast to the question of the subject's freedom. Characterizing both Milton and Hobbes as animated by a Reformed version of belief that was deeply personal, Rosendale understands *Leviathan*'s freedom for subjects to found in the distinction between private and public selves: "Over the interior pole of private belief the state has no jurisdiction; over the external pole of actions, the state has a legitimate and compelling interest in regulation and conformity" (164).

nary covenant, will reemerge. Subjects, depending on how they understand the ends of their submission, may then begin to use words like "sovereign" or "leviathan" in ways that challenge the Leviathan's authority. The existence of the Leviathan as sovereign is therefore the result of a conditional metaphorical construction. As an imaginary person constructed from conditional metaphors the Leviathan is invented by the same sorts of structures as the apologizer who constructs himself as being "sorry."

Because *Leviathan* is a contract that records a speech act, it serves as a reminder of the originally egalitarian precepts recognized in the imaginative recreation of society. *Leviathan*, as a text that defines the word "leviathan," also provides the method for the Leviathan's own deconstruction back into the emotion-laden metaphors from which he began. Should the Leviathan or his powers need to be redefined, the covenanters can begin again by rereading the book *Leviathan*. By rereading *Leviathan*, we covenenanters re-create, and thereby establish a new social contract. The social contract will set the subject in a mediated relationship with the moral and political language of the commonwealth; it will allow the subject to call on her private and internal sense of meaning—if one prefers, the gap between her subjective understanding and objective meaning—to regulate the actions of the Leviathan. In *Leviathan*, just as security depends upon fixing meanings through definition, so liberty depends upon the multiple associations of a metaphor. This balance between metaphor and definition, between construction and deconstruction, establishes an equilibrium between subjects and their sovereign.

In *Leviathan* the meaning of any speech act made under the aegis of a government derives from its relation to the social contract. Since the social contract is really a linguistic contract that establishes one language and permits the establishment

of laws and a system of justice, all later speech acts will gain their meaning from their relation to the one language brought into being by the social contract. Because the Leviathan comes to represent the totality of willing within the political state, manners and morals, as well as matters of law and justice, will be the result of this same sort of collective willing. In Hobbesian terms, for a language to mean something, the concepts of that language must be translated into reality. This reality is the world of laws or duties. The apology, as a form of real-world performance, will translate our laws and duties into a publicly-witnessed act that affirms our belief in and recognition of them.

Hobbes social contract in *Leviathan* provides the theory for how apologies will work. Like the speech act that invents the *Leviathan*, apologies are social contracts that involve two people and an equal exchange. What is exchanged in the apology, as in the social contract, is a set of rights and duties. Because of a conflict over rights and duties, before the apology begins the two concerned parties may be said to be in a state of nature vis-à-vis one another. When one party apologizes he recognizes the Right of Nature of the person receiving the apology. He recognizes his own pre-social equality with the person he has wronged. As Hobbes' informs us, the recipient of the apology then acquires a duty to forgive. Though the apology takes place within society, the act of forgiveness re-integrates the parties from their state of nature back into society. This process reproduces, albeit in a more limited fashion, the fundamental establishment of society itself that takes place in the creation of the Leviathan. If Hobbes may be said to have invented the social self, then surely apologies, as real-world phenomena, may be considered a part of this invention.

Chapter 2: Inventing the Individual

"The book written by Rousseau call'd his *Confessions* is an apology & cloke
for his sin & not a confession." William Blake—"Jerusalem"

Hobbes' reinvention of the social self through the creation of an imaginary person called the Leviathan was one way of providing people with natural rights. Jean-Jacques Rousseau's subsequent embodiment of these rights will not be Hobbes' single figure of the Leviathan, but a range of imaginary people derived from his own life. Rousseau takes the reciprocal obligations inscribed in Hobbes' social contract and applies them to himself and the world around him; he takes Hobbes' theory of natural rights and inserts it into a concrete history—his own. Because in Hobbes' schema every person had made a contract with every other, the Leviathan himself is finally unnecessary. All that is really needed are ordinary people, each of whom has contracted with every other to engage in the mutual and reciprocal recognition of natural rights. Rousseau's writings provided the link between Hobbes' theory of natural rights and its application to real human lives. Hobbes' natural law of forgiveness established the link between apologies and the natural rights guaranteed by the social contract. Rousseau used this theory to make natural rights real by giving us a record of actual moments of apology.

In his 1778 posthumous autobiography *The Confessions*, Rousseau purports to tell us his story. As straightforward autobiography, his text ought in theory to be just a work of personal history. Because of its title, "Confessions," we should be given a straightforward recitation of Rousseau's wrongs. In fact Rousseau's narrative will be admixed with many long passages of self-defense. Everywhere in *The Confessions* Rousseau will drop clues that he is fictionalizing himself and his actions in an attempt

to get the reader to pardon him for his wrongs. Our first instinct upon reading Rousseau's attempts to justify himself may be to see him as selfish; Rousseau, we may well conclude, has written *The Confessions* only because he is a hypocritical and small-minded person who wants to get away with being nasty to everyone. This instinct is not wrong, but it does not get at the whole picture.

A more accurate understanding of *The Confessions* also sees Rousseau as one of the key inheritors of Hobbes' ideas. As Hobbes had demonstrated, the granting of pardon was a way of invoking the social contract. Rousseau concludes from this that if he can persuade us to forgive him for his wrongs, then he is doing the important work of making rights natural and universal. Indeed, the *worse* the crime Rousseau can rhetorically get away with, the *more* rights will become natural. Since in the state of nature that Rousseau and Hobbes idealize there are no social distinctions and everyone possesses a natural right, then the work of imaginative writing must be to extend this pre-social natural state to those whom society, with all its false distinctions, most despises. As with Hobbes, the creation of a fictional self will be *the* essential step in attaching natural rights to real human people. The contractual self must be partly fictionalized because by contracting it has become the bearer of Hobbes' political ideal of universal equality. Although this ideal, as an ideal, cannot be reached in real life, the fictionalized self represents the possibility of this universal equality. Only by fictionalizing the self can this ideal be invoked. In *The Confessions* this fictionalization will not always be obvious, partly because of the veil of personal history Rousseau creates, and partly because Rousseau will prove to be a man of many selves. Unlike the Leviathan, who persists through Hobbes' book with one shape and one name, Rousseau's personal history in *The Confessions* will be that of taking on a num-

ber of roles each of which represents a step towards the self's independent possession of natural rights.

Rousseau begins his role playing from the very first moments of *The Confessions*. In the opening paragraphs of the book he imagines himself in heaven standing before a judging God. "Let the trumpet of the Last Judgment sound when it will; I shall come with this book in my hand to present myself in front of the sovereign judge. I will say aloud: "Here is what I've done, what I've thought, who I was."[1] On judgment day, Rousseau, instead of making an oral defense for himself, presents his book *The Confessions* as his defense. He then offers up this justification: the true man, the man to be judged, is not the person you see before you; that man is a lie. The *true* person, the one who ought to be judged, is the character in the book. Rousseau says: "Whether nature did well or ill in breaking the mold in which she threw me, one can only judge after having read me," (5). Rousseau here invites the reader's judgment but demands that that judgment be withheld until one had read the entire book that he presents as constituting *him*. From the language presented here, the self that we are contracting with is purely the self constructed in the book. The implications of such a move are enormous, for Rousseau has just made the imaginary person constructed by the text more powerful and more real than the true, historical person. As Joshua Wilner has put it, Rousseau's moment of fictional self-creation "is the index of a far-ranging transformation of the cultural work the act of self-representation is being called on to perform, a transformation that enters deeply, even violently, into the

[1] Citation from *The Confessions* and other autobiographical works by Rousseau will be based on my English translation from Volume I of the Pléiade Edition of the complete works, hereinafter cited as *O.C.* with a page number. See Jean-Jacques Rousseau, *Oeuvres Complètes* ed. Bernard Gagnebin, Marcel Raymond, and Robert Osmont, *Tome I* (Paris: Les Edition de la Pléiade, 1959) 5.

structure and experience of the self-representing subject."[2] All banes and blessings are to fall not on the real Rousseau, but on the character of himself that he's created. Viewed philosophically, Rousseau's Jean-Jacques is the next logical step from Hobbes' invention of the Leviathan. Hobbes' representation was only as real as the rights given him by the instituting contract, but Rousseau's fictional self is intended to be *more* real than the person who created him.

Jean-Jacques refers to the real Rousseau but is not him. Rousseau's fictionalized Jean-Jacques acts as the bridge between the collective world of history and the individual world of fiction. This melding of history and fiction is also a necessary step in the evolution of natural rights. Since rights are themselves a fiction—something we imagine we ought to have—Jean-Jacques and the other names Rousseau will give the various emanations of his alter-ego will embody the translation of fictional ideals into history. History needs to be fictionalized as an ideal because only in this way can our imagined rights truly become real. Even more than Hobbes' Leviathan, Rousseau's fictionalized versions of himself are at once a historical person, a series of textual representations of people, and a form of social contract. By recording a narrative of wrongs, and then converting those wrongs into natural rights through rhetorically invoking Hobbes' law of forgiveness, Rousseau's autobiography will help bring the modern individual into being. In Rousseau's autobiography history and fiction intertwine so as to allow a distinctive self to emerge.[3]

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[2] Joshua Wilner, *Feeding on Infinity: Readings in the Romantic Rhetoric of Internalization* (Baltimore: Johns Hopkins U. Press, 2000) 8.

[3] A careful examination of individuality would also recognize that a Kantian view of individuality, where the doing of one's duty through the exercise of a *good will* and in accordance with a moral law is paramount, is also an important form of individual creation. However, Kant's moral subject, through a focus on *action* instead of expla-

A number of writers on Rousseau's *Confessions* concur on the fact that they are an autobiographical apologia—a form of personal justification or self-defense. Whereas Augustine uses his work to show his submission to God and his will, Rousseau inverts this relationship, and attempts to persuade God to excuse him for all his wrongs.[4] Roy Pascal declares: "The book is then an apologia in the most general sense…*The Confessions* are, among other things, a self-defense and counter accusation…the autobiography takes the place of the confessional. His work is therefore linked with the religious autobiography, with Augustine—but with the significant difference that Rousseau speaks not of sins against God, but primarily of sins against his own true self." [5] Peter France opines that Rousseau's autobiographical writings aimed: "to give a professedly objective account of himself, to imagine the most damning criticisms of his behavior and to refute them, so that finally he can overcome the imaginary splitting of the self in a picture of his life and works as a unified and innocent whole."[6] Eugene Stelzig agrees: "Rousseau invites the obvious charge that he too, like Montaigne and the others before him, is writing his apology, showing himself how he wants to be seen and not at all how he is. And the obvious but too simple answer is that of course he did."[7]

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nation, needs no speech act. See Immanuel Kant, *The Groundwork of the Metaphysics of Morals* trans. H.J. Paton (New York: Harper & Row, 1964).

[4] Jacques Derrida in his essay "Typewriter Ribbon" speaks of the intimate relation between these two works: "Augustine and Rousseau, both authors of *Confessions*, speak the language of excuse more often than that of pardon or forgiveness" (80). Jacques Derrida, *Without Alibi* ed. and trans. Peggy Kamuf (Stanford: Stanford U. Press, 2002). Yet Augustine's *Confessions*, unlike Rousseau's, is truly a confessional work since its purpose is to let Augustine become one with God.

[5] Roy Pascal, *Design and Truth in Autobiography* (Cambridge: Harvard U. Press, 1960) 40–41.

[6] Peter France, *Rousseau: Confessions* (Cambridge: Cambridge U. Press, 1987) 17–18.

[7] Eugene L. Stelzig, *The Romantic Subject in Autobiography* (Charlottesville: Univ. Press of Virginia, 2000) 36.

Madeline Ellis in her study on truth in *The Confessions* questions this predominant tradition of seeing Rousseau's text as an apologia: "Unfortunately, all too often readers consider the book mainly as a piece of apologetics instead of the skillful narration it really is."[8] J.M. Coetzee, however, views Rousseau's text primarily as a confession, and says: "Nevertheless we can demarcate a mode of autobiographical writing that we can call the *confession*, as distinct from the *memoir* and the *apology*, on the basis of an underlying motive to tell an essential truth about the self."[9] Coetzee's definition seems here to leave aside the view of confession as requiring a referential truth-in-the world and implicitly accuses writers of apologies and memoirs of being disingenuous, of seeking to avoid the truth of the self in favor of a kind of self-fashioning that recalls the defensive and manipulative aspects of the apologia.

For Paul de Man, however, Rousseau's text "…is not primarily a confessional text. To confess is to overcome guilt and shame in the name of truth" (279).[10] Though he admits there are confessions in *The Confessions*, de Man sees Rousseau's text as trying to do more than this: "It is not enough to *confess*, one also has to *excuse*" (280). According to de Man, Rousseau will explicitly acknowledge this aim when he expresses his desire to be excused for the celebrated incident of the ribbon theft.[11] Yet this wish to be excused, framed by an attempt to justify the ribbon theft and assisted by Rousseau's attempt to close the matter: "Here is all of what I have to say about this matter. Let me never speak of it again (87)," fails, for as de Man points out, Rousseau revisits his guilt for the theft in the Fourth Walk of *The Reveries*. "Clearly, the apology

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[8] Madeline B. Ellis, *Rousseau's Venetian Story: An Essay Upon Art and Truth in* Les Confessions (Baltimore: Johns Hopkins U. Press, 1966) x.
[9] J.M. Coetzee, "Confession and Double Thoughts: Tolstoy, Rousseau, Dostoevsky," *Comparative Literature* 37.3 (Summer 1985): 193–232.
[10] Quoted in Paul de Man, *Allegories of Reading* (New Haven: Yale U. Press, 1979).
[11] Rousseau, *O.C.* I, 86.

has not succeeded in becalming his own guilt to the point where he would be allowed to forget it," (282) de Man argues. "The only thing one has to fear from the excuse is that it will indeed exculpate the confessor, thus making the confession (and the confessional text) redundant as it originates" (280). What de Man's point reveals is that a text that successfully exculpated its confessor would stop—there would no longer be anything or any reason to confess. So *The Confessions* cannot be purely an excuse text, for that would preclude the need to continue with the confession.

As de Man sees it, "…the confession fails to close off a discourse which feels compelled to modulate from the confessional into the apologetic mode. Neither does the performance of the excuse allow for a closing off of the apologetic text…" (282). De Man explains that the text of *The Confessions* seems to veer between two poles—one of confession, from which it must move because to confess alone is merely to admit to fault, and one of excuse, which though verbally "performed," the text can never quite reach. De Man suggests that this textual territory that is neither quite confession nor excuse is the text's "apologetic mode." Although de Man's essay does not attempt to define any features of the apologetic mode, nor does he return to this concept, he was not alone in this intuition about *The Confessions*, as the epigraph above from William Blake's *Jerusalem* shows. Blake's quotation seems to take Rousseau's entire text as apologetic, whereas de Man's argument suggests that textual apology is only one of several modes in Rousseau's text. Neither thinker, however, ever identifies what exactly makes *The Confessions* an apologetic text nor when and or where such apologetic moments are to be found.

Rousseau's use of the word "apologie" in French in *The Confessions* is limited to the older sense of the defense of a position, as our conventional English meaning

of apology as an admission of wrongdoing does not exist in French. Since 1790, however, English translators of *The Confessions* have found recourse to the English word "apology" where the French original reads alternatively: "excuse," and "apologie." Translations, both from the late 18th century and the late twentieth, are consistent in translating the French word "excuse" into the English word "apology" and the French word "apologie" into the English "apologia."[12] De Man's discussion about an apologetic mode raises interesting questions about the interrelationship between the two senses of apology as apologia and as attempted excuse. Why the shift in the English meaning, so that today many educated English speakers are unaware of the older sense? If the two senses are interrelated, as seems likely, what is the nature of that relationship? (From the perspective of French one might reframe this question as an inquiry into the semantic relationship between "excuse" and "apologie.") When does the defense of a position rhetorically require the attempt to excuse wrongdoing? Does admitting one has been wrong weaken or strengthen one's overall defense? If today to

[12] Compare for example Book VII of the 1790 and 1819 English editions which use the word "apology" in both senses: "for I am not under the least apprehension lest the reader should forget I make my confession and be induced to believe I make my apology." 5 and 86 respectively: defense—the French Pléiade edition has "apologie" here. And later: "In the evening Vitali wished to make me some apology, to which however I would not listen." 72 and 136 respectively: admission of wrongdoing—the French Pléiade edition has "quelque mots d'excuse." *The Confessions of J.J. Rousseau Citizen of Geneva*, Part the Second, to which is added a new collection of letters from the author, Translated from the French, In Three Volumes, Vol. I (London: Printed for J.J.G and J. Robinson and J. Bew, Paternoster Row, MDCCXC); *The Confessions of J.J. Rousseau Citizen of Geneva* in Two Parts, to which are added The Reveries of the Solitary Walker, Translated from the French, In Four Volumes. Vol. II *A New Edition* (London: Printed for Longman, Hurst, Rees, Orme and Brown, Paternoster Row, 1819). J. M. Cohen, in his 1953 Penguin translation uses the words "apologia" and "apology" here respectively. See Jean-Jacques Rousseau, *The Confessions* trans. J.M. Cohen (New York: Penguin, 1953). Christopher Kelly, in his recent scholarly translation, uses the word "apology" in the first case, with a note that he intends its older meaning, and "excuse" in the second case. When, however, a few lines later Mr. Vitali's excuse is made public, Kelly translates it as a "public apology." See Jean-Jacques Rousseau, *The Collected Writings of Rousseau* ed. and trans. Christopher Kelly et. al. vol. 5 (Hanover: University Press of New England, 1995) 259.

apologize means almost always to admit to a wrong, what changes brought about this shift and made the older sense disappear? Rousseau's *Confessions* is fascinating for elucidating these questions because Rousseau is always doing something wrong and then trying to convince us he was right. Apologies, in both senses of the word, often appear in this text. At moments the two genres even appear to blur, so that to defend and to admit become the same thing and determining whether Rousseau is using one approach instead of the other becomes very difficult.[13]

What all these debates about the nature of *The Confessions* are struggling with, in part, is the way in which apologia at moments slips into apology—how in Rousseau's attempt to justify, explain, and refute, his autobiographical self ceases merely to argue and defend, but actually presents itself as *self*. I want to suggest that these moments of authentic self-as-self emerge from the opposing tendencies of confession and excuse noted by de Man. From the confessional desire to take responsibility for a feeling or an event that uniquely defines a separate and distinct self, and the contradictory wish to integrate this distinct and separate self into society, the apology, as distinct from the apologia, arises as its own rhetorical form. In trying to negotiate the contradictory impulses of personal ethics and moral or civil law, the self is forced at

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[13] Edward Bloomberg, "Rhétorique et Apologétique Chez Rousseau," *Orbis Litterarum* 36 (1981): 269–280 gives an explanation of wrongdoing in *Julie*: "Julie and Saint-Preux find happiness through the renunciation of their faults, through constraint," (272) that since it involves an airing of faults and an attempt at modification of behavior, elides the traditional distinction between apology as admission of wrongdoing and apology as rhetorical self-defense. J.L. Austin, "A Plea for Excuses" *Proceedings of The Aristotelian Society* v. 57 (1957): 1–30, makes a similar distinction between admission of wrongdoing and defense in his study of excuses. Jean A. Perkins in "Justification and Excuses in Rousseau," *Studies on Voltaire and the Eighteenth Century* 89 (1972): 1277–1292, argues that in the case of justification one accepts responsibility for an act of wrongdoing, but tries to rhetorically convert it into a praiseworthy act, while in the case of an excuse one accepts the wrong as wrong but attempts to offer extenuating circumstances to reduce the degree of blame. She then applies these distinctions to *The Confessions*.

moments to apologize. The apology as confession of wrongdoing but with a subsequent attempt to excuse that wrong becomes in *The Confessions* a constitutive moment of authentic self-identity. I want to make a brief comparative study of moments of apology and apologia in *The Confessions* with the aim of understanding how this minor but important change takes place.[14]

Francis R. Hart, in his "Notes for an Anatomy of Modern Autobiography" takes a different tack from these other thinkers, and opens the idea of autobiographical apology to the more modern sense of apology as distinct from justification or positional defense. Hart's autobiographical anatomy understands confession, apology and memoir as discrete autobiographical genres each of which serves a different philosophical purpose:

[14] Ann Hartle in *The Modern Self in Rousseau's* Confessions (Notre Dame: U. of Notre Dame Press, 1983) has a position that appears to argue against my view of personal apology in *The Confessions*: "For the most part those who have dealt with *The Confessions* itself and those who have cited passages from it in support of interpretations of Rousseau's other works, have approached it from a *psychological* standpoint. This psychological orientation is to be expected once the assumption is made that the work is Rousseau's autobiography and personal apology. On this understanding, *The Confessions* itself becomes merely a source of data for the psychologist, the psychiatrist, and the interpreter in general." 7. I agree with Hartle's general thesis—that *The Confessions* is a philosophical work whose purpose is "the raising and answering of the question about nature—what man is by nature" 33, but disagree that personal apology, as opposed to apologia, cannot be philosophical. I concur with Hartle, Starobinski, et. al. in the idea that Rousseau has an inner self he wants to reveal, but I want to focus on the mechanism of *how* this self-revelation happens. In line with de Man, I believe this self-revelation must contend with the opposing forces of the confession and the excuse. In contrast to Hartle, I would suggest that the personal apology is never purely personal. Because it is addressed to someone, it aims to persuade; because it aims to persuade, the apology is also by its very nature, philosophical.

> Traditional terms will serve, so long as we understand them in their characteristic post-Enlightenment connotations. "Confession" is personal history that seeks to communicate or express the essential nature, the truth of the self. "Apology" is personal history that seeks to demonstrate or realize the integrity of the self. "Memoir" is personal history that seeks to articulate or repossess the historicity of the self. "Confession" as an intention or impulse places the self relative to nature, reality; "apology" places the self relative to social and/or moral law; "memoir" places the self relative to time, history, cultural pattern and change. Confession is ontological; apology ethical; memoir historical or cultural, (227).[15]

As Hart makes clear, these genres are not exclusive of one another: "In practice they complement, or succeed, or conflict with one another," (228). The three aspects of Hart's definition of the autobiographical apology result in a view of a text's apologetic mode as a written attempt to ethically *integrate* the self in relation to "social and/or moral law." Hart's view of the apologetic text presupposes that the autobiographical writer begins as a disintegrated self that struggles to form itself in an ethical way. In the process of integrating, the self's ethical sense comes into conflict with social and moral law. In Hart's terms then, there is a dialectical relationship between personal ethics and the social or moral laws that pull the subject in different directions. The purpose of the apologetic text then becomes the synthesizing of a self from the opposing forces of universal law and subjective ethics.[16]

Tzvetan Todorov has called this cleaving of selves to represent different qualities "the ultimate foundation of [Rousseau's] system."

> To begin with there is the well-known opposition between nature and society, an opposition that Rousseau makes his own and that becomes

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[15] Francis R. Hart, "Notes for an Anatomy of Modern Autobiography," *New Directions in Literary History* ed. Ralph Cohen. (Baltimore: John Hopkins U. Press, 1974).

[16] Angela Esterhammer in *The Romantic Performative: Language and Action in British and German Romanticism* (Stanford: Stanford U. Press, 2000) argues that "Romantic philosophy of language…regards representation and communication as inseparable acts of verbal utterance," 11. She quotes both Fichte and Coleridge as supporting the idea that the ideal verbal language was a form of self-positing, of making "I am" mean both an affirmation of the self's existence, *and* simultaneously of creating that self in the act of speaking it.

> in his thought an opposition between the "state of nature" and the "state of society." Corresponding to these two states are two types of man, types that Rousseau variously calls "natural man" and the "man of man," or "the man of nature" and "the man of opinion" or "savage man" and "civil man" or, yet again "the man of nature" and "the facetious and chimerical man whom our institutions and our prejudices have substituted for him."[17]

As Todorov explains Rousseau's schema, the individual moves from being an isolated individual to being a moral individual by taking on the qualities of the citizen. Todorov makes clear that Rousseau sees value in each of these different ways of being. Nonetheless, the "moral individual" is the end result of an attempt to reconcile the opposition between the individual and social man. Todorov views this reconciliation as taking place in Rousseau's *Emile*, first through the process of Emile's secular education, and later through a kind of deism of the sort Rousseau describes in "The Faith of the Savoyard Vicar." A similar process, I would argue, is happening in *The Confessions*, but the isolated individual is now not another person called Emile, but an "I" represented in autobiography. I want to argue that for this "I" a crucial moment of the integration between the man of nature and the citizen required to become a moral individual happens through the process of the apology.

This slippage of selves—between third person characters Rousseau will describe in his text, and the first person autobiographer who does the writing, is fundamental to how Rousseau conceives of self. The elision is the natural process of the moral individual unfolding itself. In the autobiographical fragment "Le Persiffleur" Rousseau says "Nothing is so unlike me as myself."[18] As the autobiographical narrative progresses, the self will gradually become more like itself. To achieve this it must find methods of self-integration, ways of taking on the social qualities it does not possess,

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[17] Tzvetan Todorov, *Frail Happiness: An Essay on Rousseau* trans. John Scott and Robert Zaretsky (University Park: Penn State University Press, 2001) 5.
[18] *O.C.* I, 1108.

and making them its own. If we remember that Hart understood apology as an attempt to ethically integrate the self in relation to a broader sense of social or natural law we can see how Rousseau's scenes of apology in *The Confessions* are his attempt at integrating our isolated and moral selves to create the distinct individual Todorov calls the citizen.

E. S. Burt has characterized *The Confessions* as a Bildungsroman.[19] Burt argues that Rousseau's early experiences of wrongdoing come to shape his later outlook on justice. He characterizes the early incidents of Mlle. Lambercier's spanking and of the broken comb as signal events for Rousseau's sense of self. According to Burt, the lessons about justice Rousseau takes from these events will be replayed psychologically in other, later experiences of wrongdoing. The three scenes I will discuss here—the broken comb, the stolen ribbon, and the culminating moment of the Vitali apology—are interesting because each implicates Rousseau in an act of wrongdoing with another person. All three scenes involve moments of moral trial. In the first two figures with superior authority are present in the room. In the third the authority figure has disappeared and is instead embodied in the person of a servant who apologizes to Rousseau. Looked at chronologically, as the book unfolds, the interesting thing about the three incidents is how in each successive act blame is progressively shifted away from Rousseau and onto another person. In each subsequent experience of injustice Rousseau's relationship to servants changes so that he progressively gains power over them. The growth and development of the autobiographical I is measured in part by Rousseau's ability to compel these servants to do his bidding. In Rousseau's radical view of the individual, the growth of the ethical self is defined by successfully bend-

[19] E.S. Burt, "Developments in Character: Reading and Interpretation in 'The Children's Punishment' and 'The Broken Comb,'" *Yale French Studies* 69 (1985): 192–210.

ing others to your will. For Rousseau the apology becomes a ritual of power—an outward manifestation of an uncompromised individuality. Even as his evolving self seems purely egotistical and a glowing example of moral exceptionalism, we should keep in mind that Rousseau's autobiographical project in *The Confessions* assumes a merging of the writer's I with that of the represented character. For Rousseau the creation of an ethical self in the context of autobiography becomes an inherently public and political act.

Let us first take the incident of the broken comb. "One day I was studying my lessons, alone in the room next to the kitchen. On the mantelpiece the servant girl had placed Mlle. Lambercier's combs to dry. When she returned to get them it was discovered that one of the combs had lost all its teeth on one side. Who to blame for this destruction? no one else but I had entered the room. I was interrogated; I denied ever having touched the comb, (18)."[20] Phillipe Lejeune has pointed out that the tone of the three opening sentences is pure summary—they tell a narrative story in the fashion of someone recounting a tale from the witness stand.[21] The narrator here assumes an objective voice. We imagine the prosecutor in the middle of his summary of the facts saying "it was discovered…" [il s'en trouva] in such a way that the passive construction of the "it was" removes any obvious agency from the discovery; something merely was revealed—at this point no one is to blame.

Lejeune characterizes the next sentence "Who to blame…?" as the opening of a moral trial at which the readers are spectators. But though there is indeed the language of a trial here, Lejeune's essay takes it for granted that the servant girl could not be guilty. Burt, however, argues otherwise. He remarks that the interrogation that fol-

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[20] *O.C.* I.
[21] Philippe Lejeune, "Le Peigne Cassé," *Poétique* 25 (1976): 1–29.

lows automatically implicates the child; the idea that the servant girl could have accidentally broken the comb seems never to occur to the Lamberciers. Rousseau's narrative clearly states "no one else but I had entered the room." But of course this is patently false—Rousseau has just told us that the servant girl entered the room. The interesting question then is why the denial? Does Rousseau really want us to believe something he's just told us the opposite of? Or could it be that the servant girl—the only other possible perpetrator—is literally no one for the autobiographical I that narrates the story? The servant girl has no name and is given no visual description; consequently she has no self; together these details ensure that she has no possibility of agency. She performs a service and then she leaves. The servant girl is drawn here as a perfect representation of the will of her employers; she is made transparent by her function. Rousseau bothers to introduce her and create the contradiction of her nonentity, but tellingly he never accuses her of any crime. To accuse her would also be to permit her the possibility of defense. Not only would an accusation constitute the servant girl as a self, this creation would simultaneously institute an expectation that she had the right to speak for herself. Were she innocent, then of course Rousseau would justifiably have to be guilty.

We thus confront a paradox about Rousseau's denial that he broke the comb. If we believe the denial, then the servant girl must be responsible for the breakage; if we believe Rousseau that no one but he had entered the room, then only he could have broken the comb. Yet despite the question of guilt Rousseau's paradox works to raise, the only person punished is the child. Lejeune's analysis of the scene is as a moment constitutive of the autobiographical self: "a fusion of the discourse of the narrator and the voice of the child" (15). This unity of discourse, as Lejeune explains,

brands the child with an experience of injustice that the narrator, as he grows up, carries forward in the book. But this is a peculiar kind of injustice, for since the servant-girl is truly no one, the "Who to blame?" question that Lejeune explains is so central to the trial is not a question at all. As Rousseau has insisted, there is only one person here. Rousseau's intent with this trial and punishment has been to show how unfairly he has been treated, how slights against his character are all gross injustices. "Nonetheless opinion was against *me*, it swept aside all *my* protestations," (18) [my italics]. This fact causes the question of guilt to collapse back into the accusation in such a way that the accusation creates the self it points to. This makes the actual perpetrator of the crime irrelevant. The key moment is neither the commission of the crime nor the process of the trial. Rather, the important moment is the unjust accusation of Rousseau's "child" and his even more unjust punishment. The accusation of the crime thus becomes a self-constituting act. Along with the punishment, it creates an individual, but not one finally in the proper ethical relation to society.

Crucially, the unity of previously separated selves Lejeune remarks as self-constitutive happens in opposition to someone else. The servant girl, defined by her function, exists solely to provide the antagonistic society against which the autobiographical self is made by the two discourses of the child and the narrator that Lejeune cites. The servant girl then must serve two contradictory aims—she must show how unfair the accusation against the child really is, (we must believe she broke the comb) yet she must also not threaten the emergent autobiographical self (therefore, she could not have broken the comb since it is the accusation of wrongdoing that constitutes the self). Logically this pushes the reader to the conclusion that Rousseau constructs his story in such a way that we are compelled to understand him as guilty of

the act but free of the blame. In order to establish the claims of the individual against the claims of society—to have, in Todorov's schema, the solitary self integrate with the citizen and the nexus of rules and laws that the citizen represents, and for the ethical individual to emerge, no other option is possible. Lejeune's analysis argues for seeing the broken comb incident in just this way—as a fusion of discourses that help create the autobiographical I through a merging between society and the isolated individual. The servant girl represents the Lamberciers; together these three people stand for society against the innocent virtue of the child and his emergent sense of self.[22]

The case of the ribbon theft is perhaps even more studied than the story of the broken combs. The incidents of the theft and the excuse hardly need to be reviewed here. Suffice it to say that the earlier incident of the broken comb is replayed in the ribbon theft, but with an important change in the relationship between Rousseau and the servant girl. My point of focus in this analysis is on the relationship between Rousseau and Marion. Marion, like the girl of the broken combs, is a servant, but this time she is given a name. As a named presence, and no longer "servant girl" in the abstract, Marion has a self; she has been made into a viable entity. Though her job function may require her to represent her employer somewhat in the fashion of the earlier servant girl, this can only be a partial representation since her name gives her the possibility of independent agency. Because of her name, she can act against the

[22] The scene also helps answer Hume's difficulties about the translation of an inner moral sense into the public realm of justice. Our sense of the moral status of what is done to the child is based on the visible action of its punishment. This public performance, albeit in an autobiography, binds readers (spectators) in an experience that despite Rousseau's insistence that the wrongdoing should have been taken seriously, practically all readers will understand as a touchstone for the idea of injustice: the pure innocent wrongly punished.

interests of her employer; she has the possibility, like Rousseau will himself, of becoming an individual. As before, there is a crime, and as before there is an accusation of Rousseau. In this case, however, Rousseau seeks to deflect the guilt for the crime not onto a conventional servant girl, but onto "Marion." But with a name and a face she is not only possibly guilty, she can now deny Rousseau's accusation.

The ribbon is discovered missing in the check of the inventory, but Rousseau tells us nothing about where or how the ribbon is finally discovered. He boldly accuses Marion, but this accusation alone is insufficient to exonerate him. Instead both Rousseau and Marion become suspects in the theft of the ribbon. As it turns out Marion neither affirms nor denies the crime of which Rousseau accuses her. The Comte du Roque cannot decide who is guilty, and ultimately both Rousseau and Marion are let go. Just as the first accusation of Rousseau in the broken combs incident was a self-constituting act, so too this second act of accusation works to constitute another self—that of Marion. In both cases, false accusation creates a powerful moment of injustice that allows an ethical individual to arise. Marion of act two, takes the place of the child Rousseau in act one. But Marion's job function also links her via representation to the first servant girl. She is a bridge between Rousseau's past and his present. He has enough power now to redirect his crime to another, but not yet enough to free himself of it. We might then read the Marion accusation as a pure act of revenge—Rousseau does to Marion what the servant girl did to him. It is however, a displaced revenge. The servant girl of the broken combs has disappeared, and a new servant girl—pretty, innocent-looking, and most of all, in possession of a name, has taken her place.

Rousseau accuses Marion of doing what he confesses to us he did. In what we might call a chain of representations, Marion is linked to the nameless servant girl of the broken comb, who herself represents the Lamberciers. Society then, in the person of Marion, now has a name, a face, and the possibility of agency. Rousseau, as we know, claims to love Marion and uses this claim to justify his wrong to her. In the equation of guilt and blame Rousseau and Marion now sit at equilibrium: he would have Marion take the fall for him as a sign of true love, but Marion, because she is now named, also has a viable self, and will not confess to a crime we know Rousseau alone is guilty of. Rousseau's solitary self uses the idea of "love" to justify a figurative merging with Marion who in her purity and innocence shows society in its ideal; she represents a pure and innocent example of moral virtue. While Rousseau's accusation will sully her—and indeed totally ruin her reputation, she is merely the proof of Rousseau's fundamental axiom that people begin naturally good and are corrupted by living in society. The actual status of Marion's guilt or innocence here is not at issue. As a viable member of society Marion *must* be sullied by living in it. To love Marion, in Rousseau's terms, is to bring her into society by corrupting her. Only when she has been made like Rousseau himself can the merging of selves we seek in love begin. Yet in order for this merging between Rousseau and Marion to happen, society must accept responsibility for the wrongs committed by the solitary self. Where Rousseau accuses, Marion, to prove her love for him, must accept this wrong even though she and we know Rousseau alone is guilty. Only when pure uncorrupted society—shown here in the person of Marion—fully accepts responsibility for the wrongs of the already morally-sullied Rousseau, can the ethical individual finally emerge.

Had Rousseau been wholly successful in his deflection of responsibility we would have had a perfect inverse of his first crime, with Rousseau here guilty of an action, but a servant girl accepting the punishment. Against the experience of injustice in the case of the broken combs, had Marion accepted responsibility for an action she knew she was innocent of, Rousseau's ribbon theft would have reconstituted justice for him; a sense of ethical balance would have been restored. By behaving as Rousseau behaved in the broken comb incident, through exactly mirroring him, seeing herself exactly as he saw himself there, she would have proved her love for him just as he declares his love of her to us. In this case the two would have been joined forever in an experience of injustice. Like Adam and Eve they could have wandered the world as the first true individuals. But Marion finally dwells in a space in-between, neither quite Rousseau's love nor his socially-beholden nemesis. Rousseau tries to constitute his individuality from the love he feels for Marion, but fails. Instead, in the third act of this moral drama, he turns from female to male and from love to hate as a way of constituting the ethical individual. Similarly, the self-constituting performance will shift from an autobiographical confession of injustice in the first act, to an accusation of another in the second (what we might frame as an attempted excuse) to another person's apology for the autobiographical I's injustice in the third.[23]

[23] This moment recalls the complaints of the creature in Mary Shelley's *Frankenstein* who demands that for his unethical fashioning of a suffering being Victor Frankenstein must create a female companion for him. The creature promises that this female companion, by providing him with society will make him loving and moral. Frankenstein refuses because of his inability to believe that the creature is sincere. He worries that to create a female would increase the evil they could do together. The creature, enraged at this rejection, promises that he will live not in love, but solely in hate. Diana Reese in "A Troubled Legacy: Mary Shelley's *Frankenstein* and the Inheritance of Human Rights," *Representations* 96 (Fall 2006) says "the daemon declares 'his right' to the society of a companion, indeed to society itself." 49. Among other things, unity

One of Rousseau's clearest examples of apology as admission of wrongdoing is the scene of M. Vitali's attempted excuse and subsequent apology in Book VII of *The Confessions*. The apologies in this scene are sometimes rendered by English translators as "apology" and sometimes as "excuse". Vitali's performance serves as a clear marker for Blake's succinct review of the book. Of course, since M. Vitali's wrongdoings are filtered through Rousseau's perverse consciousness, the manner in which Rousseau views Vitali's apologetic act also provides an interesting point of comparison to Rousseau's attempts to excuse his own behavior. In those earlier scenes Rousseau stands alone facing his accusers. His aim in those cases can easily be read as apologia—an attempt to defend his character against those who seek to assign blame to him. The character of such passages is argumentative; there are always mitigating factors; Rousseau forever insists his good intentions were misunderstood. In contrast, the Vitali apology is unusual in that where these other scenes show Rousseau acting wrongly towards others (e.g. Marion, the Lamberciers) and then having to defend himself, in the Vitali scenes, Vitali acts wrongly *towards* Rousseau. This shift in the direction of the wrong has important implications for how that wrong will be understood, and will help reveal key differences between apology and apologia.

M. Vitali is an Italian employee of Mr. de Montaigu, the French ambassador to Venice.[24] Rousseau introduces him as: "The second Gentleman, chosen by M. de Montaigu, was a scoundrel from Mantua called Dominique Vitali, to whom the Ambassador entrusted the care of his house, and who, by dint of fawning and base haggling,

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with Marion, by instituting a "society" would threaten Rousseau's own commitment to uncompromised individuality.

[24] See Maurice Cranston, *Jean-Jacques: The Early Life and Work of Jean-Jacques Rousseau 1712–1754* (New York: W. W. Norton & Co. 1982) 169–192, for a useful history of Rousseau's misadventures in his diplomatic role in Venice.

obtained his confidence and became his favorite, to the great prejudice of the few decent people who were still there and of the Secretary who was at their head" (307). The portrait of M. Vitali that emerges from this introduction is not a flattering one; the house, as Rousseau attests "has never been on a very good footing," (307) and so by implication, the man responsible for its upkeep is an incompetent. Rousseau suggests as much when he refers to M. Vitali as a "scoundrel." Obviously man who is a "scoundrel" cannot also be much of a "Gentleman"; either that, or the term "gentleman" comes to be meaningless and social distinctions are erased. Yet on a first reading, erasing social distinctions is not what Rousseau wants to do, for this sketch of Vitali makes clear that he also has an antagonist who is called the "Secretary" and is at the "head" of "the few decent people who were still there." Against a man who "fawns" and engages in "base haggling" the Secretary is the prime example of someone more virtuous who does not. That secretary, of course, is Rousseau himself. As M. de Montaigu's "favorite," Vitali encourages M. de Montaigu in his "prejudices." Rousseau, by denominating Vitali a gentleman yet also a scoundrel, appears to support not the elimination of distinctions, but their reevaluation on a different basis—one where virtue takes the place of Vitali's "prejudice." Rousseau's system of social distinctions through virtue would consequently promote "decent" people, most notably Rousseau himself, who as their self-styled "head" is presumably more decent than all the rest.

Rousseau next demands something unusual of his readers: "The true eye of an honest man is always worrisome for a cheat. It would have required no more than this for such a man to hate me; but this hatred had yet another cause which made it crueler still. I must state that cause, so that if am wrong I may be condemned" (308). Rousseau here asks that we, his readers, make a decision about his moral behavior. In

this contract with the reader Rousseau is setting up a kind of trial of virtues between him and Vitali; we may exonerate or condemn, but our decision, Rousseau instructs us, must depend upon whether he, Rousseau, has stated the cause. In this moment of trial—of voluntarily allowing the reader to determine the moral status of this disagreement, Jean-Jacques moves away from a confessional mode and from his presumed need to constantly engage in apologia, towards an attempted excuse for his behavior.

But even as he makes this shift he is undermining his own strategy, for Rousseau's contract with his readers to make a moral judgment is to be based purely on an examination of the "cause" of Vitali's hatred.[25] Rousseau is admitting that he may be wrong about the reasons for why Mr. Vitali hates him—not wrong about the hatred itself—for that is already well-established by Rousseau's testimony, but wrong about the *cause* for M. Vitali's hatred. This kind of language opens up the possibility that Rousseau in his role as "the Secretary" has in fact "caused" Vitali's hatred, and for entirely valid reasons.[26] Rousseau's formulation also embodies a promise: that he will

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[25] Jean Starobinski in *Jean-Jacques Rousseau: Transparency and Obstruction* trans. Arthur Goldhammer (Chicago: U. of Chicago Press, 1988) says of Rousseau: "In his letters he constantly pleads to be judged and evaluated. But as soon as he senses that he has been judged (even if that judgment is favorable) he feels misjudged, mistaken for someone else, distorted, tried in absentia with no chance to defend himself," 143. All subsequent Starobinski citations will be to this edition.

[26] Hume's skeptical philosophy calls into doubt the possibility of clearly drawing conclusions from causes: "When we infer effects from causes, we must establish the existence of these causes; which we have only two ways of doing, either by an immediate perception of our memory or senses, or by an inference from other causes; which causes again we must ascertain in the same manner, either by a present impression, or by an inference from *their* causes, and so on, till we arrive at some object, which we see or remember." David Hume, *A Treatise of Human Nature* ed. David Fate Norton and Mary J. Norton (New York: Oxford University Press, 2000) 58. Hume's point here suggests that Rousseau cannot *validly* establish any cause for Vitali's hatred. If so, then Rousseau's attempt to establish objective grounds for moral judgment is either an attempt to dupe the reader or to dupe himself.

state the cause. As preface to M. Vitali's apology, Rousseau's words in *The Confessions* promise the reader that "the cause" will be stated, both overtly and correctly; this in turn requires the reader to assume that Rousseau will not lie.[27] Our assurance of this fact is provided by Rousseau's earlier reference to himself as "an honest man." While Rousseau's formulation leaves open the possibility that we judge him as guilty, it ignores the possibility that we may not be able to legitimately discover the cause of Vitali's hatred—that Rousseau will mislead us not through a lie of commission, but through one of omission. The text rhetorically expects that such an omission would implicate Vitali, for in this case Vitali would hate Rousseau *for no reason*. Of the three cases: truthful statement of "the cause," omission of this cause, and lying about it—only the last, the overt lie, is morally reprehensible. And Rousseau is careful to protect himself against lies of omission: "I can make omissions of fact, transpositions, errors in dates," (278) Rousseau warns us in the opening to Book VII. Morally then, there is nothing wrong with promising to state the cause and later neglecting to do so.

Yet in adopting the scientific language of causality in this passage Rousseau does something very interesting within the context of an autobiography—he shows an interest in being judged objectively—based on an analysis of *facts*, instead of merely through the prejudices of the autobiographer. Rousseau's willingness to give readers

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[27] In *The Treatise* Hume says "…promises have no natural obligation and are mere artificial contrivances for the convenience and advantage of society," 337. Logically then, to ensure promises requires a contract that binds the two parties to the fulfillment of the promise. However, Rousseau never offers his reader this kind of contract. The question of whether and what kind of an *implicit* contract is agreed to in *The Confessions* must necessarily be a speculative one, but in Book VII, as Rousseau begins the second part of his text he says: "It is the history of my soul I have promised," 279. Contractually this is clever, for this is the sort of promise that can only be verified by Rousseau himself. Rousseau's perspective on truth and lies, discussed in the Fourth Walk of *The Reveries*, is revealing here; it too is largely subjective and turns on the meaning of the word "utility": "Truth, deprived of all utility, cannot therefore be something we owe to one another," *O.C.* I, 1027.

the right of judgment over him strongly suggests that moral judgments do matter to him, and furthermore argues that he feels such judgments *can* fairly be made through an examination of real-world causes. At least momentarily, the text here appears to invalidate the biases of the writer as the only basis for moral judgment. Rather it asks the reader—an outside party—to consider evidence in making a decision about moral worth. In contrast to Vitali, whom we know operates on the ground of "prejudice," we are led to believe the more virtuous Rousseau seeks out a "cause" to guide his behavior. True to the intuitions of de Man, this textual moment structurally leaves open the possibility of total exoneration through the excuse. But as de Man has made clear, if Rousseau's exoneration were based purely on objective causes, his character as Jean-Jacques would cease to matter. Part of what de Man is arguing is that since Rousseau's text is not a pure excuse text, Rousseau's sense of moral worth must be completed rhetorically, through a speech act. In other words, there is a gap between *the facts* of the moral trial we are about to be shown and the proper, truthful verdict; in order for facts to make sense and point to a proper verdict, a *cause* must be established. Rousseau, arguing in his own defense, will provide us with this cause. Through the performance of the apologetic speech act, the cause will be objectively shown; it will be demonstrated as something that exists in the world outside of the personas and characters that Rousseau creates for himself. Vitali's apology will serve as evidence for his hatred of Rousseau. But because the apology is both an act—in the sense of a verbal performance existing in the world—and a performative that rhetorically establishes what it states, Vitali's apology will also become an attempt to link "the Secretary" to the autobiographical I of *The Confessions*. This act will become a form of self-creation by closing the gap between the autobiographical I and the persona of the Secretary. Objectively and correctly establishing the cause of Vitali's hatred

will help in the formation of the moral individual, represented here in its nascent form by the autobiographical I.

The isolated individual the Secretary represents is a result of the fact that Rousseau's character here is defined not by who he is, but by what he does. His humanity has been emptied into his function. Though as one of various servants, he is a part of the household, without his fundamental sense of an ethical self Rousseau remains alone, a man isolated from society. Only through the integration of the solitary self with the social function of that self can the moral individual arise. The creation of the character of "the Secretary" here is done to clearly distinguish the rights of the as yet unformed moral individual from the "prejudice" that, according to Rousseau's account, drives Vitali.

As our search is for a cause, Rousseau's text has evidently shifted here from the language of religion to the language of the law. The presence of the clause "If I am wrong" and its implied converse that he is not, rhetorically alters the text's confessional language by tantalizing the reader with the possibility that Rousseau may in fact be the virtuous and honest man he believes himself to be. The apology to come should, therefore, be understood not in its conventional form—as a speech act intended to exonerate Vitali—but rather as an instance of evidence intended to help the morally neutral reader validate Rousseau's character.[28] Yet Rousseau's promise of ob-

[28] One standard assumption of Starobinski's text is that it is the reader who is judging Rousseau. However, as Pascal Brisette has pointed out, Rousseau's language also makes clear that the reader too is being judged: "Whoever, even without having read my writings, will examine with his own eyes my nature, my character, my morals, my penchants, my pleasures, my habits and can believe me a dishonest man, is himself someone to throttle." *O.C.* I, 656. Such language, Brisette points out, forces the reader to make a choice—to align himself with those who misjudge Rousseau (e.g. everyone) or choose to take Rousseau's side, and see him as the moral and honest person he believes himself to be. Pascal Brisette, "Le Lecteur en Procès: Analyse Rhétorique du

jective grounds for moral decision making is bracketed by his biases as autobiographer; Vitali is a "scoundrel" and a "cheat" and Rousseau an "honest man" *before* the cause for Vitali's behavior towards Rousseau is determined. So Vitali's apology, while existing at least in theory as an isolated act intended to help establish a single cause, in fact takes place within the frame of writing and of the writer's own consciousness. In order to clearly establish the meaning of Hart's theory of the autobiographical apology within the context of *The Confessions*, its relationship with the framing text must be demonstrated.

Rousseau ends up in Venice because he needs a job. He is initially reluctant to accept the position of secretary to the French ambassador, the Count de Montaigu, because he feels that the offered remuneration is insufficient; the men negotiate but cannot come to any agreement. In the end Rousseau is only persuaded because the first choice candidate quits the position soon after accepting, and the count's brother, "a man of intelligence, got around me so well, making me understand that there were *rights attached to the position* of Secretary, that I was compelled to accept the thousand francs," (295) [my italics]. According to his account, Rousseau takes the position precisely because it affords him certain non-monetary rewards. The promise of "rights" makes Jean-Jacques "compelled" to accept; for Rousseau it appears that to refuse a job that provides certain exclusive rights would be impossible. While Rousseau's insistence on rights precedes his arrival in Venice, it remains an almost continuous obsession while he is there. For example, on the occasion of a dinner de Montaigu gives for the duke of Modena, de Montaigu notifies Rousseau that he would

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Modèle Judiciaire dans *Les Confession* de Rousseau," *Orbis Litterarum* 57 (2002): 181–196.

"not have a place at his table," (310). Rousseau replies that he [Rousseau] would not "consent" to such an arrangement. De Montaigu retorts furiously:

> "What," said he, losing his temper, "my Secretary who is not even a Gentleman claims to dine with a Sovereign when my Gentlemen will not dine with him?" "Yes, Sir" I answered him, "as long as I fill it, the post with which Your Excellency has honored me ennobles me so much that I even have precedence over your Gentlemen, or so-called Gentlemen, and am admitted where they cannot be…" (310).

As Rousseau explains, this dinner does not take place, but the important point here is that he has established what he believes his rights to be as against de Montaigu whom Rousseau believes is engaged in a "concerted plan to deprive me of the honor I deserved from my good service," (310).

Led by de Montaigu's brother to believe something that turns out not to be true, Rousseau feels deceived; both before Vitali is introduced and even after the apology has taken place, Rousseau's position as de Montaigu's secretary has failed to provide him with the rights he believes he was contractually promised. Vitali then is a symptom of a larger problem: how to get the rights that Rousseau's character of the Secretary believes he is entitled to. Though Vitali's apology is ostensibly about Vitali's own behavior, in fact, Rousseau wishes for the apology because it helps establish his rights in the social universe of de Montaigu's household. Another reason for splitting off the Secretary from Rousseau's autobiographical I is to help with a focus on the specific rights attached to that position. Though Rousseau views Vitali as complicit in his deprivation of rights, the chamberlain's crime falls within the sphere of de Montaigu's power and is intimately connected with Rousseau's feelings of oppression. Of course, it is really M. de Montaigu from whom Rousseau would prefer to receive an apology, but the inertia of social hierarchies and the realities of Rousseau's position make this impossible.

The incident that prompts M. Vitali's apology is Vitali's giving away to some gentlemen a theatre box of M. de Montaigu's to which Rousseau believed he had a right. Rousseau describes the origins of this betrayal in an almost ritualistic fashion. "The Ambassador had, according to custom, a box at each of the five theatres [in Venice]. Each evening, at dinnertime, he announced the name of the theatre he would be attending that evening; I chose next, and the gentlemen chose the remaining boxes," (308). For Rousseau the rank-order of precedence is clear—though he is a commoner and a Swiss alien working for a Frenchman in a diplomatic post—he *precedes* the gentlemen in the exercise of rights. This rank order, Rousseau attests, is "according to custom." The rank order is also publicly known since de Montaigu's choice is "announced." Rousseau's use of the word "custom" suggests a general comfort in the household with this very public display of his precedence. By claiming this practice to be customary, he suggests that the practice is habitual and of long-standing; the recognition that he precedes the gentleman has become almost natural to everyone. This is important, because clearly the custom in the house and the custom in the world have been reversed. In the world of conventional hierarchies, of course, the rank order would put Rousseau last. But Rousseau seems unwilling to accept conventional notions of social rank.

"One day, Vitali being absent, I charged the footman who served me to bring me my key in a house that I indicated to him. Vitali, instead of sending me my key, said it had been disposed of," (308). For Rousseau, accustomed to a precedence over Vitali that seems to be known and accepted throughout the household, this is insubordination, a serious challenge to his power and authority. This behavior of Vitali's—of passing over Rousseau for people such as Vitali himself—is just exactly what de

Montaigu will do a few pages later at the dinner for the Duke of Modena. But whereas de Montaigu has the power and prestige to deny Rousseau directly, Vitali exercises his power behind Rousseau's back: "I was even more outraged because the footman recounted this story in front of everyone,"(308) Rousseau says. Through this incident Vitali's precedence over Rousseau becomes publicly known.

For Rousseau then, at least two things have gone wrong: his key has been given away or taken by Vitali, and the footman announced this fact in front of everyone. Rousseau's visible exercise of power in front of the household—publically choosing his key—a sign of his precedence and superior status over the gentlemen, has been denied by the very person over whom he has conventionally and publicly held power and who represents de Montaigu to the household. Whereas Rousseau feels de Montaigu has power over him and aims to deprive him of his rights, Rousseau can at least take comfort in the fact that in the matter of the theater boxes, he has power over Vitali. The dinnertime ritual of de Montaigu announcing his seat and Rousseau choosing next that publicly confirms this power has now unexpectedly been overturned. Vitali has disturbed Rousseau's dominion and has momentarily brought the household back to the custom of the world. In so doing, Rousseau's antagonist has provoked a minor revolution.[29]

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[29] There is a key translation difficulty here. The French text leaves unclear where Vitali is absent from—the Ambassador's house or some other house. The question of which house the insult happens in matters in a crucial way to the interpretation of the apology. It appears that this house is *not* the Ambassador's house, but some other house to which Rousseau has been invited. However, if the apology is made in the other house, this requires both that those people be specifically reassembled for the apology, and that they be familiar with the ritual that takes place in the Ambassador's house such that Rousseau's precedence would be obvious to them, something that seems highly unlikely.

"That night, Vitali wished to tell me several words of excuse, that I would not receive," (308). Initially, Vitali tries to repair the damage by privately saying some words of apology to Rousseau, but Rousseau refuses to hear them.[30] What does this refusal of a "private" apology mean? Clearly for Rousseau in this instance a private apology would be no apology at all. Even though the verbal content of the apology might be the same, this private act would be meaningless for him because there would be no one to witness the apology but Rousseau himself. Vitali's error would be known only by Rousseau, instead of by the whole household where the insult happened. For the apology to have meaning it must be a spectacle—an act performed in front of other people. Starobinski argues that Rousseau sees in the public spectacle a social ideal: "By a miracle of sorts the division between spectacle and spectators…is overcome," (95); the spectacle creates "a community of *open* minds, each drawn towards the others. Separation gives way to mutual regard," (95). More importantly for our context here, the public spectacle also creates for Rousseau a "temporary *equality* of masters and servants," (94).[31] Vitali's apology must be such a public spectacle because only in this way can Rousseau contend with Vitali's apparent support for de Montaigu, who, aside from the ritual of providing Rousseau with theater boxes, seems to follow conventional rank order in the distribution of rights. Rousseau is furious at not being allowed to have precedence over the gentlemen at the duke of Modena's

[30] Christopher Kelly and J. M. Cohen agree on the English word "apology" for the French "excuse" here. However "excuse" may be more appropriate in this instance, because even when its performance is public, the excuse refuses to accept responsibility for a wrong. One of the problems of the autobiography is that it denies us the knowledge of any minds besides the author's own. We cannot know how Vitali feels except by inference. Vitali's approaching Rousseau to make restitution may appear to be an acknowledgement of his wrong, but Vitali's resistance to state that wrong publicly is a sign that he nonetheless wishes to resist publicly accepting this responsibility. The conflict here between the private and public acknowledgement, I would argue, gets at the important distinction between apology and excuse.

[31] Starobinski here and for the next quotation.

dinner not only because he feels this deprives him of his personal rights, but because in his view such a dinner represents a perversion of the egalitarian aspects of the spectacle.[32] De Montaigu's refusal to allow a Secretary to dine with a Sovereign, reinforces separation and the inequality between social classes. The *public* nature of the apology Rousseau insists upon will give it some of the same virtues as feasts and festivals where "everyone is both actor and spectator, entitled to an equal share of the limelight, of the attention of others," (93). As spectacle then, the public apology will not serve merely the private purpose of scoring points against Vitali or de Montaigu, but will help with the political aim of establishing equality between players—both those who perform in the apology, and those spectators who directly or indirectly experience it. David Marshall contends that "Rousseau is concerned…with how spectacles govern our lives: how we are affected by the theatrical relations enacted outside as well inside the playhouse by people who face each other as actors and spectators."[33] I am arguing that the public apology will be governed by the same kinds of theatrical relations Marshall sees as central to Rousseau's thinking.

In his refusal to grant M. Vitali a private apology Rousseau also resists taking the role of Vitali's confessor. Vitali's wish for a personal admission of his wrong is linked to the chamberlain's desire for the secret and confidential aspect of the confessional where wrongs were whispered into the ear of a priest who, for minor crimes, would usually have assigned the penitent a private, often verbal penance such as the sotto-voce repetition of a prayer. In that case the wrong remained largely a matter of conscience—an affair between the sinner and his or her own internalized sense of

[32] Starobinski gives the examples of a country picnic and a village feast as ideal examples of the sort of egalitarian spectacle Rousseau imagines. See esp. 93–94.
[33] David Marshall, "Rousseau and the State of Theater," *Representations* 13 (1986): 84.

wrong. As John Bossy puts it, in 18th century Europe's confessional practice, "sin was essentially something which occurred in the mind."[34] But Rousseau is unwilling to see Vitali's wrong for what it is—a minor, perhaps understandable mistake. He shows no interest in exploring Vitali's motives for his actions, nor ever considers the possibility that de Montaigu might have ordered Vitali to alter the custom. Vitali's crime, therefore, leads for Rousseau not to a private confession, but to a public admission of wrongdoing. Rousseau's refusal of a private apology thus converts what could have been dealt with as a venial sin in the discrete manner of the private confession, into a grand public spectacle that aims to air M. Vitali's peccadillo to the outside world. On the other hand, Rousseau's behavior also suggests a problem with confession, for the true confession admits a wrong *without* trying to excuse it. As Bossy describes it, in standard practice the person confessing would admit their wrong to a legal or ecclesiastical authority that alone would retain the right to judge their crime and assign a penance. By handing over the power of judgment to a potentially arbitrary authority, confession functions as the opposite of a trial by jury; it runs the risk of basing moral judgments purely on personal prejudices. Rousseau's aim in this instance is to remove prejudice from moral judgment. His insistence on Vitali's public apology could therefore be read as a moral act; he refuses to take the role of a confessor and act as the sole arbiter of moral truth. Instead, he makes the judgment for Vitali's act depend upon the response of Vitali's presumed peers—the members of the household. Rousseau, believing that justice demands we be judged by a jury of our peers, creates a courtroom and a jury through his demand that Vitali's apology be made public. The

[34] John Bossy, "The Social History of Confession in the Age of Reformation," *Transactions of the Royal Historical Society* 5th series, 25 (1975): 27.

members of the household, who will experience and participate in the apology will then be able to judge, in a fashion similar to a jury, Vitali's moral worth.

Rousseau's Secretary, while not obviously a "savage man" is, in his conflict with Vitali, nonetheless an avatar for all the qualities Vitali does not possess. To this degree "the Secretary", because he stands in opposition to the world represented by de Montaigu's household, will serve for Rousseau's purposes as a "man of nature." M. Vitali then becomes the "man whom our institutions and our prejudices have substituted for him." In Todorov's schema, Rousseau's basic aim will be to undo this substitution, and transform the savage man into the ethical one through his conflict with the man made by social institutions. As Todorov's argument makes clear, Vitali's role is not that of an evil or immoral person—rather he is what Rousseau would call a "citizen"—someone unremittingly loyal to the state, here represented in microcosm by the de Montaigu household. As a loyal representative, someone who almost totally embodies the personality of his employer, Vitali is Todorov's paradigmatic "civil man."

Rousseau's resistance to Vitali's confession also points out one of the possible pitfalls of the "moral sense" philosophy that Rousseau's contemporaries like Hume and Adam Smith had argued was the foundation of morals. Hume admits that justice requires external (and therefore visible) validation. "We must look within to find the moral quality. This we cannot do directly; and therefore fix our attention on actions, as on external signs."[35] Hume's moral sense philosophy accepts that properly determining the "moral quality,"—the motive of the individual for a particular action—requires attention to visible "actions." However, if these actions remain private and limited in their audience, the probability of correctly assessing the motives of the indi-

[35] *Treatise* 3.2.1., 307. See also Adam Smith, *The Theory of Moral Sentiments* ed. D. D. Raphael and A.L. Macfie (Oxford: Clarendon Press, 1976) I.i.1.

vidual may decline. Since the perception of something as nebulous as a moral sense in another person is difficult, something needs to be done to enable people to accurately read the motives of others. In Hume's terms, one way to establish moral consensus is to broadcast an action. The public performance of a person's moral qualities can then provide an entire community with the basis for evaluating moral actions. Making the apology public will make it a moral lesson, an exemplum for the household. Rousseau's behavior towards Vitali points out the very real difficulties—well-documented by Hume—of making the transition from an internalized and private moral sense to public justice.[36] By refusing a private apology Rousseau is making a claim about Vitali's action—that Vitali's crime is not merely a private wrong done to Rousseau himself, (and as such a sign of Rousseau's own ideology or prejudice) but a publicly reprehensible action, an evident injustice. Rousseau is gambling that the audience he wants to assemble to attend to Vitali's apology will follow him in a condemnation of what Vitali has done. The public apology is both intended to convey some important news within the de Montaigu household: Domenico Vitali has offended Rousseau, but also to induce that household, once they have learned of the wrong, to feel that this wrong has as much been done to them as to Rousseau. Viewed in this way, the public apology as admission of wrongdoing takes on a mean-

[36] Hume states the problem thus: "Here then is the origin of civil government and allegiance. Men are not able radically to cure, either in themselves or others, that narrowness of soul, which makes them prefer the present to the remote. They cannot change their natures. All they can do is change their situation, and render the observance of justice the immediate interest of some particular persons, and its violation their more remote. These persons, then, are not only induc'd to observe those rules in their own conduct, but also to constrain others to a like regularity, and enforce the dictates of equity thro' the whole society." *Treatise* 3.2.7., 344. Viewed in these terms Rousseau's refusal for a private apology is a power grab—an attempt by Rousseau to be a self-appointed minister of justice. Apologies as admissions of wrongdoing are interesting because they can be either private or public depending on the situation: *how* they are performed—whether in public or in private, who hears them, who doesn't, reveals a lot about how those individuals involved in the apology feel about justice.

ing *opposite* from the conventional one of private confession: its purpose is not to forgive but to raise the possibility of condemnation. In contrast to the person confessing, who unburdens themselves to a moral authority with the hope that their confessor will find their wrong forgivable, the person apologizing publicly signals that a wrong has been admitted to. So Rousseau's resistance to a private apology, while it may represent a refusal of the role of confessor, nonetheless puts Rousseau in the position of a judge at a preliminary trial hearing who decides that there is sufficient evidence of guilt to call a jury and begin a case against the accused.

Yet by opening Vitali's apology to the possibility of condemnation Rousseau elides the distinction between that act and public or juridical confession. Foucault, in his history of disciplinary systems, explains that in European penal codes the confession was an important sign of the guilt of the accused. "Through the confession, the accused himself took part in the ritual of producing penal truth."[37] This attempt to get the accused to implicate himself in his own crime is powerful because, as Foucault explains, "the confession constituted so strong a proof that there was scarcely any need to add others," (38). Confession, in the tradition of judicial practice, was tantamount to guilt. Foucault's history points out the problematic nature of confession, for while torture was an acceptable means for obtaining these confessions, the speech acts that resulted were also supposed to be spontaneous. The fact that the use or threat of force was employed to produce such "voluntary" confessions was an ambiguity that for a long time seemed not to bother the juridical establishment.[38] Similarly,

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[37] Michel Foucault, *Discipline and Punish: The Birth of the Prison* trans. Alan Sheridan (New York: Vintage, 1977) 38.

[38] Hunt (2007) argues that the social changes that led to the decline of torture and the rise of juridical punishment were premised on a correspondent growth in human rights. Hunt locates this rise as occurring around the middle of the eighteenth century.

Rousseau will use a threat—that he or Vitali will be dismissed—to transform Vitali's apology from private to public. In terms of confessional practice Rousseau's threat intends that Vitali's performance be secularized, taken out of the confessional box, and in a sense returned to the nave of the church where it began. This represents a reversion to confession as spectacle. As spectacle, the sight of Vitali apologizing has the same logic as the public forms of punishment and torture Foucault discusses: it is intended to dissuade the audience from engaging in a similar crime. Rousseau, we remember, has introduced Vitali and his crime with the corollary that he will provide the reader with evidence for the "cause" of Vitali's hatred of him. Converting Vitali's apology from private to public—making it into a performance—even as it works to satisfy Rousseau's private grounds for revenge, is also necessary to provide objective grounds for causality. This threat, as a use of force, at the same time that it is essential for objective establishment of "the cause" of Vitali's hatred, undermines its own aim through satisfying Rousseau's need for egotistical self-gratification.

Rousseau, humiliated by Vitali's giving precedence to the gentlemen who precede Rousseau in social rank if not in the privileges supposedly accorded him by M. de Montaigu, demands a perfectly parallel performance from M. Vitali: "'Tomorrow, Sir I said to him, 'you will come make them at a certain hour in the house where I received the insult, and in front of the people who witnessed it, or the day after tomor-

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Though, in her opinion, there is no single lynchpin that explains the new view, Hunt stresses that "the constant evolution of notions of interiority and depth of psyche from the Christian soul to the Protestant conscience to eighteenth-century notions of sensibility filled the self with a new content" (30). Hunt's history argues that these 18th century notions of selfhood arose particularly from epistolary novels such as Rousseau's own *Julie*, that "enabled readers to empathize across class, sex, and national lines," 38.

row, no matter what, I say to you, you or I will leave here'" (308).[39] Rousseau tells us that the threat in this statement has an effect on M. Vitali and that consequently Vitali comes the next day "to make me a public apology" (308).[40] In demanding an exact parallelism between offense and apology "in the house" and "in front of the people" where the offense was received, Rousseau seeks to match apology to offense so closely that the apologetic act will become a replaying (albeit in reverse) of the original wrong. This mirroring of offense and apology is not only intended to undo the wrong, but is equally an attempt to put M. Vitali, as the household's chamberlain, in the same position as the type of lowly footservant who first brought Rousseau the news.[41] The performance of this apology in front of the staff of the household, mimicking as it does the previous performance of the footman, is intended to signal to all

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[39] Aaron Lazare, in *On Apology* explains: "Apologies have the power to heal humiliations and grudges, remove the desire for vengeance, and generate forgiveness on the part of the offended parties" 1. While largely correct, this perspective views the apology from a wholly therapeutic standpoint. Lazare, trained as a psychologist, never connects the private apology to the political realm. The idea of the apology as a form of power-grab for Rousseau runs counter to this therapeutic definition. Charles L. Griswold, *Forgiveness: A Philosophical Exploration* (Cambridge: Cambridge University Press, 2007) has several sections on the apology as a philosophical and political concept.

[40] See Kelly, 259.

[41] In "The Mirror Stage as Formative of the Function of the I as Revealed in Psychoanalytic Experience" Jacques Lacan defines the *mirror stage* as: "a drama whose internal thrust is precipitated from insufficiency to anticipation—and which manufactures for the subject, caught up the lure of spatial identification, the succession of fantasies that extends from a fragmented body-image to a form of its totality that I shall call orthopaedic—and lastly to the assumption of the armor of an alienating identity, which will mark with its rigid structure the subject's entire mental development." reprinted in *Critical Theory Since 1965* ed. Hazard Adams and Leroy Searle (Tallahassee: Florida State U. Press, 1986) 736. Lacan's central argument—that the unconscious is structured like a language— argues for a view of Vitali's apology as an attempt by Rousseau to constitute his own perpetually insufficient identity through the process of someone else momentarily becoming him. As in a drama, Vitali here *plays* Rousseau; Vitali's language momentarily constitutes Rousseau as someone simultaneously deserving of apologies *and* as someone apologizing. Vitali's speech act constitutes an identity for Rousseau as both forgiven for all wrongs (because he has apologized) and as worthy enough to be a forgiver of wrongs others do to him.

these servants that M. Vitali is himself no better than a footman. This public apology thus not only lowers Vitali in the public eye, it lowers him relative to Rousseau; performatively it aims to establish for the spectators Rousseau's ideal of momentary social equality that takes place during a spectacle. As de Montaigu's "favorite" Vitali is also his representative in the social microcosm of the household. For Rousseau then, Vitali's apology serves to transport power from de Montaigu, whom Vitali represents by virtue of his position, to someone much like a nameless footservant, whom he becomes through the means of the apology. Rousseau, who describes the apology as performed "in front of the people," is temporarily raised, through his ability to assemble the household and have them attend to this performance, to the position of his oppressor, de Montaigu. Representation—the role of Vitali as Todorov's "citizen"—allows Rousseau to imagine that it is de Montaigu—the true source of political power—who by performing an apology through his representation by Vitali helps create the social equality that Rousseau feels is such an important part of the spectacle. The fact that this egalitarian procedure also sets up Rousseau as the "head" of this revolutionary moment is, of course, never mentioned.

Oddly then, Vitali's apology appears at once as a spectacle that serves to establish social equality, and yet by the very same act, as a performance that serves to reestablish the inequality the spectacle aims to undermine. In this second sense then, Vitali's apology is not like a festival, but like theater. Unlike the ideal festivals that Starobinski describes, which are unrehearsed and take place spontaneously, Vitali's apology is closely scripted. His apology takes place under duress, in response to a specific external event. As Starobinski describes it, a festival "is a pure invention, a free creation, unfettered by any pre-established form," (92). In contrast, the theater represents

an immoral form of spectacle: "the theater entices people into the realm of opacity, evil illusion, and baleful isolation. In the darkened theater the spectator becomes a prisoner of his solitude," (95). David Marshall contends: "Rousseau insists that the theater teaches us how to replace real sympathy with a painless representation or imitation of sympathy," (89). However, one advantage of the apology over the theater is that since a public acknowledgement of wrongdoing is unpleasant, the spectators here will experience Vitali's apology as humiliation and will feel genuine sympathy for him. According to the moral sense theorists, Vitali's apologetic performance will encourage a sympathetic identification. Unlike the theater, where reality is wholly put on, the status of the apology as a performative speech act makes it authentic in a way the artifice of a dramatic performance can never be. Marshall adds: "with an act of comparison that identifies the other as someone with whom one shares something in common, comes a moment of imagination in which one transports oneself outside of oneself and identifies with the other," (94). The comparison that the spectators have with Vitali because of his apology is made more complex because of what he represents. As a drama where Vitali does not play, but instead *represents* de Montaigu, Vitali's apology will enable the spectators to actually experience the downfall of the Ambassador from his lofty position to that of a lowly servant. Starobinski stresses that for Rousseau one of the problems of theater as opposed to the festival is precisely this role of representation. Because a festival is a pure expression of feeling, and not a piece of theater inevitably caught up in the constraints of ideology, Vitali's apology, to function as a moral exemplum for Rousseau, should be a form that merges festival with confession. The apology should combine the equality that is performatively established in the festival with the personal "truth" revealed in the confession. Both feature open, spontaneous hearts; both are a public airing of latent feelings. For Rous-

seau the apologetic merging of confession and spectacle will remove the theatrical aspects of the confession—the fact that it sets one person apart from the group—and help create the equality made by the spectacle.

Rousseau's command to Vitali—that he apologize, and in a very specific way, turns the spontaneous nature of the spectacle into a tightly controlled performance. Seen in this way the apology embodies the tension between theatre and festival; unlike the latter the apology has come to represent something specific; it is no longer just a free expression. Part of the problem is that the apology as admission of wrongdoing can only *represent* equality—the very thing that a non-representative festival actually *creates*. The tension inherent in the apology is exacerbated by the fact that this equality is not actual, but only established through performance. This aspect of representation—of something being *shown* rather than actually *being-in-itself*, requires that some narrative of wrongdoing be recounted in the apologetic performance. The representation of equality made by the characters in the apologetic narrative is never actual equality. Equality here can be represented only by contrasting it with what it is not: as represented in the apology, equality is shown by establishing an *inequality* between the performer and the recipient of the apology. The apology then is not equality; it merely enables the creation of a representation of equality.

For Rousseau, the apology sits uncomfortably between the ideal of the spectacle and the moral iniquity of the theater. Viewed pejoratively it is an adulterated form of spectacle. But even as it is adulterated, the apology remains useful, for in its condemnation of wrongdoing, it partakes of what we might call in Rousseauvian terms, moral theater. "The state cannot tolerate the theater because it needs the theater for its own ends," (101) Marshall says. For Rousseau the ideal spectacle is just this sort of

public and state-sanctioned display of morality, for spectacle functions as the only way to bind free citizens to the moral ideology of a community. Rousseau, deprived by Vitali of his chance to go to the theater, recreates it by putting on a piece of theater—Vitali's own apology to him. The apology, therefore, sits in an uneasy ground between a performance—an act publicly understood—and a verbal act of apologia. The apologizer—the person apologizing, is like an actor playing a role, but the apologizer's representation is not of an imaginary character, but of the recipient of the apology. The purpose of the apology becomes a closing of the gap between distinct selves; its aim is to merge different I's into one single collective I and thereby enable the social contract. For Vitali to apologize successfully he must, in this act *become* the person or people to whom he is apologizing. It is as if the audience, looking on the player, finds that the player is playing them; the apologizer has disappeared into his role—he has become his audience.[42]

Aaron Lazare defines the apology as "an encounter between two parties in which one party, the offender, acknowledges responsibility for an offense or grievance and expresses regret or remorse to a second party, the aggrieved. "[43] While this description of the speech act of the apology works adequately as a general definition, it fails to grasp the complex motives involved in Rousseau's apologetic rhetoric. Part of the interest of the apologetic moment between Rousseau and Vitali is the way in which Rousseau responds to Vitali's act:

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[42] Timothy M. Costelloe, "The Theater of Morals: Culture and Community in Rousseau's *Lettre à M. d'Alembert*," *Eighteenth-Century Life* 27.1 (Winter 2003): 52–71, points out the importance of an actor in a drama being similar to the spectators. "A 'good' play never fails, as Rousseau points out, because its content corresponds to the mores of its viewers; a play falls flat, by contrast when the characters bear no resemblance to us" (62). Marshall's essay makes a similar point.

[43] Lazare, 23.

> He came to the place and at the time appointed to make a public apology with a groveling worthy of him: but eventually he took his own measures, and all the while he was bowing and scraping, he so worked in the Italian manner, that, though unable to persuade the Ambassador to dismiss me, he made it necessary for me to quit" (308).

Vitali engages in the action Rousseau demands; he makes a "public apology" in "in the place and at the time appointed;" Vitali has obeyed Rousseau in the letter of the law. However, Vitali's apology does not result in any overt forgiveness, for "eventually" he takes "his own measures" (which remain unspecified) and according to Rousseau's account, forces Rousseau to resign his position. Rousseau's recollection of the apology reconstructs it in such a way that Vitali is seen as undermining his own action "all the while," even as he is performing it. There appears to be none of Lazare's ideas of regret or remorse here. Rousseau's comments make Vitali's apology seem insincere; they argue for Vitali's having some motive besides the forgiveness that Lazare's text characterizes as the purpose of the apology.

The verbal content of Vitali's apology as a speech act is never discussed; like a child Vitali is to be seen but not heard by the audience. For Vitali to speak would be to assert power, it would be to permit the entry of an external apologia into his apology. Rousseau's intent is to make sure that as far as we, his readers and audience are concerned, Vitali *cannot* defend himself. In Todorov's view such a defense of the citizen would prevent him from being overcome; it would violate the establishment of equality between the performers and the spectators that is the reason for being of the apology. The final emergence of Rousseau's moral and ethical individual would be stifled. Rousseau's autobiographical persona denies Vitali any possibility of sincerity or genuine admission of wrongdoing because this is not what he is interested in. What is important for Rousseau is the manner in which the apology was done. By focusing only on the form of the apology instead of on its content Rousseau draws the reader's

attention to how the apology works to constitute the ethical self in relation to an antagonist.

Rousseau's recollection focuses on the "bowing and scraping;" he looks down on Vitali because the chamberlain engages in "groveling," yet these actions are all part of the apology that Rousseau has demanded. Although he insists on Vitali's apologetic debasement, at the same time he resents Vitali for his willingness to apologize. The groveling, bowing and scraping only seem to confirm Rousseau's earlier claim that Vitali is a scoundrel. For Rousseau, Vitali's "groveling" is all he is "worthy" of. The apology momentarily deprives Vitali of his rights in the same way that Rousseau feels his job as de Montaigu's secretary has deprived him of his. If the apology is truly a performative, as J.L. Austin has argued, then its verbal statement (e.g. "I'm sorry) both establishes the feeling of being sorry, and at the same time constitutes a self that has that feeling. But Rousseau's autobiographical text exists to subordinate all other selves to the imperative of the autobiographical I, and so the apology must be physically performed while the antagonistic persona that performs it remains mute.[44] Vitali performs without words because Rousseau insists verbal rhetoric is often subject to misinterpretation: "The most energetic language is the one in which the sign has said everything before one speaks…one speaks to the eyes much more effectively than to the

[44] In *How To Do Things With Words* Austin extensively discusses the problems that result when the performance of an act and the mental state it represents don't coincide. In the example of a situation where I say "I apologize" but don't really mean it, I am engaging in what Austin calls an "insincere" act. While Austin's formulation of certain performatives, e.g. "I am running," is verified and made *true* by their corresponding action, the statement "I apologize," can only be verified by reference to an internal state of mind. Consequently, while for Austin an apology can be "insincere," this insincerity does not *void* the performative act. In essence, as Austin explains it, Vitali's sincerity or lack thereof is insufficient for Rousseau to deny the validity of the apology. For a further discussion of this issue, see esp. 45–47.

ears…visible signs convey a more precise imitation."[45] The apology is made both "more energetic" by its silence and enables one to say "everything before one speaks." As Rousseau sees it Vitali's wordless signs are more than adequate for conveying the proper apologetic meaning to the spectators.[46]

Vitali's apology reenacts, through a form of transference, Rousseau's own upstaging by de Montaigu and his brother the Count, whom he believes tricked him into accepting the position. What Rousseau feels—the gap between his expectation of power and his actual situation, Rousseau determines that Vitali (standing in for de Montaigu) must also feel. In attempting to excuse himself for demanding an apology of Vitali Rousseau says: "He turned the household upside down, removed from it what I had tried to maintain of rule, of subordination, of propriety, of order. A house without a woman needs a rather severe discipline to have govern there the modesty that is inseparable from dignity" (308–09). The apology restores in Rousseau's eyes the "propriety" and "dignity" in the household that Vitali has upset. Rousseau's believes that Vitali's apology is necessary because his "severe discipline" will turn the household right side up, and thereby reestablish the proper social ranking that Rousseau feels he has attempted to maintain. Rousseau is no gentleman, but as the guardian of "rule" and "order" in de Montaigu's household, he believes his position as its head

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[45] Jean-Jacques Rousseau, "Essay on the Origin of Languages," *The Collected Writings of Rousseau*, trans. and ed. John T. Scott, vol. 7 (Hanover: The University Press of New England, 1990) 290, 291, 292. *O.C.* V, 375–380.

[46] Vitali's silent affirmation of Rousseau's autobiographical I also reveals an important feature of Romantic performativity—that language need not be literally verbal to create a self. Though Rousseau here is recounting an apology within a text, so that the physical motions are merely represented, unlike in verbal language, the recounted gesture and the gesture itself have the same meaning. In other words Vitali's bowing and scraping to Rousseau constitute Rousseau's self in the same way that a similar apologetic gesture done in reality would constitute an affirmation of our selves. This is in contrast to the words "I'm sorry" which may or may not be sincere.

ought to be secure. The apologetic process of simultaneously lowering Vitali to the level of an ordinary servant, and of Rousseau raising himself to the level of de Montaigu momentarily re-creates the correct "subordination." Although the apology makes some individuals subordinate to others, the apologetic performance has both an egalitarian impulse and a hierarchical one. The newly made social order is one where Rousseau is no longer subservient but has, through the spectacle of the apology, become the person to whom one bows and scrapes. Upon receiving the apology, the persona of the Secretary is transformed from an ordinary isolated individual into the head of the household. Vitali and the nameless spectators, however, all take their place as equals.

The apology exists to display Rousseau's emerging autobiographical I: Vitali is unable to provide de Montaigu with sufficient reasons to persuade him to fire Rousseau, but Vitali's actions nonetheless make it "necessary" for Rousseau to quit. M. de Montaigu's reasons, insufficient though they may be, are, like the causes of Vitali's hatred that came before them, real-world phenomena that sit outside the realm of the autobiographer's consciousness. Both the explicitly sought cause and the unstated insufficient reasons are externalities that Rousseau uses to defend his character—they aim to show him as he really is. Vitali's apology—an external event, a speech act—becomes, like the aforementioned but now forgotten "cause," a part of Rousseau's apologia, which itself exists only as argument. We thus have a paired system where Vitali's "public" apology, as an admission of wrongdoing, is hijacked by Rousseau's apologia as a defense of a position. As a mirror of Rousseau's own humiliation, this moment of apology cannot be seen as a confessional moment nor as a moment of excuse, for as Rousseau has written the scene, the wrong is all on Vitali's side. Rather,

this shifting of blame to Vitali is all part of Rousseau's attempt to create an ethical self whose power and presence is shown by the fact that Vitali is unable to compel Rousseau's autobiographical I.

Vitali's apology thus conceals Rousseau's own wish for an apologia. As Rousseau tells his readers at the opening of Book VII "…I am not afraid that the reader will ever forget that I am making my confessions to believe I am making my apology," (279). But of course he *is* afraid; this is precisely the purpose of the reminder to the reader—we are instructed to take Rousseau's words as confessions even when our reading may lead us, not implausibly, to view them as defensive apologies. Just as de Man pointed out that in the ribbon theft Rousseau was afraid of excusing himself ("craignisse de m'excuser") (280),[47] so the inauthenticity that Coetzee sees in apologies and memoirs is the same inauthenticity that Rousseau worries about. Hart adds: "Rousseau insists on 'confession' as his intention, [he] repeatedly disclaims apology," (244). Rousseau is bound by the inherent tension in the apologetic performance between the egalitarian aspects of the festival—in which the spontaneous action creates social equality—and the theater, where the words of imaginary characters serve to create a world of other selves that in Rousseau's view creates separation and inequality. The upshot of all this is that while we cannot determine whether Vitali in fact hates Rousseau, it's clear that Rousseau does hate Vitali. Vitali's apology is necessary for Rousseau's sense of "order" and the restoration of his "rights" but in the performance of the apology Rousseau comes to hate Vitali for his "groveling" and his "bowing and scraping." The "cause" of Vitali's hatred of Rousseau is to be found very simply in the fact that Rousseau hates Vitali.

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[47] *O.C.* I, 86.

I want to argue that the Vitali apology is both an evolution and a reaction to the two earlier incidents of the broken comb and stolen ribbon. Significantly it is a theater box that Rousseau is deprived of. Vitali not only disposes of a key, he also disposes of Rousseau's right to engage in an admittedly immoral action—the wrong of going to the theater.[48] Viewed from the perspective of society, Vitali has done the right thing: he has exercised his authority against an immoral practice. But by doing so he has also called to light Rousseau's customary attendance at the theater and reminded the household, and Rousseau himself, that legitimate wrongs will be punished. Vitali has reasserted the power of society over that of the individual. Vitali's action signals to the autobiographical I that the power of the individual to do wrong and get away with it is limited. In this sense, Vitali's action is a recognition of the moral evolution of the book's autobiographical I. But even as Vitali's action is a critique of uncompromising individualism, Rousseau is committed to ensuring the continued existence of his ethical individual. So he demands an apology as an acknowledgement that the individual still matters. As we've seen, this acknowledgement of the other self is signaled through the physical and visible aspects of Vitali's apology.

By having Vitali apologize for Rousseau's own wrong of theater attendance Rousseau establishes a point of equilibrium between the two parties—the individual and society. Just as Vitali himself represents society, so Vitali's apology represents Rousseau's wrong. Though Vitali may be a servant of de Montaigu, as chamberlain he has more power than Rousseau. As a male he also has more power than Marion.[49]

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[48] In speaking of the entertainments in Venice Rousseau refers to "the innocent recreations" of the theater. *O.C.* I, 305.

[49] It seems interesting that this last servant is called "Vitali." His name, "Vitali" suggests vitality. As a character he represents the evolution of Rousseau's servant antagonists from nameless, to named, and finally to one vitally endowed.

Through apologizing to Rousseau for what is really Rousseau's wrong, Vitali does what Marion will not or cannot do—he assumes responsibility for Rousseau's own misdeed. By having someone else take away his theater box, Rousseau is able to wholly blame another party for his wrong. The apology has thus become an apologia for the autobiographical I. Strategically, the admission of wrongdoing by another person becomes more powerful than any argument the self can make for itself. The apologia, formerly the dominant mode of the text, is submerged here into the all encompassing form of the apology. The Vitali apology invokes the social contract within the presence of this text. When looked at in relation to the punishment he endures with the broken comb and stolen ribbon, Rousseau's autobiographical I after the Vitali apology is a self that recognizes the imperatives of the social contract by showing that the self and the contract are interdependent and possess mutual obligations.

Rousseau has successfully transferred his own fault to another person, something the emergent self was unable to do in the first two incidents. Society, viewed by Rousseau as a corrupting entity, has finally accepted responsibility for the individual's wrong, which it must do to be able to ensure justice for the individual. The ethical individual has thus experienced the perfect moment of self-creation. In his bowing and scraping to "the Secretary" Vitali has demonstrated the inalienable claims of the individual against society. His apology has signaled to Rousseau's alter ego, and more importantly to the household, that the rights of the individual must be observed in its essential relation to society.

Whereas Rousseau justifies his wrong to Marion on the basis of love, he justifies his wrong to Vitali on the grounds of hate. Hatred frees man from dependence on his fellows and allows him his freedom. Hatred places the person hated back into the

category of non-entity and in this schema, hate unlike love, allows the individual to emerge. Vitali's speechlessness and his mirroring of Rousseau's nameless servant girl of the broken combs brings us full circle. Vitali's apology takes him from de Montaigu back to Marion, a servant who is named, and then back again to the nameless servant girl who gave Rousseau his first experience of injustice. If Rousseau hates the servant girl of the broken combs, he has a good reason to. Vitali's apology symbolically represents the admission of wrongdoing from the social universe of people whom he believes have wronged him: the servant girl, Marion, de Montaigu, and finally Vitali himself. All these characters are symbolically represented by Vitali and they all bow, scrape and grovel to Rousseau for the wrong they have done him. This circular movement, of the displacement of hatred, changes it, however, from revenge into justice.

By apologizing to him Vitali provides the outward, visible signs to the audience and the household that Rousseau has been forgiven by society for going to the theater. This right, framed as the autobiographical I's right to take precedence over gentlemen, is symbolic of all rights. The apology, by granting that attending the theater was not wrong for the I of the text, even as it remains an evident social wrong for Rousseau, provides this autobiographical I with its inalienable natural (e.g. unwritten) rights. Vitali's apology to Rousseau is an acknowledgment and restitution of the individual possession of his natural rights—his self-constituting right to do wrong. If society is to be formed on the basis of an unwritten social contract some sign of the reciprocal obligations of a contract is required. The apology, with its visible and public acknowledgement that society owes some obeisance to individual natural rights helps ensure this unwritten social contract. If Vitali's apology looks more like a bow that is

because it is the external representation of Rousseau's autonomous individuality, which in the terms of the autobiography is read as our own individual natural rights. These rights are symbolically represented by the Vitali apology.

Rousseau in fact, continues to attend the theater, and even mentions one occasion when, moved by the music of the opera, he falls asleep alone in his box.[50] When a few pages after the Vitali apology Rousseau wishes to meet some Venetian prostitutes he says: "The first was procured for me by that honest gentleman Vitali, some time after the formal public apology that I demanded he ask of me," (316). Although consorting with whores is at least as immoral as going to the theater, (for Rousseau actresses and whores are pretty much the same thing)[51] and Rousseau admits that Vitali is still his enemy, it nonetheless seems that their disagreement has been patched up and Vitali, formerly a "scoundrel," has now become an "honest Gentleman." Thus, while this apology never results in any explicit forgiveness, once Vitali has helped constitute Rousseau's autobiographical I, his abetting of Rousseau's subsequent immoral action makes him "honest." Vitali has now morally mirrored Rousseau, who when he first introduced Vitali referred to himself as an "honest man." Read in the wider context of representation, Rousseau, having established the autonomous individual and his inalienable natural rights through the performance of the Vitali apology, finds that the antagonism that exists between the individual and society can be momentarily resolved. Since rights have been guaranteed on both sides—Rousseau has taken responsibility for an injustice in the incident of the broken combs, and soci-

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[50] See *O.C.* I, 314.

[51] David Marshall in "Rousseau and the State of the Theater" says: "Rousseau also follows tradition in comparing the actor to a prostitute" (90). This problem will reappear in Jane Austen's *Mansfield Park* where the mere intention of putting on a play in the house, will threaten Fanny Price's reputation.

ety has taken responsibility for the immorality of allowing an individual to attend the theater, the moral obligations of both self and society are fulfilled.

Importantly, unlike the social contracts of his predecessors that depended on metaphorical equivalence and verbal language to constitute their republics, Rousseau builds his social contract out of visible, non-verbal conventions. If Hobbes sought to engage in a war against metaphor as a means of securing the social order, so Rousseau joins the battle with a different weapon in his arsenal—that of the spectacle. I don't want to suggest that the apology is the only means of guaranteeing the social contract, but as performed it is a rhetorical form that creates moral theater and turns it into spectacle, a kind of performance that as Starobinski insisted, functioned as a Rousseauvian ideal. Vitali's apology, by confirming that the autobiographical I has inalienable natural rights, enables Rousseau to then denominate Vitali an "honest Gentleman." Moral reciprocity has been communicated and justice has thus been ensured.

We must remember that in Rousseau's view the individual is always under assault from society. People are born good but are corrupted by society. However much Rousseau's exceptionalism may seem to rankle our internal moral sense, Rousseau is using this incident of the autobiographical I's wrongdoing to create a morally resilient self that can resist society's onslaught. Ethically and morally, the individual must be able to withstand the challenges of the wrongs that "society" (even as it may symbolically be made of only one other person) will accuse it of. This resilience can happen only if the individual is understood in this contradictory manner—as responsible for the crime but nonetheless morally innocent and freed of any punishment from society. For Rousseau's individual I wrongdoing is a purely private and internal concept. To blame Rousseau would be to deny the existence of the individual. Put another

way, Vitali confesses so that Rousseau (read as always as the autobiographical I) may be excused. Against those who argue that this is pure self-serving egotism I offer that since this egotism exists in a text and therefore only as a performance in the mind of the reader, it becomes for us not an excuse—which it would be if it were literal—but the *representation* of an excuse. This change fundamentally alters its character and transforms it into an apology.[52] An individual is a being who can harm society without society being able to take an equivalent revenge. For this individual conscience alone is judge.

The reciprocity of rights and obligations that the apology performs enables it to serve as a convention that supports the continued existence of the social contract. David Lay Williams calls attention to an important passage in *The Social Contract* where Rousseau says:

> Without a doubt there is a universal justice that emanates from reason alone, but this justice, to be admitted among us must be reciprocal. Considered from a human perspective, without natural sanctions, the laws of justice are vain among men; they only make good what is cruel and evil what is just, whenever he observes them among others without others observing them among him. One therefore needs conventions and laws to unite rights with duties and bring justice back to its object.[53]

What can be done to ensure the reciprocity necessary for justice? Since the social contract is unwritten, as Rousseau asserts, some convention must be established to signal to all parties that the social contract is still valid. I want to suggest that the apology is this convention; the apology is just that sort of social convention that "unites rights

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[52] In this sense I am adopting here a reader-response view of the text. For more on this view see especially the work of Stanley Fish in *Surprised by Sin* (Berkeley: University of California Press, 1971) and elsewhere, who argues that the experience of reading models reality such that we re-experience the life and moral errors of the characters in our own reading.

[53] See David Lay Williams, "Justice and the General Will: Affirming Rousseau's Ancient Orientation," *Journal of the History of Ideas* 66.3 (2005): 383–411. For the Rousseau quotation see *O.C.* III, 378.

with duties" in such a way that it can "bring justice back to its object," when, as is inevitable, individuals wander from the path of justice. While the apology may work to re-establish justice after a particular wrong, any new wrong will also require a new apology. The process is a perpetual one. As de Man asserted, the apologetic process is never closed off, both because the self-as-self is always in the process of being made and because this evolving self is continually doing wrong and having to atone for it. In Hart's terms the ethical self and social and natural law are constantly in flux. As the world changes so must the self. While the Vitali apology is a powerfully self-constituting act, it should not be seen as unique. Subsequent apologies will be necessary to continue creating the autobiographical I's self-as-self.

What Rousseau ends up doing in *The Confessions* is to merge the two older forms of apology and apologia into one. While it might be giving Rousseau more credit than he deserves to say that he invented the modern apology, his book is certainly one of the great examples of its form. Despite Rousseau's denial of what he was doing, his admissions of wrongdoing are frequently followed by passages that attempt to excuse what has come before. Rousseau, of course, tries to conceal the apologetic nature of his book by giving it a misleading title and by frequently asserting that his book is true in the same way confessions are true. But in fact, by inventing the modern apology Rousseau made a subtle but important shift in *The Confessions* in how truth is to be understood.

Chapter 3: Literary Apologies and the Making of the Individual

"Several poor men are now lingering in prison, when the men who have thrown them in are the criminals."
George Dyer, *The Complaints of the Poor People of England*

Rousseau's *Confessions* uses apologies he made and received during his lifetime to progressively confer natural rights upon semi-fictionalized versions of himself. He inserts the truth of history into Hobbes' theory of natural rights. We cannot know whether the Vitali apology actually happened, but Rousseau's language leaves little doubt that Rousseau believed that it at least ought to have happened. Viewing the Vitali apology as an "ought," as a fictional ideal, suggests that the next step in apologetic rhetoric might be to take Rousseau's moments of semi-fictionalized apology and make two important changes. The first would be to extend Rousseau's moments of apology throughout the entire text, so that the text itself would become an apology. The second would be to wholly fictionalize this text, so that its language could make apologies not only for what had already happened, but for that which might or ought to happen. These two changes would convert the actual, real-world apology into the literary apology. The literary apology is an apology made only in the imagination of the writer. Because it remains intimately linked with its real-world equivalent *and* to the ideals represented in the social contract, the literary apology can do what its real-world sibling does in making rights natural. However, as a wholly fictional version of the apology it is even more powerful than its real-world analogue, for the literary apology can construct natural rights as an ought; it can take rights that no one has yet thought of and use the apology to begin the process of making them real.

In his 1794 novel *Caleb Williams*; or *Things As They Are*, Godwin writes a novel about Caleb Williams, an ambitious young man whose aims and desires are

continually thwarted by his arrogant employer Ferdinando Falkland. In its tragic arc, Godwin's novel tries to show that when people engage in conventional apologies, justice becomes a hollowed-out concept available only to those who still have the means to manipulate the legal system to their advantage. Yet Godwin's novel is oddly paradoxical, for the human tragedies and failures it recounts are at the same time the seeds of a resistance to injustice and the beginnings of personal success. In a novel that explores the differences between oral confessions and persuasive apologies and the power of writing to convert one into the other, Godwin demonstrates the power of literature to unify the self, and finds in such newly-made selves, the glimmerings of a more just society.[1]

For Godwin the problems with contractualism, like those of oaths and promises, revolve primarily around issues of consent. In contrast to Burke's notions of contractual consent being a kind of patrimony handed down from generation to generation, Godwin cannot abide the idea that consent should be anything but purely individual, so that he even eschews any possibility of representative government and the contracts necessary to establish it. As Godwin sees it, in any contract "the signatures annexed…are obtained by indirect and accidental methods, while multitudes of bystanders, unless on some extraordinary occasion, remain ignorant of or indifferent to the transaction," (102).[2] Because the people are bystanders to the contract and have not participated in it directly, the legal contract is merely a tool for depriving people

[1] I view Godwin as engaged in a struggle similar to the sort Martha Nussbaum argues for in her book *Poetic Justice: The Literary Imagination and Public Life* (Boston: Beacon Press, 1995) where she regards novels as "essential parts of an education for public rationality" 2. Nussbaum and Godwin, both philosophers first, share a similar concern in trying to show how literary experience can work to promote shared values.
[2] William Godwin, *Enquiry Concerning Political Justice* ed. K. Codell Carter (London: Clarendon Press, 1971). All subsequent citations from *Political Justice* will be from this edition.

of their rights. Godwin feels that the variety of human understanding is so great that true agreement about the meaning of a proposition is essentially impossible. Social contractualism then is only another species of tyranny.

Yet as a text *Caleb Williams* dramatizes the idea that the movement of power from a world of physical force to a world of persuasive rhetoric necessarily involves the acceptance of some sort of contractual relationship. Performer, orator, author, writer, actor—all these rhetorical roles require the receiver of the communicative message to allow the sender to have power over them. Language, because of its communicative function, is inevitably contractual in that it always requires this tacit consent from the receiving party. The hearer or listener who is uncomfortable with the performer's language may always leave the theater, turn off the television, or close the book. Even as he claims to be an anti-contractarian in *Political Justice*, Godwin, because he demands society accept the rule of language over force, has committed himself to the idea of an implicit contractual relation between human beings. The question then merely becomes what form Godwin's tacit contractualism is to take.

Godwin wrote *Caleb Williams* as a means of popularizing the ideas presented in his philosophical writing. Yet to a non-aristocratic reader the example of the Fénelon scenario from *Political Justice* cannot have been encouraging for Godwin's ideal of rational decision making.[3] As Peter Howell has pointed out, the problem with

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[3] In the Fénelon scenario Godwin claims that in the situation of a fire where one can save only Fénelon or his chambermaid, one should always save the writer of *The Adventures of Telemachus* because his personal virtues and his writings make him worth more than the chambermaid. As Evan Radcliffe in "Godwin from 'Metaphysician' to Novelist: 'Political Justice', 'Caleb Williams', and the Tension between Philosophical Argument and Narrative," *Modern Philology* 97.4 (2000): 528–553, has pointed out, the solution to the Fénelon problem "is impossible because it depends on knowing the future" (529). Radcliffe is one in a line of prominent commentators on *Caleb Williams* who have focused on the particularly rich way this novel uses fictional language to

Godwin's view in *Political Justice* is that the theory he presents there depends at once upon knowledge derived from experience, (e.g. knowing how to read, knowing something about Fénelon, possessing an understanding of history) and at the same time requires the person choosing to be blind to the particular histories that inform our moral judgments (even if one were to have a personal relationship with the chambermaid, in Godwin's view one should still choose to save Fénelon).[4] Because Howell sees a tension in Godwin's views, he believes that Godwin cannot properly resolve the incompatibility between disinterested rationalism and concrete experience: "he [Godwin] cannot come up with communicative procedures that would produce the autonomous but transactional individuals necessary to facilitate the dissolution of all forms of government" (81). While Howell's critique is correct when Godwin's contentions are understood solely in terms of actions performed in the world such as saving Fénelon or making speech acts, Godwin's views on contractual relations shift when reframed through the lens of telling a story. In contrast to Howell, I intend to argue that Godwin does find in *Caleb Williams* a "communicative procedure" that approximates autonomous social functioning in the absence of any overt contractualism: the literary apology. Collins' framing narrative will do more than just present Falkland's history, it will construct an implicit contract between Falkland and Caleb that will ultimately be able to be honored only by having Caleb retell Falkland's story to the reader. This will be a contract based not on the coercion of public laws, such as those that result from conventional social contracts, but on the obligation derived from a personal yet public, rational duty.

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construct reality. Radcliffe argues that for Godwin, though fiction constructs reality, it often does so at the cost of justice.

[4] Peter Howell, "Godwin, Contractarianism, and the Political Dead End of Empiricism," *Eighteenth-Century Life* 28.2 (Spring 2004): 61–86.

Part of my interest in *Caleb Williams* is that the novel intentionally fails to deliver on its central premise. If the claim of an eponymous novel is that the character there named will become someone of note—a viable and important character the way Richardson's *Pamela* becomes the wife of a wealthy man or, Defoe's *Robinson Crusoe* becomes lord of his own island—at first glance Caleb Williams becomes nothing at all. Caleb begins the book as an unfortunate but hopeful young man and ends it as someone broken and full of self-loathing, with as he puts it, "no character that I wish to vindicate."[5] Nor does the sweep of the novel itself permit Caleb to rise to great heights before falling: despite intelligence and good will Caleb remains a servant throughout, bound by the expectations and obligations of his class. In accordance with this trajectory, the novel is often not about Caleb himself, but about those people whom Caleb might otherwise have become. These other people, notably Falkland, take over the plot of *Caleb Williams* and seem to suggest in narrative terms that Caleb is a nobody, a man of inconsequence—someone whose story even we readers often forget. While Caleb's voice may get to tell a good portion of the tale, he himself is often invisible during the narrative, absent from the stories of others he is forced to recount in an attempt at cataloging his own failures. In this chaotic and disjointed novel, Caleb appears able to fulfill only one real role—that of storyteller. Although this role creates the "I" of the novel, even here Caleb's presence is inconsistent, and he assumes the controlling narrative voice for only part of his own story.

Caleb's inability to become anyone important is bound up with the discontinuities in the flow of the narrative. If history is written by the winners, eponymous fic-

[5] William Godwin, *Caleb Williams*, eds. Gary Handwerk and A.A. Markley (Peterborough: The Broadview Press, 2000) 434. All citations to the novel will be from this edition.

tions are written by those characters who have enough worldly power to tell their own stories. Yet without a transfer of rhetorical authority from the powerful, these eponymous fictions cannot happen, and such novels will always remain narratives about those already powerful or those few fortunate enough to be lucky. Luck, Godwin implies, is fine for the few, but it has no relation to social justice—a universal and rationally-based idea, and finally the only way for the lower orders represented by characters like Pamela and Caleb to advance. The failure of Caleb Williams as a character, his inability through the progress of the novel to overcome Falkland's story and become *Caleb Williams*—the character the novel is ostensibly supposed to be about—is a reflection of the fact that for Godwin, the structure of society, despite the recent revolutions of his time in France and America, has not fundamentally changed; the increased egalitarianism promised by these movements has not materialized. Through his continual efforts in the book, both to serve Falkland and to obtain the justice his master has simultaneously denied him, Caleb becomes an almost Sisyphean character for whom every promising step forward up the slope is only the prelude to a new failure.

Caleb's apparent inability to matter to his society or be worthy to himself (even if his tragic failure makes him a powerful character for *us*) is defined by his dysfunctional relationship to Falkland. Their fraught and complex interaction has been characterized as both that of father to son, and lover to lover.[6] However one chooses to see it, throughout the novel Caleb is neither able to escape from Falkland's presence nor from viewing Falkland's story as fundamentally determinant of and often compellingly

[6] See e.g. Isabelle Bour, "Sensibility as Epistemology in *Caleb Williams*, *Waverly*, and *Frankenstein*" *Studies in English Literature* 45.4 (Autumn 2005): 813–27, and Monika Fludernik "Spectacle, Theatre, and Sympathy in *Caleb Williams*" *Eighteenth Century Fiction* 14.1 (Oct. 2001): 1–30.

more important than his own. As narrator but often not the central subject of his own text, Caleb Williams perversely becomes Falkland's apologist, telling his master's story in part as a cautionary tale about the seductions of power and reputation. Yet despite being wronged by Falkland (and therefore as presumably deserving of an apology) Caleb's sympathies for his master extend so far that his role becomes one of taking on Falkland's wrongs: of forgiving the wrongs Falkland has done him without receiving an apology, and of accepting the wrongs Falkland has done to others as his own burden and penance. In a society that seems to promise freedom and political power, Caleb has known only obedience and the compulsion of others. To Caleb's economic servitude, Falkland has piled on moral servitude as well. By the end of the novel the title *Caleb Williams* has become ironic since the only story that really seems to matter is Falkland's. Like Ishmael in Melville's *Moby Dick*, whose fate is determined by Captain Ahab's irrational obsessions, so too is Caleb at once dutiful scribe and passenger on the ship that is Falkland's life.

The irony of the title mirrors a central question of the text itself—whether in fact we have been deceived into having sympathy for Caleb alone and mistakenly made him into the tragic hero of the novel. Although it may be tempting to see Falkland as the oppressor and Caleb merely as the victim, Godwin's text undercuts that easy assumption. Falkland's power is ultimately a destructive force, but its effects are as harmful to him as they are on those around him. Unlike Caleb, whose situation goes from moderate to intolerable, the arc of Falkland's life is veritably one of tragedy, where a fundamentally good person is raised high by fortune and good circum-

stance and then brought down to ruin and shame by a character flaw.[7] If the text (and our sympathies) finally belongs more to Caleb than to Falkland this is because as the younger man Caleb represents the novel's hope for change; he is the inheritor of the new world the 18th century's political revolutions have brought about. The novel remains tragic throughout, however, because though Caleb's life isn't a tragedy of the great and powerful, he still goes nowhere. To show such promise as Caleb has done—to be literate, educated, ambitious, and above all remain concerned about the welfare of others as Caleb clearly is—and yet still to be a failure, surely this too ought to be tragic.

Caleb's claim about his own innocence in this drama is clear: "I have not deserved this treatment," (59) he tells us. But it would be equally wrong to argue that Falkland, despite his considerable wrongs, is unaware of the consequences of his actions on Caleb. When in the heat of passion (and of a fire) Falkland momentarily threatens Caleb with a pistol, he later says: "I have attempted your life! I am a wretch devoted to the scorn and execration of mankind" (213). Despite Falkland's superior power position vis-à-vis Caleb, Godwin's text doesn't allow simple assignments of right and wrong to their respective actions. Though Godwin showed himself to have egalitarian tendencies and to be a powerful critic of institutionalized power in his celebrated 1793 tract *Political Justice*, in *Caleb Williams* he is not willing to argue that just because Falkland has more power than Caleb he must also be made solely responsible for the wrongs he has done. Caleb's failure to obtain justice from Falkland is

[7] Though the parallel is far from exact, the relationship between Victor and the Creature in *Frankenstein* has some striking similarities to that of Caleb and Falkland. In Shelley's novel (perhaps borrowing from this one by her father) we also have a pursuit novel with an inconsistent narrative voice, a classically tragic hero, and another person [?] whose fate is inextricably linked to that of the ostensibly central character.

intimately bound up with his master's tragic life and the perverse fact that though Falkland can successfully manipulate the justice system and use it against Caleb, he cannot manipulate his own conscience.[8] It is this fact—Falkland's inability to relieve his own conscience, to free himself of the guilt of his crimes, and to make some kind of apology for them—that both compels him to confess to Caleb and then make the innocent Caleb bear the legal consequences of his wrongs. But is it equally true that Caleb is, at first at least, a willing participant in this exchange.

When soon after the fire Falkland decides to confess his crime to Caleb, he tells the younger man: "This confidence…is of your seeking, not of mine. It is odious to me, and is dangerous to you" (214). Despite this warning, Caleb does nothing to prevent Falkland from making his confession. The same sympathy that drives Caleb to understand Falkland's predicament, also makes him eager to hear what Falkland has to tell him. A combination of curiosity and admiration for Falkland have made Caleb blind to the consequences of becoming a confessor. Along with the implicit transfer of power that always accompanies the confession, Falkland will assert that Caleb bears a responsibility: that he must "attest every sacrament, divine and human, never to disclose what I [Falkland] am now to tell you" (214). Though he reports having done so with an "aching heart," Caleb agrees to Falkland's conditions. In the end, however, despite his promise, Caleb breaks his oath and confesses Falkland's secret.

Given this, can we take Caleb's claim about his lack of complicity in his lot as persuasive? Godwin's text continually challenges the contention that Caleb is as innocent as he claims. Though Falkland may have unjustly thrown him into prison, pur-

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[8] Jonathan Grossman, *The Art of Alibi: Law Courts and the English Novel* (Baltimore: Johns Hopkins U. Press, 2002) discusses the 18th century correlation between the legal system, testimony, and the rise of the novel. Grossman works to trace the ways legal procedures, with their devotion to fact and evidence, influenced narrative form.

sued him across half of Britain, and blasted his prospects for making an independent living, yet Falkland has also kept him alive when the conventional laws of Britain would have found Caleb swinging from a gallows rope. Falkland evidently, has a conscience; he has chosen to mitigate his servant's fate. Godwin's novel thus raises interesting questions about the apology's circulation of power. Does Falkland have a duty to apologize to Caleb for ruining his life, or is Caleb perhaps equally bound to apologize to his master for violating a sworn oath? Must apologies always be made from the more to the less powerful, or are we all as a society so bound to one another that the apology must, like the ball in a game of hacky-sack, be passed around to different members of the social community?[9]

The tragic results of the dysfunctional relationship between Caleb and Falkland appear at first to make *Caleb Williams* a perceptive critique of Romantic notions of sensibility. According to this line of reasoning, if Caleb felt less for Falkland's predicament he wouldn't have needed to inquire into its causes; his curiosity wouldn't have driven Caleb to suspect Falkland of murder; Falkland then wouldn't have needed to make Caleb into his confessor, and Caleb wouldn't have had to suffer the consequences of knowing too much.[10] As Isabelle Bour has argued, Godwin's novel helps "dramatize the failure of sensibility as a moral principle and as an epistemological

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[9] Richardson certainly seems to think so. The final pages of *Pamela* are taken up with a round of apologies made by seemingly everyone to everyone. Not only does Mr. B. apologize to Pamela, but Pamela and Lady Davers exchange apologies, as do Pamela and Mrs. Jervis. These multi-directional apologies serve not only to restore peace in Mr. B's social circle, but they also help show lines of power and demarcate reciprocal moral responsibilities between people of different social stations.

[10] This, of course, recalls the famous instructions of Raphael to Adam in Book VIII of *Paradise Lost*, "be lowlie wise: Think only what concerns thee and thy being" (ll. 173–4).

master concept."[11] This demonstration of the problems with sensibility will recur in his second and third novels, *St. Leon* (1799) and *Fleetwood: The New Man of Feeling* (1805) and have important resonances with Jane Austen's novel *Sense and Sensibility*, where its putative opposite "sense" will become a byword for moral virtue. Yet I want to argue that *Caleb Williams* is a more complex novel than it at first appears, and that Godwin's aim here is in fact to rescue sensibility by reframing it through the lens of writing. This written sensibility—a sensibility, nonetheless for a fictional character—will form the basis of Godwin's individualistic and non-coercive social contract.

To show the problems with a conventional view of sensibility, *Caleb Williams* will link confessions to a tragic downfall. In a classical tragedy the hero falls because he or she does the wrong thing. In "King Oedipus" the tragedy arises from the fact that Oedipus accidentally kills his father at the crossroads to Thebes. In Shakespeare's "Othello," even as the Moor is driven to irrational jealousy by Iago's language, his downfall finally comes as a result of his murder of Desdemona. For both tragedies a physical act precipitates the tragic fall. In *Caleb Williams*, however, the mainspring of the tragedy is not the action itself, but its confession. Godwin sets up his novel so that legally Falkland is able to get away with the murder of Tyrell. As long as no confession of the murder takes place, there are no real consequences for Falkland, and he may continue in his role as an English gentleman. The tragic fall begins then, not with Tyrell's murder, but with Collins' interrupting narrative and its effect on Caleb. Only after Caleb has heard Falkland's biography does he begin to wonder whether Falkland instead of one of the Hawkinses could be the murderer.

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[11] Bour, 820.

Godwin has shifted the grounds of the tragic drama here by making the confession of the wrong more important than the criminal act.

Caleb Williams' critique of sensibility is therefore embodied in the language and structure of the novel. The issue of time and narrative flow in *Caleb Williams* is a crucial one.[12] We know from the book's opening that Caleb is writing a memoir and that the events he is writing about happened to him before the book began. But the flow of time within the novel is also not linear. We begin with Caleb telling of his humble birth and the death of his parents, and then about Falkland's offer of employment as his personal secretary. When Caleb accidentally takes a wrong turn in the house, and catches Falkland in the middle of some activity he, Caleb, is not supposed to see, Falkland has an irrational outburst. Caleb, concerned, asks Mr. Collins to explain. Collins then takes the narrative time backwards to before Caleb's present in order to give Falkland's history up to that point. Collins' history of Falkland's life takes up the rest of the first volume. The second and third volumes resume the conventional flow of time and are told in Caleb's voice. The result of this dividing narrative is extremely powerful, for it compels Caleb to penetrate into Falkland's feelings and begin to see what he might otherwise have not—that Falkland is indeed a murderer. A key question then becomes, what is the purpose of this story-within-a-story for Caleb's life? How does Falkland's biography affect Caleb's *auto*-biography?[13]

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[12] Gerard A. Barker, "The Narrative Mode of *Caleb Williams*: Problems and Resolutions," *Studies in the Novel* 25 (1993): 1–15, reviews how Godwin's shift from third person in the original draft of the novel, to an interrupted first-person narrative was a radical rethinking of narrative modes in the late 18th century.

[13] Because of meta-textual features like this divided narrative voice, there has been a strong tendency to do deconstructive readings of *Caleb Williams*. Although the structural complexity of the novel and the way that structure is tied to questions of identity and writing cannot be avoided in any serious analysis, the deconstructive ground has

The apology that the Italian Count Malvesi will make to the English gentleman Falkland is one of the novel's most dramatic critiques of sensibility.[14] During Falkland's grand tour in Italy he is introduced to a young noblewoman, Lucretia de Pisani. She, desirous to learn more of England and of its language, asks Falkland to speak English with her. Their continuing discussions raise the suspicions and then jealousy of Count Malvesi, a young nobleman who has been promised de Pisani's hand. Malvesi's feelings get the better of him and he demands that his fiancée explain her conduct. She, unaccustomed to being so rudely questioned, grows offended by his inquisitorial tone, fuels his suspicions, informs him she is breaking off their engagement, and then dismisses him. Malvesi, convinced that Falkland has committed some sexual indiscretion with his fiancée, and seeking an outlet for his rage, challenges Falkland to a duel. The Englishman, in what the novel suggests are purely altruistic motives towards Lady Lucretia, is able to, through a narrative of his encounter with Malvesi and a verbal argument, persuade Lady Lucretia to "retract the previous haughtiness into which [she] was betrayed," (72). The now deeply-relieved count, hearing this, then

> threw himself upon his knees before her, and stammered out his reply, signifying that the precipitation had been all his own, that he only had any forgiveness to demand, and though they might pardon, he could never pardon himself for the sacrilege he had committed against her and this godlike Englishman (72).

Malvesi's apology is significant for several reasons. First, Malvesi is a count, and therefore a member of the Italian nobility, yet he denominates an Englishman of the gentry—a foreigner of considerably lower social status than his own—as "godlike," raising

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already been admirably covered by others. See especially Tilottama Rajan, *The Supplement of Reading* (Ithaca: Cornell U. Press, 1991) 183–90.

[14] Malvesi's name, in a kind of butchered Italian, comes out as meaning "bad seeing." This is interesting because while it may be evident that Malvesi has mis-seen the situation here, it is finally Caleb who will mis-see for the rest of the novel. In a sense then, it is not only power that the Malvesi apology will transfer, but an entire mistaken outlook.

Falkland far above himself. Physically Malvesi signals Falkland's status in the most obvious way: by getting on his knees. Crucially, Malvesi also makes his apology to Falkland in front of someone else—his fiancée. Lucretia de Pisani thereby becomes a credible witness to Falkland's status and presumed moral virtue because she can attest to it in the court of public opinion; in social terms her witnessing of the apologetic performance makes Malvesi's claim about Falkland's semi-divine status true. [15]

Malvesi's apologetic abasement lowers him in the eyes of the woman he is supposed to marry. In the supposedly rational calculation that precedes the decision to apologize, Malvesi would presumably have figured that the loss of status that might result from an apology would be less than the gain he would get from preserving his marriage. But Godwin's point is that Malvesi has misunderstood the situation; such a calculation can *never* be rational, and we are left with a lingering unease about the prospects for this marriage between a proud and self-confident woman and a shamefully self-abasing man.[16] The auricular apology shown here becomes the outward manifestation of Malvesi's emotional weakness. The narrative demonstrates how Malvesi has been humiliated because of his inability to control his feelings. Malvesi's fear of romantic rupture had led him to accede to the combined power of Falkland

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[15] The ways in which speech acts (often mistakenly) come to be seen as the truth is a central preoccupations of Godwin critics. See e.g. Gary Handwerk, "Of Caleb's Guilt and Godwin's Truth: Ideology and Ethics in Caleb Williams," *ELH* 60.4 (1993): 939–60; and Cheryl Walsh "Truth, Prejudice and the Power of Narrative in *Caleb Williams*," *English Language Notes* 35.4 (June 1998): 22–37.

[16] This moment is also especially relevant for Godwin's views about gendered rhetoric. Malvesi's apology results in his loss of power not only because of his social status, but also because he is male. Though as the husband of Mary Wollstonecraft, Godwin would have had to be relatively sympathetic to gender equality, yet in his few portraits of women in his fiction, he also allows them enough sensibility to their husbands that they remain the emotional caretakers of the family. See, for example, Marguerite in Godwin's *St. Leon*, who though intelligent and educated, still retains the weaker power position through her role as mother and emotional guardian of the family.

and Lady de Pisani. In this dramatic moment, his apologetic performance has moved the scene nearly to the point of satire; the excesses of his sensibility have bordered on making Malvesi look ridiculous. Malvesi's language of submission here takes on the entire responsibility for what should properly be regarded as a collective misunderstanding. By making such an overt apology Malvesi has absolved Falkland of any conceivable wrongdoing. Though we are not privy to the words he says to de Pisani, Falkland's ability to use a verbal argument to persuade her into a retraction has provided him with a moral victory. Falkland has conquered his opponent purely through the means of language. Collins' narrative thus shows Falkland as someone whose superior control of rhetoric can move other people—to be his friend, like Lady de Pisani, or to abase themselves through an apology, like Malvesi.

Upon his return to England Falkland discovers that his place in the village hierarchy has been taken by one Barnabas Tyrell, described by Godwin as "a true model of the English squire." Yet Tyrell's spoiled childhood from an excessively doting mother has made his "proficiency, even in the arts of writing and reading…extremely slender" (79). In Collins' narrative Tyrell represents the man for whom pure physical strength and personal presence are the keys to power. Tyrell's story will show how in the absence of some apologetic acknowledgement of wrongs society descends into chaos and social contracts become impossible. Tyrell will demand an apology of someone below him that will be refused, but he will subsequently be forced into a situation where an apology will be demanded of him, that he will refuse to make. In a manner characteristic of the tyrant who would always receive but never make apologies, Tyrell demands power from those below him but will not acknowledge how his wrongs make his own contrition necessary.

In the first instance Tyrell will demand an apology from his tenant Hawkins. Tyrell does Hawkins a favor by saving him from an unscrupulous landlord. Hawkins gets into a dispute with his squire over a contested vote in the local shire elections, and for supporting the opposite candidate Hawkins is kicked off his farm. Tyrell agrees to take in Hawkins and provide him with a farm of equivalent acreage. After Hawkins moves his family to Tyrell's estates, Hawkins' son catches the eye of Tyrell, and he offers the son a position as a huntsman's assistant. Though Godwin is careful to show that Hawkins is grateful for this, he nonetheless rebuffs his landlord: "He [Hawkins] excused himself with hesitation for not accepting the offered favor; said the lad was in many ways useful; and hoped that his honour would not insist upon depriving him of his assistance" (134). Tyrell, however, is unwilling to accept Hawkins' explanation:

> This apology might perhaps have been sufficient with any other man than Tyrell; but it was frequently observed of this gentleman that, when he had once formed a determination, however slight, in favour of any measure, he was never afterwards known to give it up, and that the only effect of opposition was to make him eager and inflexible in pursuit of that to which he had before been nearly indifferent (134).

Hawkins' refusal only makes Tyrell more determined to have his way, and the level of conflict rises until Tyrell demands of Hawkins: "bring your son and ask my pardon; or take my word for it, I will make you so miserable you shall wish you had never been born" (136). But Hawkins refuses this demand as well: "I am main sorry to displease your worship and I know you can do me a great deal of mischief. But I hope you will not be so hardhearted as to ruin a father for being fond of his child even if so be that his fondness should make him do a foolish thing" (136). Tyrell does not know how to respond to this persuasive argument except with more anger.

Hawkins shows due deference to Tyrell's notions of hierarchy and status, and rhetorically recognizes the squire's authority by stating that he is "sorry," but he remains unwilling to engage in the submission and formal apology that Tyrell demands. Hawkins' insistence on keeping his son under his influence demonstrates his recognition of traditional authority and his adherence to a conservative model of the family—values with which Tyrell, as a member of the gentry, ought presumably to agree. Tyrell's insistence on placing his own personal desires over and above the authority of a father over his son becomes here a threat to the stability of society, and therefore an extreme and dangerous form of sensibility.[17] In claiming authority over Hawkins purely on the grounds of his position as squire, Tyrell dramatizes for Caleb the problems with a legal system that recognizes the power of inherited social class wholly in the absence of moral virtue. Throughout his conflict with Hawkins, Tyrell constantly finds himself on the defensive from the arguments of his socially inferior but persuasively more agile tenant. Tyrell's inability to control his language—his lack of formal education in reading and writing—puts him on the losing end of every verbal conflict, even against the formally uneducated Hawkins. In speaking about Falkland, Tyrell says, "if the world were governed by words he would be in the right box" (90). Of course, Godwin is being ironic here, for Tyrell's error lies in precisely this fact: not seeing that the world *is* governed by words. Tyrell can and does use his power as squire to overcome Hawkins with the eminently verbal form of law, but one of

[17] It may seem odd to suggest that Godwin has some sympathy with Burkean conservatism, but this is a result of the widespread misunderstanding that Godwin was a radical. Carl Fisher, "The Crowd and the Public in Godwin's *Caleb Williams*," in *Women, Revolution and the Novels of the 1790s*, ed. Linda Lang-Peralta (East Lansing: Michigan State U. Press, 1999) asserts "Rather than collectivity, Godwin insists on individuality…This attitude relegates Godwin to the status of historical oddity, neither full-blown revolutionary nor wholly enlightened ideologue" 63.

Godwin's persistent themes is that when persuasive language, legal or otherwise, is unmoored from rational sensibility, it inevitably becomes a form of abuse.

Godwin further demonstrates the need for Tyrell to make an apology through Tyrell's conflict with Emily Melville, his ward. When Falkland is called upon by chance to play the part of the physical hero and saves Emily Melville from a burning house, she falls in love with him. Tyrell, who cannot stand Falkland because of the latter's superior verbal skills, is determined to prevent Emily from ever seeing Falkland again. As with Hawkins, Tyrell attempts to use force—the only method he knows—to force Emily into a position she stubbornly resists, in her case, being married to Grimes, a boorish young farmer on Tyrell's estate. Tyrell settles on this man as the one most nearly opposite to Falkland and determines to stop at nothing to achieve his aim. The upshot of his decision results in the imprisonment and eventual death of Emily, a crime for which, though Tyrell is not punished in the world of law, the gravity of its wrong nonetheless demands he make at least an apologetic gesture. Godwin dramatizes this problem in Tyrell's encounter with Mrs. Hammond, Emily's nursemaid in her final hours.

When Mrs. Hammond comes to Tyrell to tell him that Emily is dead, he at first refuses to believe her. In the process of clarifying the situation Mrs. Hammond explains to him that his actions have made him the "murderer" of Emily. He replies: "Murderer? Did I employ knives or pistols? Did I give her poison? I did nothing but what the law allows. If she be dead, nobody can say that I am to blame" (159). When Mrs. Hammond responds that she will proclaim his wrong to the entire world, Tyrell's response is telling: "Emmy is not dead! I am sure—I hope she is not dead—Tell me that you have only been deceiving me and I will forgive you everything – I will for-

give her – I will take her into favour – I will do anything you please – I never meant her any harm" (159). In this moment we see Tyrell as so committed to his own views and so convinced of his moral rectitude that instead of apologizing for *his* actions, as he ought to do, he instead tries to offer forgiveness to his victim if only her protector will undo the conditions that would proclaim him a murderer and ruin his reputation. In the irrational logic of Tyrell's mind, this offer of dual forgiveness makes Emily, along with the collusion of Mrs. Hammond, responsible for her own death. Any responsibility he, Tyrell, might bear, even for a charge as serious as murder, is to be excused by his claim of not intending harm. The implication of his argument is that his non-malevolent intention ought to be sufficient grounds to make his victim causally responsible for his actions. As Tyrell sees it, Emily has compelled him to imprison her, and her death is therefore, merely an unfortunate result of actions she has forced him to take. In Tyrell's rhetorical strategy, the apology that he's being called upon to make by Mrs. Hammond, has rhetorically been sent back to her and Emily, the respective accuser and victim of his crime.[18]

Tyrell's consistent abuse of power also means that he and Falkland cannot finally come to any agreement about how to divide power in the local community. Tyrell's limited ability with words makes him the weaker party in all Falkland's attempts at negotiation and compromise. Sensibly for him, Tyrell realizes this, and resists all

[18] This scene also gets at the subtle but important distinction between apology and apologia. In trying to defend himself, Tyrell shifts the direction of responsibility onto his victim, and so makes an *apologia*—not an apology. The long tradition of viewing the *apologia* as a form of rhetoric (with its focus on verbal persuasion instead of external evidence) even to the point of associating it with sophistry, points to it as a possible influence on the inward turn that came to characterize Enlightenment and Romantic thinking. In this sense, what has happened here should be clearly distinguished from the concepts of excuse and alibi, as these are frequently based on real-world facts instead of purely verbal reasons.

forms of persuasion that he cannot turn back into physical force. By using law unjustly against Hawkins and Emily Melville, Tyrell converts the possibility of resolving conflicts through verbal agreement into its Hobbesian state of nature where physical violence constitutes the only ground for social consensus. Tyrell's choice of force removes all reciprocity from his social interactions, and his inability to persuade through the common rituals of language compels Falkland to use those same physical means with him, setting up a kind of eye-for-eye cycle of vengeance and retribution. This has the result that when Tyrell's affronts grow too great Falkland finally loses control and kills him. Such, it appears, is the tragic result of a society without the rule of words. Much like Hobbes, Godwin feels that in the absence of common agreement about the meaning of words, men become tyrants like Tyrell, dominated by their irrational impulses and unable to compromise or make peace.

Caleb Williams is a fictitious memoir bearing obvious parallels with the autobiography. But as we know, the past history of Falkland that interrupts Caleb's autobiography is recounted by Collins. Collins, however, could not have been present at most of the events of Falkland's life and therefore would have had to hear about them from Falkland himself. Falkland's biography then, is passed through (and presumably altered by) Collins. Yet at several points in the text Caleb insists that he is trying to tell Falkland's story as he believes *Collins would have told it*. Godwin (in the voice of Caleb) overtly signals to the reader that he will drop the persona of Collins and begin to tell the story of Falkland in his own voice. Part of the way, then, that Caleb's sensibility towards Falkland happens, is through this odd intermediary of Collins, who both is and is not there. Schematically, Collins' direct experience with Falkland provides the veracity of the story, while Caleb provides the narrative voice that moves the novel

along. The result of merging Collins' and Falkland's voices into the retelling of Falkland's life makes Caleb into an omniscient narrator. Caleb's narrative omniscience is ironic, however, for despite the knowledge of Falkland that this merging provides him, the reader is meant to see that it is Collins and not Caleb, who *understands* Falkland.[19] As Caleb says of himself in the short portion of the text that precedes Collins' story, "Though I was not a stranger to books, I had no practical acquaintance with men" (61). Among other things, then, Collins' narrative is intended to show the reader the gap between the sort of knowledge that comes from books and enables one to tell a good story (of the sort, for example, that Caleb via Collins tells), and the kind of understanding of human character that derives from real worldly experience. As Caleb lacks this worldly experience and therefore an accurate understanding of human character, Collins exists as a necessary intermediary whom Caleb must depend upon until he gains a true understanding of human character.

The damage Falkland will do himself through his decision to confess is a result of Caleb's newly heightened sensibility—a sensibility produced by the power of the story Collins recounts. Caleb's reaction to the story is a way for Godwin to show us what stories are capable of—how they can both move us to be sensible to the plight of others, and yet teach us to see circumstantial evidence and causal links in a new light:

> There was a connection and progress in this narrative, which made it altogether unlike the little village incidents I had hitherto known. My

[19] Patricia Meyer Spacks *Imagining A Self: Autobiography and Novel in Eighteenth Century England* (Cambridge: Harvard U. Press, 1976) has helped explicate the fraught relationship between fiction, autobiography and identity: "Autobiographers, therefore, from the outset are dealing with fictions. Novels, more dangerous still, avowedly lie, their characters' identities corresponding to no literal persons. Yet bearing a troublesome relation to accounts of real life, novels might violate for their readers the distinction between memory and imagination," 4.

> feelings were successively interested for the different persons that were brought upon the scene…I found a thousand fresh reasons to admire and love Mr. Falkland…the story I had heard was for ever in my thoughts, and I was particularly interested to comprehend its full import. I turned it a thousand ways, and examined it in every point of view (179).

Collins' narrative prompts Caleb to "admire and love" Falkland even more than before, but it also causes him to question parts of the story's veracity—the sequence of events that result in Falkland's acquittal at trial and the subsequent execution of the Hawkinses. Collins' story drives Caleb to ask himself whether in fact the wrong people might have been convicted of the crime, to surmise that Falkland might be a murderer, and to wonder if he has scapegoated the Hawkinses. Caleb feels caught between the emotional and factual aspects of Collins' story. Falkland's biography, as presented to him, is at once deeply moving and yet logically unpersuasive. For Caleb there now appears to be an uncomfortable disconnect between fact and feeling, between the emotions that a "true" story can arouse in the human heart and the events that have taken place in the world. Even as the narrative teaches Caleb to feel more sympathy for Falkland, it also makes him question the ability of a biographical narrative like Collins' to signal factual truth. The effect of the story is a concrete demonstration of the old saw, "Don't believe everything you hear." This divergence between fact and feeling will cause a split in Caleb's sense of himself that will drive the rest of the narrative and not be resolved until the events the novel recounts are over.[20]

Clearly something in Collins' narrative itself or in how Caleb responds to it has led him to feel so connected to Falkland that he is enabled to see things about his

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[20] Michael McKeon, *The Origins of the English Novel 1600–1740* (Baltimore: Johns Hopkins U. Press, 1987), revising Ian Watt's classic volume, views the rise of the novel as built around a dialectical relationship built on just this sort of opposition. He characterizes the novel as an attempt to reconcile "Questions of Truth" (what we might call "facts in the world") with "Questions of Virtue" (moral evaluation).

master that no one else can. Caleb had earlier described himself as having "an invincible attachment to books of narrative and romance" and that such compositions "took possession of [his] soul" (60). Because of the uncanny ability Collins' text gives him to know key aspects of Falkland's thoughts and feelings, Caleb cannot resist taking on some portion of Falkland's identity. Collins' narrative produces a partial psychological merging of the two men.[21] This psychological merging means that Collins' narrative and Caleb's insatiable curiosity have the effect of making Caleb take on the weight of Falkland's crimes.[22] After the split self that the first book of the novel creates, the aim of books Two and Three will be about how Caleb, having taken on the burden of Falkland's identity, can now find a way to shake it off and emerge as a distinct and separate self, able to assert his own identity against that of Falkland. The act of self-creation that the novel demands will require that Caleb, like someone exercising their will to power, also find a way to obtain justice for himself. In order to do this he will need to find some means to be less sensible to Falkland. Caleb somehow, must begin to make sense of Falkland's story. His act of self-creation will come as a result of his ultimately converting Falkland's biography into a persuasive apology—a rhetorical reconstruction that will finally enable his own viable, individual self to emerge.

The apparent contradiction between emotional and factual truth in the effect of Collins' account is consistent with Godwin's own views about the problems with the

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[21] Rudolf F. Storch, "Metaphors of Private Guilt and Social Rebellion in Godwin's *Caleb Williams*," *ELH* 34 (1967): 188–207, links this split self to the influence of Sandimanian Calvinist belief on Godwin's life. Storch points out that Calvinist ideas of conscience resulted in a split self.

[22] Barbara M. Benedict, "Radcliffe, Godwin, and Self-Possession in the 1790s," *Women, Revolution, and the Novels of the 1790s*, ed. Linda Lang-Peralta (East Lansing: Michigan State U. Press, 1999) notes how in *Caleb Williams* curiosity "threatens the very integrity of the self" (89).

truth-correspondence of language. Promises, for example, are unreliable: "So far as [promises] have any effect, they depose us, as to the particular to which they relate, from the use of our own understanding; they call off attention from the direct tendencies of our conduct, and fix it upon a merely local and precarious consideration" (106). Oaths, in Godwin's view, are no better: "[The oath] treats veracity, in the scenes of ordinary life, as a thing not to be looked for. It takes for granted that no man, at least of plebian rank, is to be credited upon his bare affirmation…" (231). Godwin's skepticism about oaths and promises feeds directly into his views about public contracts.

When Caleb utters his oath never to repeat Falkland's confession, Godwin, as if to emphasize the pointlessness of such a speech act, describes the moment in summary, having Caleb state: "He dictated the oath and I repeated it" (214). By making the occasion of the speech act indirect, Godwin intends to show us that such speech acts can never be considered binding. For Godwin the fact that Caleb is essentially being coerced into this oath voids any apparent consent he may have given.[23] Since the reader does not get to experience directly the consenting speech act, its veracity cannot be objectively verified, and so Caleb's promise is as good as illegitimate.[24] In

[23] This argument is made in a more explicit form in *St. Leon* ed. William Brewer (Peterborough, ON: Broadview Editions, 2006) where Bethlem Gabor demands St. Leon wait twenty-four hours before freeing himself. St. Leon waits only six hours. There Godwin provides this defense for breaking promises: "No! liberty is one of the rights that I put on when I put on the form of a man, and no event is of power to dissolve or abdicate that right. Of what validity was the promise that Bethlem Gabor extorted from me by compulsion and as the condition of that which he had no title to withhold?" (408–9). This fundamental commitment to inalienable natural rights without any corresponding social obligation will, however, also become part and parcel of St. Leon's isolation from society.

[24] Ian Balfour, "Promises, Promises: Social and Other Contracts in the English Jacobins (Godwin/Inchbald)" in *New Romanticisms: Theory and Critical Practice* eds. David L. Clark and Donald C. Goellnicht (Toronto: U. of Toronto Press, 1994), 225–250, ex-

Godwin's view, then, language, even as it carries significant emotional truth, cannot be relied on as a source of the kind of logical or factual truth upon which legal convictions are based. Caleb is not bound to obey Falkland's oath, and consequently in Godwin's view, when he comes to break it, the breaking will be no crime. Instead, Godwin wants to argue, the moral content of linguistic acts should be determined solely by their effects.

When Caleb calls upon Mr. Collins to explain Falkland's outburst, nothing in this request is necessary. Caleb would certainly not be the first servant to have his master treat him in an irrational way. Most servants would have let the outburst pass and go on with their lives, content so long as their jobs were not at risk; Caleb evidently cannot. The unusual aspect of Caleb's behavior as a servant is that he asks for and receives a verbal explanation for his master's odd behavior. In trying to think through the role of sensibility in the novel it's important to recall that Caleb has no legally valid proof of Falkland's crime; he is entirely lacking in any evidence for what has happened. All Caleb has to go on is a *feeling* that something in Collins' narrative isn't right. Nonetheless, his disturbing suspicions about Falkland will prove to be correct: the very sensibility produced in him by Collins' biography and that will end up being his downfall, will also turn out to have been an accurate guide to factual truth. Because of the split between fact and feeling that sensibility creates, Caleb will find it impossible to behave like a normal servant and keep quiet, remain in his master's service, and go on with his life; his suspicions about Falkland will continually dog him until Falkland, unable to bear Caleb's continual doubts and scrutiny, will finally confess to him.

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plains how Godwin was fundamentally opposed to promises as an unjust form of coercion.

One corollary of the novel's critique of sensibility is the idea that for Godwin, confessions and direct person-to-person apologies are unnecessary acts. Since these forms of speaking are driven by a concern for the situation of particular human beings (even if that concern is the purely selfish one of preserving one's reputation or life) no one is ever morally bound to use them. Yet instead of emptying his novel of such speech acts, as he might have done, Godwin resorts to taking a critical stance: he accepts that these acts are a means of transferring power from one person to another, but is intent on showing just how problematic such transfers can be. In *Caleb Williams* Godwin puts forth a view that face-to-face apologies are rhetorically equivalent to confessions and that both are, in fact, symptomatic of political *injustice*. *Caleb Williams* will dramatize this claim by showing any lack of correlation between wrongs done and speech acts delivered. Godwin's intent appears to be to show that such acts are futile because they produce no positive results; from the standpoint of their real effects on a person's economic circumstances and social standing, the auricular apology and the auricular confession amount to the same thing—both result in a loss of power for their performer. Godwin's perspective is that both conventional apologies and confessions are irrational, emotionally-driven acts that represent the capitulation to individual over collective interests. In his view (shown clearly in Collins' narrative) people apologize when no apology is necessary and refuse to do so when they ought to. In practical terms, Malvesi's apology is a confession, and Tyrell's apologia is really an excuse. Neither succeeds in establishing the fundamental quality of the apology—that balance between personal and social interests ultimately productive of the individual in society.

The fear that drives Falkland to try to silence Caleb through an oath is the same as that which impels Tyrell to imprison Hawkins and Emily Melville. In both there is the sense that language has escaped the powers of its speaker. By showing the problems with the different responses of Malvesi and Tyrell to wrongdoing, Godwin's text draws a fundamental distinction between coercion and linguistic persuasion. Falkland, for all his rhetorical abilities, cannot overcome the reality that speech acts, unlike acts of physical force, depend upon the willingness of an audience to hear and listen; in contrast to the one-sided aspect of coercion, this willingness to pay attention to a speech act creates a fundamentally contractual relationship. Yet while there is a basic contractualism in the apology, the goods exchanged in the apologetic contract must be understood to be equal for that contractualism to be preserved. In the Malvesi apology Malvesi's fears about the possible loss of Lady Lucretia's affections lead him to over-apologize: he transfers more power and status to Falkland than any objective analysis of the situation would merit. Because the relationship of power to forgiveness is unequal, Falkland will misinterpret this incident, using it as a valid compensation for his later crimes. As in a financial transaction, the Malvesi apology will function for Falkland as a moral "line of credit" upon which he will psychologically draw when later problems present themselves. The inequity of power relations in this first apologetic speech act will lead Falkland to expect that all his other social encounters will follow the same pattern—he, Falkland, will continue to be given the power conferred by receiving but not having to make apologies. As he did in the Malvesi apology and his courtroom speech, Falkland believes he will continue to be able to control public opinion through his mastery of language. These precedents will lead Falkland to subconsciously behave like his own nemesis and ultimate victim, Tyrell, in selfishly resisting the making of any apology. But Godwin in-

tends that readers will see a moral distinction between the two men. Where Tyrell is truly immoral in always turning to physical coercion, Falkland is merely misguided in his continual attempts to attempt to use secure and legally-binding verbal contracts as a way of preserving power.

Collins' narrative sets up for Caleb three models of the worldly man: Malvesi, Tyrell, and Falkland. But through the role of apologies in Collins' narrative, Caleb is quickly able to see that neither Malvesi nor Tyrell achieve worldly success. The first apologizes for nothing, turning what might have been a mere misunderstanding into a self-inflicted ritual of public shaming; the second ends up despised and dead because he cannot admit to any responsibility for his obvious wrongs. This leaves Falkland as the only man of the three for Caleb to learn from and emulate. Falkland, beloved of the village, of Emily Melville, and perhaps even of Lady Lucretia herself, appears at first to be the perfect model of success. Through the power of persuasive argument he has made an Italian aristocrat avert dueling with him and convinced a court to absolve him of a charge of murder. His courtroom speech was delivered with such eloquence that after his acquittal, a crowd of onlookers, unable to restrain themselves, spontaneously paraded him through the streets in triumph. But the process of Caleb's education will show him that Falkland too, though far more successful than either Malvesi or Tyrell, is fatally flawed. As the unfolding of *Caleb Williams* will dramatize, Falkland is too much a simple merging of the rhetorical styles of his nemeses: when he confesses his crimes to Caleb he is behaving like Malvesi; when in that same moment of confession he demands absolute secrecy of Caleb, he is yielding to the kind of tyrannical impulses that drove Tyrell. Godwin sets up three speech act modes from three different characters and puts Caleb into situations where he must evaluate their

effectiveness. As Caleb gains practical experience with men, he will come to be undeceived even by Falkland's mode; he will develop the ability to look through the miasma of rhetoric to see things as they really are. In order to get to this point, however, Caleb will have to endure Falkland's continual depredations, and learn through trial and error, how to free himself from taking a man's personal rhetoric as a proxy for his virtue.

Falkland, cleverer than either Malvesi or Tyrell, will try to use different variations on the apologia to avoid having to make any direct apology for his wrongs. One of the key ways he does this is through an appeal to history. In Falkland's discussion of Alexander the Great, he tries to justify his murder of Tyrell by making what we might call the "civilizing" argument. Falkland's contention is that the death and destruction that attended Alexander's conquests was necessary for the flowering of Hellenistic civilization. By making himself into a god Alexander was able to supplant the inferior indigenous cultures. Falkland tells Caleb:

> The death of a hundred thousand men is at first sight very shocking; but what in reality are a hundred thousand such men, more than a hundred thousand sheep? It is mind, Williams, the generation of knowledge and virtue, that we ought to love. This was the project of Alexander; he set out in a great undertaking to civilize mankind (185).

Ordinary men in Falkland's formulation are merely "sheep," and the ideas of civilization are noble; murder in service of an idea (or an ideal) is therefore moral.[25] But Caleb does not buy into this argument, contending that "the pike and the battleaxe are not the right instruments for making men wise" (185). A "civilization" that is purely the result of military force will incorporate this idea into the structure of its so-

[25] Gary Kelly in *The English Jacobin Novel 1780–1805* (Oxford: Oxford U. Press, 1976) points out how Godwin attempts to elide fiction and history: "Godwin sought to merit the same praise [as historians], not by embroidering the facts of history, as Scott was to do, but by historicizing the facts of fiction," 200.

cial institutions, and provide no opportunity for someone like Caleb, a reader but not a fighter, to rise from the lowly position of tenant farmer. Without a linguistic basis for problem resolution, Godwin wants to argue, no civilization can be truly just. The Alexander discussion represents a tipping-point in the novel, for it provokes a realization in Falkland, that just as Tyrell came to see with Hawkins, he cannot rhetorically overmatch his servant. Whether implicitly or explicitly, Falkland has come to understand that his only advantage over Caleb is the very one that Tyrell had over Hawkins—the power of using political institutions to coerce behavior. Falkland's conclusion that he cannot compel Caleb to obey pushes him into a position of linguistic surrender and to the critical moment of his confession.

Instead of keeping to himself the emotions that Falkland's confession produces in him, Caleb will try to communicate them, and raise the issue of Falkland's unusual behavior with Mr. Forester, Falkland's brother-in-law. Caleb cannot bear the emotional burden of Falkland's confession alone, and when Caleb loses his way on a journey, and winds up, seemingly by accident, in Forester's parlor, Caleb takes the opportunity to disburden himself. He explains his situation to Forester, but driven by a concern for Falkland's welfare and an uncertainty about the secrecy stipulations of his oath, chooses to hide from Forester the key source of his suffering: the content of the confession itself—Falkland's admission of murder. In order to maximize total outcomes, Caleb has deliberated over how to respond. But this supposedly altruistic act backfires. Forester responds:

> May be, you do not know that where there is mystery there is always something at bottom that will not bear the telling. Is this the way to obtain the favour of a man of consequence and respectability? To pretend to make a confidence and then tell him a disjointed story that has not common sense in it…tell all, or expect from me nothing but censure and contempt (230).

Since the revelation of Falkland's crime would implicate someone else and probably result in Falkland's arrest, in Godwin's view Caleb would not really be confessing, but giving testimony. While it might seem in this case that any rational person would decide a concern for justice should lead to full disclosure, Godwin does not agree. His equivalence of justice with a rigorous rationality in *Political Justice* argues that "[punishment] appeals to force, and represents superior strength as the standard of justice" (247). Godwin is always concerned with the motive behind an action, and if that motive is either to save oneself or forcibly to impose consequences on another it is an unjust action, and so must be condemned.

In *Caleb Williams* the only relevant context for which force (e.g. coercion of any sort, including violence) may be used is the prevention of future harm. As Godwin sees it, while the civilizing effects of Alexander's conquests may not outweigh the violent end by which he achieved them, this is only because Alexander was probably driven more by personal ambition than promoting the good of humanity. Godwin's unwavering commitment to the principle of public good leads him to the unusual conclusion that if the result of Alexander's conquests were to be understood as for the common good, then any accompanying slaughter was wholly forgivable. Seen in this light, Falkland's own act of violence against Tyrell, while it may appear to be an act of personal revenge, is in fact just, since it benefits the community as a whole. Tyrell's own inability to act except through the coercion of others infects the entire body politic with the idea of force as morally acceptable, and therefore, like a cancerous tumor, Tyrell must be removed. Falkland, having done a good deed in killing him, should not be punished. Godwin's radicalism in this respect means that even Caleb's personal communication with Forester, his decision to reveal "not Mr. Falk-

land's secret but [his] own situation," (228) is driven by the unjust motive of self-protection. Godwin's commitment to a universal rationality takes it as self-evident that human actions do not occur in isolation. Therefore, Caleb cannot presume to separate his situation from the situation of Falkland that produced it. Because it may harm Falkland, Caleb's attempt to confess is unjust.

The repercussions of Caleb's partial disclosures to Forester are far-reaching because they result in another one of Falkland's outbursts and finally compel Caleb to fly from Falkland's service. Caleb escapes successfully but is brought back to Falkland's estate by a letter from Forester. He writes to Caleb: "After reading these lines, if you are a villain and a rascal you will perhaps endeavour to fly; if your conscience tells you, 'You are innocent,' you will, out of all doubt come back," (242). In the presentation of the letter's purely private choices—either to fly or to return—Godwin intends to point out the similarity between such written but purely personal forms of communication, and the categories of oral biography and auricular apology and confession. Though they bear apparent differences in outward form, all remain appeals to an autonomous sensibility, to making decisions based on private feeling instead of on a universal sense of justice. As Godwin views it, such intimate forms of verbal communication, whether oral or written, are all selfish instead of social. They have in common that they move readers, hearers and speakers to actions counterproductive of their own ends. Whether one is Malvesi with his auricular apology, Falkland with his confession, or Caleb with Collins' narrative and Forester's personal letter, all are driven by these personal forms of communication into making purely private emotional decisions that harm the personal as well as the public good. Such intimate forms of communication may well reveal factual truths, but for Godwin, they cannot

reveal the more important moral truths. Forester's letter then is a deception—a form of lying and an attempt to mislead—and though the letter has no directly harmful consequences on Forester himself, by colluding with Falkland in the sham trial that will result in Caleb's imprisonment, Forester will render himself an accomplice to injustice.

During the process of Caleb's ensuing trial Forester gives Caleb two significant bits of advice. In the first instance, before Caleb begins his self-defense, Forester recommends: "Make the best story you can for yourself – true if truth, as I hope, will serve your purpose; but if not the most plausible and ingenious you can invent," (246). Coming from the judge of the case, a recommendation to lie to the court must be viewed as a travesty of justice.[26] Yet as the case progresses and Caleb's innocence increasingly appears in doubt, Forester also tells him: "You cannot better serve your cause than by begging pardon of your master, and doing homage to rectitude and worth, even when they are employed in vengeance against you" (257). Taken together these articles of Forester's philosophy suggest that in both cases what matters is not the correspondence of testimony with any real world situation, but merely the emotional effects of such words have on their hearers. Justice, in this view, is purely a matter of producing the desired emotions in one's listeners. Such a perspective is also consistent with Falkland's first courtroom scene, where his rhetoric resulted in his acquittal for murder. For Godwin, all social interaction is framed through linguistic conflict and the will of one person to use rhetoric to dominate another. People involved in any public linguistic communication must always be alert to the intimate connection between language and political power and guard against any intimate communi-

[26] In English common-law jurisprudence a magistrates' court required only two members of the gentry to legally issue summary judgments. See e.g. John Hamilton Baker, *An Introduction to English Legal History* (London: Butterworths, 1979).

cation that yields power to another. For Godwin, apologies, confessions and personal letters are all suspect. Since they are primarily vehicles for personal emotion, in his mind they inevitably and unjustly yield power to another person.

While not a rhetorical apology, the favorable treatment that Caleb receives in prison is an attempt to use the blandishment of physical comforts as insurance against Caleb's escape and the possibility that he might thereby inform others of Falkland's crime. Forgiveness here results not from linguistic performance, as in an apology, but from the ability to provide or deny physical security. If the linguistic apology works on its recipient's emotions—an inner sense of what is right or wrong—Falkland's decision both to compel Caleb to prison and then to provide for his comfort there, is an attempt to use physical means to persuade Caleb to stay silent. This is Falkland's preferred method now that he's found that Caleb cannot legitimately be overcome by a trial of words. Language thus emerges in *Caleb Williams* as tool that could ideally help bring about an egalitarian community but whose historical connection to established institutions that use words in restricted ways becomes a coercive force. Though Godwin doesn't specifically mention a wish for a war against metaphor, as Hobbes did, he nonetheless shows a similar ambiguity about the powers of language both to free and to damn.

Falkland's confession to Caleb has transferred power to him. This was Falkland's first and most crucial mistake, for although through confessing he is able to remove some of his social isolation and begin the process of being forgiven, Caleb cannot redeem him. Were Caleb an authority of an established institution such as the church, and therefore bound by tradition to the secrecy of the confessional box, Falkland's confession might possess some possibility of redemption. But Caleb's youth and

uncertain social role unmoors Falkland's confession from any conventional constraints. Caleb cannot forgive Falkland in the public way that the priest, with his *impositio manus* could, nor can Caleb presume to speak for any social group; he is, after all, only the son of a poor tenant farmer. Because of the difference in their social status, Falkland's confession to Caleb is even more perilous than Malevesi's groveling apology. Falkland's warning to Caleb before his confession shows he is largely aware of this danger, but his attempt to secure his words through an oath has assumed that such speech acts can be made binding. He proceeds with his confession on the premise that Caleb's repetition of his oath has provided grounds for a valid contract. But by glossing over the details of the moment of contracting, *Caleb Williams* leaves both Caleb and the reader in the dark about the specific provisions of the contract; Caleb has been sworn to silence, but neither he nor we are privy to the specific meaning of silence in this oath. Out of the vagueness of this contractual agreement will arise the misunderstandings that drive the rest of the novel. The central conflict between the two men will remain the possibility that Caleb might somehow communicate Falkland's secret, thereby turning Falkland's confessional act into gossip, and destroying the tenuous social distinctions Falkland so highly values.

Gossip, as Blakey Vermeule has asserted, is the "specter" that haunts the novel.[27] Viewed in relation to the secrecy of the confession, gossip represents a breach of contract. The fear of gossip is driven by the fact that it's an unregulated form of speech immune to the rules of ritual or the proscription of manners. If confession is

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[27] Blakey Vermeule, "Gossip and Literary Narrative" *Philosophy and Literature* 30 (2006): 102–117. She explains: "We live in a web of opinion and judgment—we constantly evaluate and are evaluated in turn. People have opinions about us that may not correspond to our self-conceptions; whether they do or no depends on circumstances that are themselves largely external to those self-conceptions…. gossip can never be as true to the conceptions of personhood as we would like it to be (110).

the realm of the church and the courtroom, gossip is the realm of the parlor and the street. Gossip becomes news, and news can ignite popular unrest, even revolution. When the confessions of the powerful turn into the gossip of the masses, the hierarchy of power has disappeared. Social stability then, depends to some degree on the possibility of controlling what gets said when, where and to whom.

The democratic, anti-contractual nature of gossip, however, puts it beyond any one person's reach, and in *Caleb Williams*, Falkland's fear of gossip, of losing control over the secret speech of his confession, drives him to keep Caleb under lock and key. When Caleb finally escapes, Falkland has to abandon his heretofore physical means of coercion and must instead use this same power of gossip to prevent Caleb from finding any safe harbor. Falkland manufactures a story that creates a character called "Kit Williams" who, through the tendencies of gossip, converts Caleb into a "notorious housebreaker" (330) and "a devilish cunning fellow…breaking prison no less than five times" (331). Through the proximity between Caleb and the imagined "Kit," Caleb quickly comes to be mistaken for the imaginary housebreaker. Already when Caleb overhears this story in a tavern, one of the publicans says, "Damn the fellow…one never hears of anything else. O' my life, I think he makes talk for the whole country" (330). Kit, is now "he" and a "fellow," and this invented biography grows in power until it threatens to overwhelm Caleb and his real autobiography. Gossip in *Caleb Williams* then, produces a "real" but *false* self for Caleb. This story, re-invented and made true through the process of gossip, stands in contrast to Collins' story, that reveals for Caleb the *true* Falkland. The problem is, of course, that everyone believes

the opposite; they take the false Kit for the real Caleb, and the false Falkland manufactured by his apologia in the courtroom, for the true.[28]

Soon after Caleb's escape he falls in with a band of thieves. The head of this band of thieves is called Captain Raymond, and as Godwin makes clear, Raymond is a figure cut in Byronic mold, of the same aristocratic background as Falkland himself, but an outcast because his own personal story has been misunderstood by the justice system. During his stay among the thieves Caleb recounts his history to Raymond. When one day the common criminals discover a handbill offering a reward for Caleb's capture, one of them, Larkins, proposes that they turn him in. But Raymond intervenes and tells them that he has heard Caleb's story and that the young man is innocent of the charges the handbill accuses him of. Raymond's defense of Caleb is successful, and Larkins even goes so far as to thank Raymond for showing him his mistake. Caleb, then, by telling Raymond his story—providing him an oral version of his autobiography—is able to convey the truth about himself. Raymond in turn, by orally retelling Caleb's autobiography (and thereby becoming his biographer) is able to convey the story of the true Caleb to a judging public that would otherwise have condemned him. In this sense, the story Caleb tells Raymond has the same effect on the thieves as Collins' story has on Caleb. Just as Caleb comes to see the truth about Falkland from Collins's conversion of Falkland's orally-recounted autobiography into the biography it becomes, so too does Raymond's retelling of Caleb's autobiography become factually true for the band of thieves. In both cases the emotion produced by the stories results in a true understanding of the facts. However, these true stories,

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[28] Howard S. Babb and Jerrold E. Hogle, "The Texture of the Self in Godwin's Things as They Are" *boundary 2*, 7.2 (Winter 1979): 261–282, argue that "Whatever he does, Caleb is trapped and contradicted by the very symbols he chooses to render himself coherent" (267).

both intimate biographies just one step away from autobiographies, do not circulate; they are delivered by powerful storytellers to a limited public. The two circulating stories: about Kit Williams and about Falkland the innocent English gentleman that he invents at his trial, belong to the public realm. Those false stories substitute for the true ones known only by a small group of people. Rhetorically, Godwin has set up a situation where the true stories are private and the false ones are public. Such a situation creates a world without justice. In order to change that, Caleb needs to find a way to convert the true private stories into public ones.

When Caleb is forced to continue his flight he discovers that his own narrative has been taken over yet again by an invented tale. Like the earlier story of "Kit Williams" this one is also false. But whereas the first appeared to have been produced by gossip, and therefore to exist as a purely oral creation, Falkland's second fabrication is based on a *printed text*—a pamphlet that purports to tell "the MOST WONDERFUL AND SURPRISING HISTORY AND MIRACULOUS ADVENTURES OF CALEB WILLIAMS" (368). This change in medium is accompanied by two other alterations. Unlike the oral tale about Kit Williams, Falkland's printed text uses Caleb's real name, and at the same time creates a recorded and therefore seemingly objective history for him. This second fabricated identity is far more powerful than the first, for it radically narrows the gap between the real Caleb and the invented one. When Caleb was just "Kit" he might still plausibly have claimed not to be that person—that "Kit" was a case of mistaken identity, that Falkland's oral tale was a lie. While the publicans pass around the story of Kit, one of them still has enough doubt in the veracity of the story to say "I question whether he ever robbed his master at all" (331). But this printed text is more than just gossip; it has been turned into history and has made the possibility of Caleb's denying

it almost impossible. The published pamphlet will always overwhelm the kind of oral, intimate biography that Raymond has told the thieves. Caleb, with no power to move institutions to his will, cannot hope to get his autobiography to overcome the published false biography. Perversely, the printed story is more false than the oral one precisely because it is so believable, so apparently true. The false printed text has thus become Caleb's "true" story. Where before he could adopt disguises to try to escape from Falkland, Caleb now drops even this pretense and accepts that in order to free himself from this new ruse he must attempt to become a true and whole self; he must now face the difficult task of using language to become an individual.

One example of the obstacles Caleb faces in doing this occurs when he meets Laura Denison, a woman in whom he claims to have found a second mother. After she reads the written pamphlet about Caleb's supposedly true history, Caleb wants very badly to persuade her of the truth, but she refuses to listen to Caleb's explanation. As Falkland no doubt intended, she is determined to accept only the manufactured version of Caleb's story. Her response to Caleb's attempt at a defense is to reply:

> Your conduct, even at this moment, in my opinion, condemns you. True virtue refuses the drudgery of explanation and apology. True virtue shines by its own light and needs no art to set it off…Virtue sir, consists in actions, and not in words (404).

For Laura, any act of apology Caleb might wish to make would itself be immoral. Apologies, in Laura Denison's view, because they are made in words, can never be virtuous. Indeed, in this formulation, explanation and apology have become one and the same, so that any attempt to orally re-write a past wrong has become impossible. Yet Laura learns of Caleb's supposed crimes only through the explanation proffered to her by a printed text. Even as Laura values actions over words, in the actions that written words make Laura imagine Caleb has performed, she mistakenly takes a

printed text as a proper substitute for physical action; she is persuaded that he has committed the crimes described in the pamphlet. Laura's argument here serves to damn Caleb while simultaneously exonerating Falkland; she has no problem with the inconsistency that condemns with words but appears to free only with actions. The published biographical pamphlet then, is an example of the perfect deception, for it persuades people to believe that printed stories recount *real* events. In print, imagination wholly substitutes for reality. Because of the power of the pamphlet, Caleb cannot perform an apology. The power of the pamphlet's written history has left Caleb with only one option: to confess to the history it recounts and become the false Caleb it maliciously represents.

Caleb's flight from Laura Denison's village drives him to try once again to get a magistrate to issue Falkland a summons, an attempt in which he previously failed. In contrast to Caleb's previous effort, Glynis Ridley has described the language of this second attempt as "focused purely on the technical features" of the case.[29] By adopting procedural instead of emotional language, Caleb is finally able to bring his charge against Falkland. But whereas in first calling Falkland into court he applied rational principles, the presence of Falkland in the courtroom drives Caleb back towards the language of emotion. In front of the magistrate Caleb finally capitulates to his personal sensibility and publicly confesses Falkland's secret. But though this confession frees him from the coercion of the law, the accusation the confession contains costs him as much or more in the estimation of his own character.

> I myself am the basest and most odious of mankind! Never will I forgive myself the iniquity of this day. The memory will always haunt me, and embitter every hour of my existence. In thus acting I have been a

[29] Glynis Ridley, "Injustice in the Works of Godwin and Wollstonecraft," in *Women, Revolution and the Novels of the 1790s* ed. Linda Lang-Peralta, 80.

> murderer – a cool, deliberate, unfeeling murderer. I have said what my accursed precipitation has obliged me to say. Do with me as you please!...Death would be a kindness (431).

Caleb's re-confession is Falkland's ultimate victory over him and the concrete realization of Laura Denison's philosophy of the immorality of explanation. By publicly accusing Falkland of murder, Caleb's language, like a snake eating its tail, turns back upon itself; he accuses himself of having done the very action of which he has just accused Falkland.[30] In the moral view represented here, Falkland cannot be guilty without Caleb also being guilty. Whereas Caleb's technical rhetoric in placing the summons had momentarily freed him from Falkland, his courtroom accusation means he and Falkland have merged once again. The power Falkland conferred on Caleb through his confession has now been returned to him through Caleb's self-accusation. By using the pamphlet to transfer his crimes to the biographical text of Caleb's life, Falkland has persuaded even Caleb himself that there is no moral difference between them. Through the power of Falkland's rhetorical manipulations the innocent Caleb has been compelled to confess to Falkland's true crimes. Falkland goes on to make his own public confession, but it is one that looks startlingly like Caleb's: "My name will be consecrated to infamy," Falkland declares to the court. As he finishes his confession he even adds, in a perfect echo of Caleb's own words: "do with me as you please" (433). Falkland may be the tragic hero brought down by excessive pride, but he does not fall alone. The inertial forces of language and the power of institutionally-sanctioned definitions have overcome all Caleb's attempts at obtaining justice for himself.

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[30] Donald R. Wehrs, "Rhetoric, History, Rebellion: Caleb Williams and the Subversion of Eighteenth Century Fiction" *Studies in English Literature, 1500–1900* 28.3 (Summer 1988): 497–511, asserts: "Falkland's confession, no less than Caleb's self-accusation, exchanges one feverishly unreliable reading of events for another" (508).

Much has been made of the two different endings of the novel, the published version with its dramatic courtroom scene, and the original version with Caleb simply being driven mad by Falkland's continual attempt to suppress his language. While the revised ending is undoubtedly better than the first in showing the symbiotic merging of the two men, from the point of view of *Caleb Williams*' promise of self-creation and the necessary distancing from Falkland this requires, neither ending is satisfactory. Caleb's moment of self-accusation in the courtroom signals that he is as bound to Falkland's feelings as ever. It would appear that Caleb has progressed through the novel and learned nothing; he seems to be as powerless as when he began; he has not discovered how to project his own story, and he is still overawed by the false narratives circulating about him. Having taken on Falkland's wrongs again in the courtroom, how then can Caleb finally free himself, and emerge as the individual he is supposed to be?

If the adventures recounted in *Caleb Williams* are, in fact, Caleb's attempt to apologize for his behavior this effort fails. Caleb's adventures have been turned into stories told about someone besides himself. Caleb Williams, the character *in* the novel has been transformed by Falkland's power into the narrator *of* the novel, and in the process has become largely powerless except as a disembodied voice telling a story. The "half-told and mangled tale" (434) which Caleb admits he has told us, is a direct result of this failed attempt at making an apology out of his adventures. As a memoir written by Caleb Williams, the text asserts its own failure and thus the failure of the person who wrote it. In making sense of the novel it would be easy to stop where the text itself stops and agree that both Caleb and the memoir of his adventures are failures. But this would be to buy into what the text says as opposed to what the novel

really means. Godwin's novel is finally a didactic work that establishes two apparently incompatible levels of rhetoric—one functioning *within* the novel and that makes Caleb a failure, and another that works at the level of the novel itself and that suggests a different view.

In trying to make sense of the novel as a whole we should remember that Caleb has been employed by Falkland as a secretary and therefore as someone whose role it is to write for another. Though *Caleb Williams* was written by William Godwin, the novel itself, presented in the form of a memoir, asks us to believe that Caleb is a real person writing about his past. We might plausibly call *Caleb Williams* a fictionalized autobiography. In confessing to Caleb, Falkland is merely using Caleb for the purpose for which he has employed him—to write. Within the context of the "true" autobiography this eponymous novel pretends to be then, Caleb has become a writer. As a writer he has the ability to do something Falkland could never do—to apologize. It is specifically as a writer, as a creator of *written* texts, that Caleb is able to bear responsibility for Falkland's crimes. Though Falkland is a fictional character, he is a fiction twice over—once in Godwin's novel, and once again in Caleb's memorial reconstruction of him. The process of memorial reconstruction becomes an act that even as it aims to truthfully recount adventures, at the same time prompts our forgiveness of the person being constructed. By incorporating Falkland's crimes into a written text instead of presenting these crimes orally in the presence of a magistrate, Caleb can show us not only Falkland's wrongs, but help us to contextualize and understand these wrongs. Law courts, in Godwin's view, can only deal with the generality of laws; they are institutionally resistant to the complexities of human behavior. Whatever the facts of Falkland's crime may be, for Godwin the context that prompted the

crimes is of central importance in making our moral judgments. The power of fiction to create people as characters is that it helps establish a context for human actions, especially for what might otherwise be viewed as immoral actions. As Godwin argues in *Political Justice*, "The actions and dispositions of men…flow entirely from the operation of circumstances" (28). The presence of the word "entirely" voids the idea of any possibly objective moral responsibility being assigned by the legal system, and leaves the task of moral judgment wholly to the rational person. As David Collings has asserted, "both Falkland and [Caleb] are to be found not in the tale of their errors, but in its interpretation."[31] Caleb's process of writing about Falkland's wrong then, serves to literally right the wrong. By being a writer (and a righter) of wrongs, Caleb's memoir converts the facts of biography into the sympathy of fiction.

Just as Rousseau did in the opening pages of the *Confessions* when he asked God to judge the autobiographical character in the book instead of him, and presented the linguistically constructed "Jean-Jacques" as his authentic and individual-producing self, so too does Caleb finally come to understand that being present for an admission of wrongdoing, as one is in a conventional apology, is counterproductive, and that it is only through writing that he can avoid consequences and hope to gain and preserve a reputation. Oral speech acts such as the form of testimony one gives in a courtroom or makes in an auricular apology produce only the deceptive sensibility that leads people into errors of judgment. The act of inventing a self in writing, as Rousseau showed, ensures that the loss of power that follows from the exposure of a wrong, falls not on the writer him or herself but on the quasi-fictional character(s) they've created. By creating in this character a *representation* of their wrong, the

[31] David Collings "The Romance of the Impossible: William Godwin the Empty Place of Reason" *ELH* 70 (2003): 861.

writer can make a fictional instead of a real self take the blame. Caleb's personal story of Falkland's wrongdoing will function like Collins' interrupting narrative in producing both sensibility and truth, but the novel's existence as a *written* form will convert the dangerous alliance of sensibility and factual truth in an oral story into the context-driven sympathy produced by a written text. Godwin's ideal of a rational but non-coercive justice can result in a practical way only from the establishment of sympathy for particular acts of wrongdoing. In order to constitute the self as an individual—the task the novel sets for Caleb—he must find a form of rhetoric that will produce this sympathy. Only through the means of writing a novel (what would from within the context of the novel be Caleb's published memoir) can the sympathy necessary for political justice be brought about, and the individual Caleb Williams finally come into being.

When Caleb asserts "I am writing my adventures, not my apology" (281), he recalls Rousseau's similar denial at the beginning of Book VII of *The Confessions* that "I am not afraid that the reader will ever forget that I am writing my confessions to believe I am making my apology."[32] What would it mean to disbelieve these claims and instead take both works as what they insistently claim not to be—as apologetic texts? What does an apologetic text look like, and how is it different from an oral apology? Furthermore is there a kind of oblique relationship between adventures and confessions, the genres these authors so badly want their works to be? Though a complete response to these questions inevitably goes beyond the limits of these texts, some inklings of an answer can be suggested here. Adventures and confessions are both phenomena that happen to a subject, in which the external world imposes itself

[32] *O.C.* I, 279.

on the confessant or on the adventurer, where the subject is defined by the external world. Both Rousseau's *Confessions* and Godwin's *Caleb Williams* set unwary readers a trap of the same sort that Laura Denison falls into—that of taking the subject as wholly constituted by actions in the world. The reactionary Laura Denison would have us all act like Achilles and Hector and rectify our wrongs through murder or self-sacrificing suicide. Ironically, Rousseau and Godwin, eagerly hearkening back to past eras of confession and adventure, show how much the world had changed by the 18th century. Though both sought to conceal this change through their parallel denials that they'd written apologies, in fact these denials were powerful proofs that the subject was no longer, as of old, passively defined by the world, but instead had begun to define itself by pushing back against external circumstances through the means of imaginative writing. Both Godwin and Rousseau, in their respective works, constitute the subject rhetorically, through a dialectical process that engages events in the world and then uses a complex language of sympathy to wrestle with our responsibility for "real" events.[33] As both men realized but sought to deny, this dialectical process was an extended apology that ran through the entirety of their works, but that for strategic reasons it was necessary to pretend was something else. A world that wholly shaped and determined the form of the subject was far more apt to promote sympathy in the reader, and was consequently too precious an emotional response to risk in the truthful declaration of what both authors were really attempting to do.

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[33] One very real event in Godwin's life was the 1794 arrest and trial of his friend Thomas Holcroft (among others) for treason. Both Randa Helfield in "Constructive Treason and Godwin's Treasonous Constructions" *Mosaic* 28.2 (1995): 20–43, and Miriam Wallace "Constructing Treason, Narrating Truth" *Romanticism on the Net* 45, http://ron.umontreal.ca (2007) discuss the influence of Godwin's pamphlet "Cursory Strictures on the Charge Delivered by Lord Chief Justice Eyre" on the exoneration of the people accused. Both writers explicate the influence of Godwin's fictional subject constructions on the outcome of real events.

Whereas Rousseau constitutes the individual from "the Secretary" through Vitali's apologetic body language of bowing and scraping, and gathers a household to watch this quasi-theatrical performance, thereby making his individual stand alone, an isolated and Leviathan-like figure foregrounded by his separation from those who watch him, Godwin radically redefines Rousseau's largely autonomous individual by requiring his apologetic individual to constitute himself in social relation.[34] For Rousseau, Vitali's presence as other is purely functional. The apologetic moment for Rousseau is one of near total alienation for Vitali. Deprived even of his right to speak, Vitali serves only to constitute the Secretary as an individual. Rousseau's theater of apology retains barely enough of Vitali's humanity that the man, like the ill-seeing Malvesi of Godwin's own text, can grovel in penitent humility before him. Both Vitali and Malvesi, through the body-language of religious worship, make the recipients of their apologies into godlike figures. Rousseau, ever the egoist, is content to accept this gesture. Now that the Secretary has become an individual Rousseau the munificent is content to allow Vitali to serve him, and then, like a king dispensing compliments to his subjects, he can denominate the Italian a "good gentleman." For Godwin, however, the selfish egoism of Rousseau's individual must be exposed, and consequently *both* parties in the apologetic ritual need to come into being as individuals. For this reason, Collins' interrupting narrative, by inserting Falkland's presence into Caleb's own process of individuation, forces Caleb to simultaneously constitute Falkland in the apologetic act of self-creation. Caleb Williams the character cannot become *Caleb Williams* the individual of the eponymous novel, without also creating *Ferdinando*

[34] This distinction may also help to get at the linguistic difference between the French "apologie" as purely defensive, and the modern English usage of "apology" as itself dialectic, involving the recognition of the rights of other individuals in the process of apologizing.

Falkland, a shadowed, hidden individual against and with whom Caleb must define himself. Godwin uses the apology as a rhetorical tool not to constitute individual autonomy, as Rousseau does, but to constitute individual sociality. For Godwin the apologetic dialectic that creates the individual must at the same time constitute the beginnings of society. Godwin's social contract begins here—in the recognition of a public sympathy built on published fictional texts. Novels, because they are printed texts about the lives of imaginary characters, promote the public sympathy necessary to constitute a just society. This public sympathy is created through using the novel to make written apologies.

Chapter 4: Inventing the Domestic Heroine—Apologies in *Sense and Sensibility*

> "But one grand truth women have yet to learn…In the choice of a husband they should not be led astray by the qualities of a lover."
>
> Mary Wollstonecraft—*A Vindication of The Rights of Woman*[1]

Jane Austen seems an unlikely inheritor to the ideals of the Enlightenment. She writes novels that take place in English country villages whose plots all involve young women on their way to marriage. But she, like Hobbes, Rousseau, and Godwin before her, absorbed the ideas and ideals of the social contract and was a participant in the continuing process of using literature to make rights natural. Austen was certainly not the first woman to use the apology to invoke the ideals of the social contract (e.g. Frances Burney in *Evelina*) but she uses apologies in especially creative and dramatic ways. Austen, more than other female writers of her time, propelled the movement of natural rights from male figures towards female ones. Austen's egalitarian fictions are important because women were English society's first plausible outsiders—a group whose rights were almost entirely lacking, but who were in the unique position to argue for their legitimate conferral.

Women had no economic power in the 19th century institution of marriage. Legally a married woman was considered a part of her husband, just like his land or his movable property.[2] By choosing to write about the stage in a young woman's life

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[1] Mary Wollstonecraft, *The Vindications: The Rights of Men, The Rights of Woman* ed. D.L. MacDonald and Kathleen Scherf, (Peterborough: Broadview Press, 1997) 249.

[2] See e.g. *Blackstone's Commentaries on the Laws of England* Volume 1, Chapter XV (Oxford: Clarendon Press, 1765) "By marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband… For this reason, a man cannot grant anything to his wife, or enter into covenant with her: for the grant would be to suppose her separate existence…" 430.

when she began to be courted by men, one of whom would almost inevitably become her husband, Austen's novels focused on that moment when she had a modicum of power. In exercising her choice of which man to marry, a young woman found her best opportunity to make a valid contract—a consensual agreement between two people of equal status. Because this stage was at once so short yet so crucial in determining a woman's future, the discussions and negotiations that will determine the right husband expand in Austen's work to become the be-all and end-all of a young woman's days. As with other female writers of the era, marriage contracts will become proxies for the social contract. Since women cannot contract except through a choice of spouse, the contract implied in the act of marriage works as their only way of gaining the equality implied in the social contract. The way in which characters in her novels respect or violate the provisions of the social contract will influence whether they are deemed virtuous or not. To be considered virtuous, characters must accept what Austen sees as their contractual responsibilities.

Sense and Sensibility describes a conflict between two different ways of approaching the world. Both sense and sensibility are necessary for a complete life, but Austen wants to show that the pain and vagaries of living require a greater use of sense than of sensibility. Keeping the promises our contractual responsibilities require will favor sense over sensibility. The different value Austen attaches to persons of sense and those of sensibility is shown in her responses to the problem of deception. Deception is a form of lying, and Austen's novel seeks to excuse certain kinds of lies while condemning others. Some lies will be justified as necessary to maintain good manners and decorum, while other lies, because they appear to violate the principle

of equality embodied in the social contract, will be taken as a sign of a character's immorality.

Sense and Sensibility revolves around a pair of suitors, Edward Ferrars and John Willoughby, and two sisters, Elinor and Marianne Dashwood, whom they respectively choose to court. Though Austen's assignment of qualities to characters is intentionally imperfect, the reader comes to understand that Elinor and Edward represent the qualities of "sense" and Marianne and John Willoughby are the book's representatives of "sensibility."[3] Much of the dramatic tension in *Sense and Sensibility* comes from the fact that both Edward Ferrars and John Willoughby are concealing prior romantic engagements from the women they've chosen to court. These concealed engagements, though unknown to the heroines until near the end of the novel, work as unacceptable forms of deception. Both prior engagements are eventually uncovered, and apologies from the men for the pain they have caused ensue. Yet in neither case does the apology work entirely in the expected way—with forgiveness the expected result of a verbal performance.

Willoughby's crimes, it might well be said, are too great to be forgiven merely by an apology. In addition to concealing an engagement, he has also seduced, impregnated, and abandoned a young woman, Eliza Williams, thus permanently ruining her reputation. This fact too, Willoughby has chosen to conceal. Morally then, he is among Austen's most reprehensible men. Yet Austen chooses not to banish him for his crimes but partially to redeem him through an apology. She decides at once to devote nearly an entire chapter to this apology—to make Willoughby's speech of contri-

[3] The correct definitions of "sense" and "sensibility" and keeping these meanings straight is a notoriously difficult task. For a further explanation see Raymond Williams, *Keywords: A Vocabulary of Culture and Society* rev. ed. (New York: Oxford U Press, 1983) 280–3.

tion long, detailed, and apparently sincere—but in the end also to deny him a complete forgiveness. "The whole of his behaviour…from the beginning to the end of the affair has been grounded on selfishness," (248) Elinor observes to Marianne after Willoughby has made his apology.[4] If indeed *all* of Willoughby's actions are selfish then why permit him an apology? While an apology may conceal a selfish motive, in itself the act represents a concession to the opinion of others; we apologize to be forgiven by someone else and accept that that person has the power to grant us a forgiveness we desire. The remorse that drives the apology is largely founded on a recognition of the needs and wants of others. For all his apparent selfishness, Willoughby will show, merely through the performance of an apology, that he is not solely driven by his own desires. This act, following his two crimes, alters the description we are given of a purely selfish man.

Whatever the measure of Edward Ferrars' crimes, his apology, understood in the conventional terms of seeking forgiveness, will make little sense. After Elinor reveals to Marianne Edward's long-standing engagement to Lucy Steele, Austen has Elinor declare: "I acquit Edward of all essential misconduct," (185). Tellingly this acquittal happens *before* Edward's own apology. Unlike Darcy of *Pride and Prejudice*, whose apology to Elizabeth Bennett helps her fall in love with him, Austen establishes that Elinor loves, (the term she uses is "returned the partiality") Edward from the opening pages of the novel.[5] Elinor's estimation of Edward's virtue persists against all odds; the discovery of a previous engagement, a crime for which Willoughby is strongly blamed, appears not to affect Elinor's own feelings for Edward. She remains

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[4] Jane Austen, *Sense and Sensibility*, ed. Claudia Johnson (New York: W. W. Norton, 1988). All subsequent citations for the novel will be from this edition.
[5] Darcy's key apology—the one that finally leads to his marriage proposal to Elizabeth—occurs in Book III, Chapter XVI of *Pride and Prejudice*.

constant in her judgment of him despite his deception and the evident pain it causes her. Austen has Edward wait to deliver his apology until the very last pages of the novel, after he has proposed to Elinor and been accepted. His apology is rather brief—no more than a few paragraphs, and its tone puts it closer to an excuse than any admission of wrongdoing. The long time delay in Edward's apology between the recognition of harm done and the words of justification delivered suggests that although Austen does want us to recognize that Edward has caused Elinor pain, Edward's immoral actions are finally of little consequence. Willoughby's, however, are not.

The moment of Willoughby's apology begins unexpectedly. In Cleveland, the house where Elinor and Marianne have been staying, Marianne has fallen critically ill from walking outside during a storm, (almost the same thing she was doing when she sprained her ankle and Willoughby carried her in his arms back to Barton Cottage) but the doctor has said the main risk has passed and Elinor is anxiously awaiting the return of Colonel Brandon with her mother to tell them the good news. Elinor hears a carriage approaching and assumes it signals the arrival of Brandon and her mother. She descends to the drawing-room and to her shock finds "only Willoughby" (224). Elinor's sense of disappointment at seeing Willoughby is palpable; her powerful reaction reminds readers that we too are to find Willoughby's appearance here deeply distasteful. Elinor is so disturbed by his presence that even before he begins speaking she tries to leave the room, but Willoughby stops her by blocking the door. Evidently he feels he *must* speak to her. "Miss Dashwood, for half an hour—for ten minutes—I entreat you to stay," (224). Although she doesn't believe that he can want to talk to *her*, he insists: "My business is with you, and only you," (224). He first begins by en-

quiring after Marianne's health, and then hearing she is out of danger he pointedly asks Elinor: "Tell me honestly…do you think me most a knave or a fool?" She replies: "Mr. Willoughby, you *ought* to feel, and I certainly *do*—that after what has passed—your coming here in this manner, and forcing yourself upon my notice, requires a very particular excuse—What is it that you mean by it?" (226).

> "I mean"—said he with serious energy—"if I can, to make you hate me one degree less than you do now. I mean to offer some kind of explanation, some kind of apology, for the past; to open my whole heart to you, and by convincing you that though I have been always a blockhead, I have not been always a rascal, to obtain something like forgiveness from Ma—from your sister," (226).

Elinor replies: "If that is all, you may be satisfied already,—for Marianne does—she has long forgiven you" (226). Yet this grant of forgiveness seems not to satisfy Willoughby: "Has she!...Then she has forgiven me before she ought to have done it. But she shall forgive me again, and on more reasonable grounds. *Now* will you listen to me?" (226).

This is a curious moment, for even as Willoughby is not satisfied and insists on providing better grounds for his forgiveness from Marianne, he intends to address his apology only to Elinor. As he declares, his business is only with her. Willoughby has come, not as we would expect, to apologize to the person he has harmed—to Marianne—but to her sister. Willoughby's apparent certainty that Marianne's first act of forgiveness was insufficient and needs to be given again on grounds that Elinor alone is now empowered to determine, effectively substitutes her for Marianne in this scene. In essence, Elinor is now being asked by Willoughby to decide whether to forgive once more what her sister previously forgave. Willoughby's claim that Marianne's forgiveness was premature without an apology stands in contrast to Elinor's prior forgiveness of Edward even in the absence of an apology. Though Elinor has previously

forgiven Edward in much the same way, she doesn't dispute Willoughby's premise that he needs to be forgiven again.

Why is Willoughby's trying to gain Elinor's forgiveness? Why is *her* opinion and her forgiveness so important when forgiveness has already been given once by Marianne? Willoughby's intention in apologizing is signaled by his choosing Elinor to apologize to. It is not only that it was Elinor who happened to descend to the parlor, but also that Willoughby actually wished to speak to *her*. The substitution of Elinor for Marianne in his apologetic performance makes sense only if we accept that Elinor, and not Marianne, is qualified to decide whether Willoughby can be forgiven. Crucially, Willoughby recognizes this. His insistence on apologizing to Elinor is an implicit acknowledgement that any forgiveness from Marianne is essentially illegitimate; although only Marianne was directly harmed by Willoughby's actions, we are to understand that her recognized sensibility makes her incapable of being a proper judge of moral behavior. But if the only wronged party has forgiven Willoughby before the apology begins, then the ostensible aim of the apology has disappeared, and the purpose of this apology *cannot* be forgiveness.[6]

Willoughby is certainly made out to be a villain. But what may be his key act of villainy—the seducing and abandoning of Eliza Williams—plays only a small part in this apology. Elinor brings up the abandonment of Eliza, but only once:

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[6] Charles L. Griswold *Forgiveness: A Philosophical Exploration* (Cambridge: Cambridge U. Press, 2007) esp. 134–183, denies that what he calls "political apology" can in fact result in forgiveness. Griswold goes to some length to show that sentiment is often absent in an apology, especially when the person apologizing is representing a company or a nation. This, he explains, is why there is no forgiveness involved. Though not political in the way Griswold is intending, I read the apologies I am discussing here as also political.

> "You must have known that while you were enjoying yourself in Devonshire, pursuing fresh schemes, always gay, always happy, she was reduced to the extremest indigence."
> "But upon my soul, I did *not* know it," he warmly replied; "I did not recollect that I had omitted to give her my direction; and common sense might have told her how to find it out." (228–9)

Elinor says nothing further about Eliza in this scene. Because she presses Willoughby on other issues, she appears to accept Willoughby's explanation.[7] What remains then, through most of the dialogue between Elinor and Willoughby, is his attempt to apologize for hiding his own attachment and subsequent engagement to Sophia Grey. The difficulty this presents is that the wrong it seeks to be forgiven for is now essentially the same as that for which Elinor has previously forgiven Edward.

Although Elinor's forgiveness of Edward's crime might otherwise be explained by her emotional attachment to him, Elinor is consistently presented to us as someone whose sense—a byword here for good judgment and objective reason—allows her to judge fairly and without bias. As Susan Morgan has explained, Elinor is "the moral center of *Sense and Sensibility*."[8] Early in the novel, when Mrs. Dashwood suggests that Elinor may be being too harsh in her assessment of Willoughby, Elinor defends herself by saying "it is my wish to be candid in my judgment of everybody," (59).[9] If the crimes of seduction and abandonment are off the table so far as the main part of Willoughby's apology is concerned, and the apologetic material that remains refer-

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[7] It may well be that Willoughby cannot be forgiven for the Eliza affair and this is why Elinor drops the subject here. The Eliza crime is certainly important enough to recur in the minds of the Dashwood women. A few chapters after his apology has taken place Elinor says: "all Willoughby's difficulties have arisen from the first offense against virtue, in his behaviour to Eliza Williams," (249).

[8] Susan Morgan, "Polite Lies: The Veiled Heroine of Sense and Sensibility," *Nineteenth Century Fiction* 31.2 (1976): 191.

[9] In the *OED* "candid" is defined as a near-synonym for "impartial." In contrast to Elinor, Marianne is described as "neither reasonable nor candid," (143).

ences a concealed engagement for which he and Edward have already been forgiven by their respective young women, what then is the purpose of this apology?

Willoughby begins his apology by claiming that he will provide better grounds for his forgiveness, but Elinor, empowered to judge him, never asks him what these grounds might be. Nor does she provide them to him as someone else probably would. Rather, in a powerfully dramatic moment, we see Elinor, for the first time in the novel, caught between her better judgment and her feelings, between her sense and her sensibility. Elinor does not ask for grounds because grounds are rational, objective measures used to determine innocence or guilt. By the end of Willoughby's apology Elinor is too caught up in emotion to decide objectively.[10] She masters her compassion for Willoughby but is not able to separate her feeling for his situation from her sense that he is wrong. Although her emotions seem to tell her one thing, her judgment tells her another. Elinor concedes enough to Willoughby's account to say: "You have proved yourself, on the whole, less faulty than I had believed you," but feels compelled to add, "But I hardly know—the misery you have inflicted—I hardly know what could have made it worse," (234). This last sentence is revealing because Elinor here lets her sensibility about Willoughby, her sense that whatever he might say, he has harmed Marianne, determine her final judgment of him. It's a powerful moment showing the complex and symbiotic nature of sense and sensibility and Elinor's feeling of personal responsibility for her sister, but it comes only at the cost of

[10] Mary Poovey, *The Proper Lady and the Woman Writer* (Chicago: U. of Chicago Press, 1984) comments on this moment as representative of a kind of "moral anarchy." Poovey's thesis is that the intense emotion of Willoughby's apology scene is an essential part of Austen's perspective on morality: "Austen attempts to bend the imaginative engagement [emotion] elicits in the reader to the service of moral education," (187). Elinor's emotional vacillation, however, shows the problems with assuming Willoughby to be without redeeming qualities.

denying her previous concession to logic and reason—that Willoughby has indeed *proved* himself less faulty.

One of the things Willoughby's apology does is help bind the Dashwood sisters into a family of shared values. By presuming that in the moment of apology Elinor can speak for and wholly represent her sister, Austen makes a powerful assumption—that Elinor and Marianne do, or *ought to* judge Willoughby in the same way. This unity of judgment begins with Willoughby's choice of recipient for his apology. If for most of the novel the two sisters are separated by their opposite points of view, then Willoughby's decision to choose Elinor to confess his wrong to is an admission of the wrongs of sensibility his point of view represents. His substitution of Elinor for Marianne in the apologetic performance symbolically joins the two sisters into a single moral perspective that replaces Marianne's heretofore problematic sensibility with a newfound sense. By unifying the formerly divergent moral values of the Dashwood sisters Austen creates a community of sense that can stand against the problematic world view of sensibility.

Through Willoughby's apologetic substitution, Austen converts Elinor's inner sense of right and wrong, of what is moral and immoral, into an outer, socially-sanctioned view that belongs not only to her but to an imaginary community defined by sense and peopled by Edward, Colonel Brandon, and herself. Marianne, Willoughby, and in a more minor way, Mrs. Dashwood, exist on the other side, as denizens of the realm of sensibility. The progress of the novel is in part the process of converting Marianne and Mrs. Dashwood to the way of sense, so that the novel may end happily and with its central conflict between these divergent perspectives resolved. Austen creates her moral community of sense by demonstrating, through the

process of apologetic substitution, that Willoughby's crime is not only a personal one, but a social one. The morally-virtuous community of sense created by Willoughby's apologetic substitution simultaneously produces its mirror image, the immoral community of sensibility, represented here by Willoughby himself.

By choosing Elinor as the recipient of his apology Willoughby both certifies her moral rectitude and enables Elinor to hear his testimony and to judge him in a way that Austen tries to persuade us to accept as legitimate. This transfer of power from someone who appears to possess the attributes of a male romantic hero to a woman intended to represent moral virtue is a revolutionary move. Its political significance, though presented in a novel, is considerable, for it imaginatively reverses both the social conditions in Austen's time and previous millennia of history that had set men as the moral arbiters of society and fathers as the sole decision-makers for their daughter's lives. In insisting that he must apologize to Elinor, Willoughby, who as a prototypical romantic hero represents the wrongs such men have done to women throughout history, admits the history of these wrongs (by admitting his own wrongs) and simultaneously abandons his own claim to Marianne.[11] By apologizing he makes it clear that Elinor (represented here as all good women of sense) and not some missing father figure (e.g. the absent Mr. Dashwood) is empowered to romantically bestow Marianne.

Willoughby and Marianne make no secret of their attraction. Together they take a ride in an open carriage through the local village of Allenby to Combe Magna, the estate Willoughby hopes to inherit from his rich Aunt, Mrs. Smith. The public dis-

[11] Willoughby is described as having "manly beauty and more than common gracefulness." For Marianne "His person and air were equal to what her fancy had ever drawn for the *hero* of a favorite story, (33). [my emphasis]

play of mutual passion that Willoughby and Marianne continually express is what leads Elinor to expect a proposal from him and then leads her to ascribe him a bad character. The problem with their feelings is not the sentiment of love, which Elinor equally shares for Edward, but the fact that this sentiment is made public. This visibility will be problematic for creating the expectation of an engagement. In the eyes of proper society Willoughby's making public his sentiments for Marianne will bind him to the promise of an engagement. This promise Willoughby will fail to fulfill. Because he has broken this promise, Austen will paint him as immoral, and in the conventional view the novel seeks to get us to accept, he will apologize merely in order to restore his reputation.

Marianne and Willoughby's punishment for the error of indiscretion—of being excessively and obviously visible—will be to be made invisible, but in different ways for each. By placing Elinor alone in the room with Willoughby, where Marianne ought to be instead, Austen will create an invisible spectator—Marianne herself—who will subconsciously watch Willoughby's trial and who upon waking will retroactively certify the justice of Elinor's decision by abandoning any feelings for Willoughby. Austen uses the break of Marianne's near-fatal illness to rhetorically cleave off the impressionable girl from the sensible woman. The girl, immature and unable to make rational decisions for herself, has been seduced by Willoughby's good-looks and his charm. Willoughby's apology allows the girl Marianne to disappear, and the grown woman, chrysalis-like, to emerge. Put differently, Marianne's earlier self is erased through the process of her illness so that the true Marianne, now healed of her moral crimes by Willoughby's (but not her own) apology may emerge.

Her absence from the scene of the apology aims to separate Marianne's youthful indiscretions from her fundamental character; since she is not personally on trial she is ultimately guilty of nothing but a misguided innocence. Marianne then is a victim; we are to read her initial commitment to sensibility as a result of Willoughby's own immoral behavior. As Lynda Hall puts it "Marianne has no choice but to fall for Willoughby. He possesses the first, and perhaps the most important trait of the attractive rogue—he fulfills the heroine's idea of good looks and romance."[12] Marianne's becoming ill from walking outside alone serves not as a punishment, but as a lesson about the immorality of romantic men, and when her fever finally breaks, her heart will be done with Willoughby forever. Willoughby, however, needs to be put on trial personally because his way of thinking and living are permanently and irrevocably wrong. Though Marianne will finally give over her whole heart to Colonel Brandon, Willoughby must continue to pine for her because despite her past errors she, like Edward Ferrars, retains a fundamentally good heart. Willoughby's longing, like his apology, will function as a recognition of Marianne's ultimate virtue and a proof that her newfound way of sense is morally correct.

In parallel with this movement, Willoughby's apology is also a trial—a trial of the sensibility that he and Marianne represent. In this trial Elinor is confirmed as the sole judge. Like Willoughby, Marianne too represents sensibility, but in her case it is not she, but only her qualities of sensibility that are to be put on trial. In contrast, for the duration of the apology Willoughby *is* his sensibility, and in the moral view of the novel he will have little self outside of that perspective. The scene of Willoughby's apology illuminates the novel's central conclusion, one formed in almost syllogistic

[12] Lynda Hall, "Jane Austen's Attractive Rogues: Willoughby, Wickham, and Frank Churchill" *Persuasions* 18 (1996): 186.

fashion: first Elinor, because she is impartial, is competent to judge Willoughby's actions and decide whether or not a philosophy of sensibility leads people to perform immoral actions. Second, Willoughby's choosing to apologize and his choice of recipient for his apology are taken as the self-evident demonstration of the first assumption—that the sort sensibility demonstrated by his actions does indeed result in immorality.

By linking these two premises in the performance of the apology Austen tries to get us to accept a conclusion—that sensibility, at least as Willoughby displays it, is *objectively* wrong. In other words, to choose sense over sensibility when making a moral choice is the same as making that choice fairly and without bias. Such a choice would be fair and unbiased since it would be based on reason understood as Elinor's dominant quality of sense. When weighing a decision in the scales of justice, the moral person, e.g. Elinor herself, will always choose the way of sense. In coming to this conclusion we are not supposed to question Austen's equation of sense with moral virtue, nor point out that such an unalterable belief in the way of sense might itself be construed as bias. To weaken the force of possible objections of just this sort Austen is careful to couch her conclusion into the more traditional framework of an apology where one admits one's wrongs and is forgiven. The long and sincere apology and the generalized forgiveness that Elinor gives Willoughby uses the conventional framework of the performance of a speech of contrition and words of forgiveness to conceal the fact that once Willoughby has made his choice of Elinor to apologize to, the apology in a sense is finished, even before it has begun. The moral superiority of sense over sensibility that Willoughby's apology is intended to demonstrate

is embodied not in the performance of the apology but in his choice of Elinor as its recipient.

What is absent here, though Austen is not being overt about her claim, is the objective grounds upon which Willoughby is to be judged. By not providing those grounds Elinor can feel that he is wrong even as he's shown himself less culpable. As Mary Poovey has explained, it is Elinor's emotions, her sensibility, and not her reason here that tells her that Willoughby remains morally wrong.[13] His immorality is not only a result of his errors with Eliza and Marianne, but also of the fact that he is finally not to be counted a member of the moral community of the Dashwood women *Sense and Sensibility* attempts to create. Readers, who by virtue of dwelling inside the author's mind will be members of the inside group—in this case the family of Dashwood—will be encouraged to view those outside the group with suspicion. Morally, those who dwell beyond—the barbarians, to use the ancient Greek term—will be made outsiders.

To the degree that Willoughby is forgiven in his apology, this is not because of anything he says, but because he remains somewhat a part of the social circle of the Dashwood women., The world of the English gentry of which Austen writes would be small enough that Willoughby and the Dashwood women would likely still come into contact. Since he remains a member of proper society Willoughby cannot be made a complete pariah. His arrival in the parlor at Cleveland, his physical presence there, and his stated intention that he wishes to be forgiven by Elinor together demonstrate Willoughby's acceptance that the moral views of the proper English gentry Elinor represents are superior to his own. In this sense Willoughby's choice of recipient for

[13] See note 10 above.

his apology and the forgiveness he is actually able to obtain occur simultaneously. By ideologically subordinating his own views to dominant philosophy of sense in the novel, Willoughby has really served his function as a character—to show the errors of the way of sensibility. Perhaps then we must take Austen as speaking literally when she has Willoughby say: "My business was to declare myself a scoundrel, and whether I did it with a bow or a bluster was of little importance" (233).

Whereas Willoughby apologizes of his own accord, when nothing more is expected of him, Edward Ferrars apologizes only after Lucy Steele has broken their engagement and now, finding himself without obvious marriage prospects, he turns to Elinor as his romantic alternative. After she has accepted Edward's sudden and unexpected proposal he attempts to explain his former attachment: "It was a foolish idle inclination on my side…the consequence of ignorance of the world—and want of employment…Considering everything, therefore, I hope, foolish as our engagement was, foolish as it has since in every way been proved, it was not at the time an unnatural, or an inexcusable piece of folly" (256). Unlike the moment of Willoughby's apology, where Willoughby will be judged by another and found wanting, Ferrars, with the minor concession of "I hope," judges *himself* here and finds his own crime largely excusable: a "folly" that was the result of a "consequence" and a "want." Willoughby's reputation will ultimately be tied to how Elinor judges him, but Edward is given moral autonomy—he needs to satisfy only the dictates of his own conscience. When, a few pages later, Elinor finally receives an explanation of the dénouement of Edward's relationship with Lucy Steele, Austen writes: "Elinor scolded him, harshly as ladies always scold the imprudence which compliments themselves, for having spent so much time at Norland when he felt his own inconstancy," (260). Since he's just

proposed, Edward's behavior has ended up being to Elinor's advantage, and Austen judges his actions as mere "imprudence."

By holding out the promise of marriage, Edward's proposal mutes Elinor's criticism of his actions. Morally the proposal denies her any ultimate judgment over him. Elinor does manage to say to Edward: "Your behavior was very wrong." But Austen has him parry that criticism with: "I suppose, I *was* wrong in remaining so much in Sussex, and the arguments with which I reconciled myself to the expediency of it were no better than these:—The danger is my own; I am doing no injury to anybody but myself" (260). Edward here admits the wrong, and therefore acknowledges he bears some responsibility, but in the next moment qualifies that admission with "I suppose," as if this were a hypothesis to be considered and discarded if insufficient evidence were found in its support.[14] In the following clause he then excuses his responsibility altogether with his contention that he was only harming himself. His self-justifying argument is clearly wrong. As we learn from the scene of Elinor's first forgiveness he has, in fact, spent most of the novel harming her feelings. But because of their impending relationship Elinor's response to this false excuse is merely to smile and shake her head.

Ferrars' sense of his personal responsibility is minimal at best. Yet Elinor is not lacking in evidence for Edward's engagement to Lucy Steele nor indications of his feeling for her. Lucy carries around a portrait miniature of Edward which he has given her; they write letters to one another (an obvious sign of intimacy), and she has given

[14] As Zelda Boyd in "The Language of Supposing: Modal Auxiliaries in *Sense and Sensibility*," *Women and Literature* 3 (1983): 142–54, has remarked, modals are everywhere in the novel. Boyd's contention is that *Sense and Sensibility* can be read as a conflict between the worlds of the real and the hypothetical. In Boyd's understanding the nominally objective Elinor "manages, against all internal warnings about persuasion, to persuade herself of what she wants to believe," (147).

him a lock of her hair that he has set in ring that he wears. When asked directly whose hair it is Edward lies and says it belongs to his sister.[15] Edward thus sustains all the outward rituals not only of someone who is engaged but also who *feels* something for his fiancée. Yet as Austen informs us, subsequent to his proposal to Elinor: "He was released without any reproach to himself, from an entanglement which had long formed his misery, from a woman whom he had long ceased to love," (255). Furthermore, we are told that Mrs. Ferrars, Edward's mother, would disapprove of his match with Lucy. Such a fact must have been obvious to the young couple when they got engaged. For a young man of Austen's world to so obviously go against the wishes of his parents would require some intense feeling—if not for the young woman herself then at least of a considerable disdain for the general social rules that governed relations between parents and children. In a man whom we are told feels no more than he professes, these pieces of circumstantial evidence are sufficient to argue for a rather intense initial attachment to Lucy Steele and a willingness to disregard the principle that even grown children had a duty to give some regard to their parents' wishes. Yet all this is forgotten in Elinor's early and unchanging assessment of Edward: "Of his sense and his goodness…no one can, I think, be in doubt," (17). Edward's sense and goodness presumably influence Elinor's a priori grant of his forgiveness even before he has made any attempt at an apology.

[15] This lie, though it gets at the heart of Edward's deception, is one of the kinds of lies that the novel considers acceptable. In essence, because it is Edward's lie, it passes as a form of manners, a way of preserving the outward social decorum that would be lost in the emotional scene that might follow if Edward were to come clean. The moral perversity of the novel comes out when one understands that most of what makes Willloughby and Marianne immoral is that they are pathologically honest and open.

Since Lucy's confession to Elinor at the end of Book I makes it clear that they've been engaged for four years, it seems highly likely that Edward was engaged *before* he met Elinor. We then face the odd situation where the pain that Willoughby has caused Marianne by not proposing is used in some great measure as the basis for his condemnation whereas the feelings Elinor has always had for Edward entirely excuse the evident pain he has caused her.[16] If Edward's deception has also hurt Lucy Steele—certainly a possibility—that is not mentioned. Lucy's own immoral action in throwing Edward over for his younger brother Robert appears to retroactively justify Edward's own deception in sustaining the outward forms of an engagement. Since Lucy's action is necessary for Elinor and Edward's marriage to take place, Edward's immorality cannot be mentioned in more than a glancing way. For Edward to make a sincere apology would be to focus too clearly on his wrongdoings and damage Elinor's own virtue by association. As Claudia Johnson has astutely noted: "Edward is often regarded as the positive foil to Willoughby: modest, retiring, indifferent to dead leaves…[Yet] as different as Edward and Willoughby are individually, as English gentlemen many of their failures are identical"[17]

From this perspective, the differences with Edward's apology can be seen as being more of degree than of kind. As a prospective husband, and therefore as the

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[16] In the first chapter of *The Novel and Authenticity* (Totowa, NJ: Barnes & Noble Books, 1987) David Holbrook, in his chapter "The Novel and Moral Concern: *Mansfield Park*" argues of Jane Austen that "it is the misery caused to others that concerns her" (53). While this may be true of *Mansfield Park*, where Fanny Price comes to love Edmund Bertram because he is concerned for people's feelings, to make such a claim about Austen overall is problematic since *Sense and Sensibility* seems to take pain as largely irrelevant to moral judgments. (Or one might say that as compared with the pain of poverty and abandonment that Willoughby appears to promise, the pain Edward has already and will cause Elinor is of comparatively little concern.)

[17] Claudia Johnson, *Jane Austen: Women, Politics, and the Novel* (Chicago: University of Chicago Press, 1988) 58.

closest intimate of the morally-virtuous Elinor, Edward's own apologies can be of the most paltry sort because his association with Elinor's virtue will ultimately make him virtuous. Because of Elinor's virtue and his own proposal he is able to make an apology of manners instead of an apology of morals. As an apology of manners his words are essentially empty. This apology functions as a surface recognition of politeness and propriety, but is devoid of any sincerity. An optimistic view of the future of Elinor and Edward beyond the frame of the novel sees Elinor's strength of character and her commitment to what is right as having such a positive effect on Edward that whatever his crimes before the marriage, he will be reformed by Elinor during the marriage. Sophia Grey, who is presented only as beautiful, jealous and petty, can affect no such reformation in the ill-mannered Willoughby.

Edward's moral virtue, as it appears, derives primarily from his proposal to Elinor and his loyalty to his former engagement to Lucy. Had Lucy not left him we are informed that he would have stayed with her and gone through with the marriage even though he has long ceased loving her. On the other hand, his proposal to Elinor seems motivated not by any genuine feeling, but simply because she is available and clearly partial to him. Though Austen argues elsewhere (say in Emma's rejection of Mr. Collins' proposal) that love between couples is essential for a happy marriage, in this instance Edward's loyalty to a promise becomes more important than any feeling of mutual love. Elinor, though a paragon of sense, spends most of the novel unconcerned about the fact that her love for Edward might be unrequited; Elinor chooses to love without any real evidence that her love will be returned, something that she tries to prevent Marianne from doing.

It would seem then that Edward's moral action with Lucy, because it places loyalty over love, is finally what makes Elinor forgive Edward. But if loyalty should take precedence over love in the measure of forgiveness, then how can the ever-cautious Elinor love Edward from the opening pages of the novel, before she has any knowledge of his loyalty? And is this love for Edward himself, or is it simply an expression of her wish to be married to someone who will not leave her? It would seem then that Edward apologizes not so much because he feels anything for Elinor, but because he understands that as far as she is concerned the fidelity he has shown Lucy Steele during their engagement will excuse any pain he has caused Elinor by concealing his engagement. The implicit promise of Edward's fidelity to Lucy is that he will endure the potential lovelessness of a marriage without ever turning his attentions to another woman. From the perspective of his apology it appears to be Edward's putative commitment to the promise embodied in the engagement, and *not* any attentions to the feelings of others, that makes him moral.[18] Yet again, the comparison to Willoughby is illuminating, for Willoughby's own commitment to marry Sophia Grey—his carrying through of his previous promise to her—does nothing to improve his moral status in Elinor's eyes. Loyalty matters, but apparently only when this loyalty is to Elinor or Marianne, not when it is given by Willoughby to Sophia Grey.

Edward's excuse is based on his sense that he only harming himself. Though he admits his reasons for concealing his engagement are weak, they are nonetheless

[18] We tend to think that feelings cause us to perform certain actions, but one of the implications of J.L Austin's conception of the performative in *How to Do Things with Words* is that the process of feeling to action can be run in reverse so that actions can produce their corresponding feelings. Such, I would argue is the case here. Austen conceals the moment of Edward's proposal. Ferrars' apology is really the only sign we ever get that Edward has any concern for Elinor. If there is to be any love in this marriage, that apologetic performance, forced and empty as it is, begins the process of caring that must ultimately bind the marriage.

sufficient for his forgiveness. The forgiveness Elinor's smile and silent reprimand provides him with is based on an acceptance of his premise that he was harming only himself. On the other hand, Austen's choice that Willoughby apologize to Elinor is a sign that he, unlike Edward, *has* harmed someone else. In Willoughby's case, however, this harm goes beyond simply having hurt Marianne, which an apology made directly to her would indicate, but has instead become a harm done to the unwritten rules of engagements—to the promises of marriage in general. The reality of Willoughby's broader harm is based on two facts: first in seducing and abandoning Eliza Williams he has made it impossible for her to marry again into respectable society, and second that as Brandon informs Elinor: "your sister's engagement to Mr. Willoughby is very generally known," (123), when in fact there has been no engagement. By making Marianne into the object of gossip Willoughby has created a false expectation that will hurt Marianne's reputation. So Willoughby has harmed two women by damaging their prospects for marriage. In neither case has he repaired his harm with a proposal. Whereas it is clear that Edward has caused pain and largely denied his responsibility for that pain, he has done no harm to either Lucy's or Elinor's reputations. Discretion here may not be the better part of valor, but it is certainly the better part of moral virtue.

For *Sense and Sensibility* objective reason in moral matters is impossible. Such reason would be universal and have to acknowledge the similarity between the crimes for which Edward and Willoughby must apologize. This, however, would fail to draw the crucial distinction between lovers and husbands and between the sensibility of Willoughby and the good sense of Edward and Colonel Brandon. The meaning of Willoughby's apology is based on his function in the novel as a lover instead of a

husband. Because Willoughby is not to marry one of the Dashwood sisters he will remain an outsider, and consequently be viewed as immoral. As Robert Hopkins has explained, the relationship characters *will come to have* vis-à-vis the heroines, and not just the moral status of their actions, helps determine how they will be viewed.[19] Despite his apology Willoughby remains wrong on two counts—first because Elinor simply *senses* he is wrong, and second because in his role as a lover he is different from Edward. She and Edward are alike in their commitment to sense over sensibility, and as a result will end up married. Elinor loves Edward and admires and respects Colonel Brandon and so far as the morality of the novel is concerned that makes all the difference.

The suggestion that Willoughby's apology to Elinor references a harm that goes beyond the personal to the social instead argues that his actions have breached the rules of courting that lead to the contract of marriage. Willoughby apologizes in part because he knows he's violated the rules of this contract. As he states, he wishes through his apology to be thought of less negatively by Elinor, and consequently to be seen more positively by the social community she represents. Because courtship precedes marriage, those who court are bound by the contractual obligations of the marriage contract. When a man courts a woman he is proving to her and to society at large that he will keep the promises the marriage contract demands. As promises, proposals of marriage serve to certify two things for a potential bride: first, they are a declaration of continuity; that is, the man engages to remain with the woman till death; second, they are also an assertion of economic support, that is, in a world where women could not easily provide for their own financial needs, a marriage pro-

[19] Robert Hopkins, "Moral Luck and Judgment in Jane Austen's Persuasion," *Nineteenth Century Literature* 42.2 (1987): 143–158.

posal promised her food on the table, a roof over her head, and a relative guarantee of her social status. Taken together, the promises the marriage proposal contains work to protect the woman's economic and social-status needs. Because he's offered no proposal to her, Willoughby has failed to provide Marianne with economic and status-security—the essential things the marriage contract is supposed to provide. Austen takes economic security as the ground of morality and therefore concludes that Willoughby cannot be viewed as a moral character.[20]

As a contract, the engagement promise is intended to guarantee the woman's fundamental economic rights. However, in order for the resulting marriage to do this the woman needs to be considered a viable contracting party. In its view on marriage *Sense and Sensibility* confronts the contradiction that in the 18th century women were not considered as people in legal terms and as a result could not enter into contracts. The gap between the perception of marriages as contracts and the reality that women could not validly engage in other sorts of contracts was rendered even more absurd when marriages were referred to the broader idea of the social contract. Wendy S. Jones has aptly described the changes British understanding of the concept of marriage in the 18th and 19th centuries: "The perception that ideals of marriage did not accord with its socio-legal reality was not just an intuitive insight or a matter of observation. It was an inference grounded in contract theory which provided both a legal and a philosophical language for urging appropriate reforms. According to contractarian feminist arguments, the marriage contract, like the social contract, is a relationship en-

[20] Today we tend to assume any contract automatically includes the act of promising, but in fact the link between these had to be made by a court. The connection between contracts and promises arose out of a celebrated 17th century legal case called Slade's Case. See e.g. David Harris Sacks "The Promise and the Contract in Early Modern England: Slade's Case in Perspective," *Rhetoric and Law in Early Modern Europe* eds. Victoria Kahn and Lorna Hudson (New Haven: Yale U. Press, 2001) 28–53.

tered into voluntarily for the benefit of both parties; love is indeed the marker of this voluntariness. Marriage should therefore live up to its allegedly contractual nature."[21] In its ideal then, an 18th century marriage not only provided for the woman's economic security, but because it was a contract, and built on a love, the man's heart would spontaneously grant the woman he married the personhood and social equality she could not obtain in law. While the contract in and of itself might provide for a woman's economic needs, love was necessary to ensure that the woman's rights continued to be respected after the marriage ceremony had absorbed her formerly separate existence into that of her husband. Though women might not legally be able to function as people, since most nonetheless engaged in at least one form of contractual relationship—that of marriage—it made sense to use fictional marriages as a guide to help provide women with the legal status and corresponding individual rights that society itself would not recognize.

The growing social sanction for love marriages in the 18th century that Jones describes meant that even if women's selves might legally be erased after the marriage ceremony, women at least had the power to contract *before* their marriages. Somewhere between a girlhood that denied them the maturity to contract and a motherhood that erased forever the possibility of escaping the marriage, a female entered a period, albeit brief, that we might call womanhood. In this short time a woman had and could express both her power and her wish for equality by trying to make sure that her husband-to-be would respect her rights in the marriage. Though without the support of legislation no woman could obtain the true power of a contractual relationship, the woman's care in selecting her husband increased her chances of his re-

[21] Wendy S. Jones, *Consensual Fictions* (Toronto: University of Toronto Press, 2005) 38–39.

specting a kind of quasi-contractual fidelity. "Marriage contract" then was a bit of an oxymoron. Every woman who hoped to marry had to confront the fact that whereas marriages were private affairs based on the specific feeling of two human hearts, contracts were general, universal, and legally-enforceable agreements that by enumerating reciprocal obligations helped move the parties towards the true equality natural rights implied they had.

Crucially, marriage contracts have nothing overt to say about love. Though Willoughby's apology sincerely attests to his love for Marianne, in Austen's view love alone is not enough to guarantee a man's contract fidelity. While love is important, in *Sense and Sensibility* it is only the additional binding agent, the insurance against contract default. Marriage, despite some surface obeisance to the need for love, has here been reduced to its economic aspects. Willoughby's apology, coming as it does after his marriage to Sophia Grey, works then not so much as a means of forgiveness, but more as a way of showing his recognition that he's violated the rules of the marriage contract. Since he's already married to someone else, he cannot repair this wrong to Marianne. All that is left to him is the performance of his recognition. If economic rights were the first and most basic form of egalitarianism, then Willoughby's abandonment of Eliza Williams and failure to propose to Marianne could be taken as signs that he was unwilling to recognize this basic aspect of male and female equality. Because Willoughby has broken the promises his behavior led Elinor to expect, he has failed to grant Marianne a right to contract. Like a corrupt king who will not grant his subjects' rights, Willoughby must be overthrown for this injustice.

Yet *Sense and Sensibility* struggles to determine which set of contractual rules apply at which moment—those that bear solely on the marriage and that Willoughby

appears not to respect, or those that might be called universal and that are signaled by his love for Marianne.[22] This aspect of dual reference in marriage contracts means Austen is forced to try to negotiate the differences between them. Austen wants us to reject Willoughby for his immorality, but not so wholly that we deny the value of sensibility or the need for love in the marriage contract. Indeed, Elinor's emotional vacillation during Willoughby's apology—the strong personal pull she feels towards him, is a sign of the importance of both sense and sensibility in the establishment of the marriage contract. Elinor must concede something to Willoughby and offer him a partial forgiveness because she must acknowledge in spite of herself that the sensibility she rhetorically stands against has nonetheless determined much of the course of her relationship with Edward. This recognition is consistent not only with marriage contracts but with the broader social contract, for as Hobbes so clearly demonstrated in *Leviathan*, belief (and its associated emotions) are essential to the process of the social contract. The emotional nature of Willoughby's apology and its effect on Elinor mirrors the wider role of belief in the establishment of all contracts.

Willoughby loves Marianne, but since he offers her no engagement, contractually he grants her no rights. As such, he is immoral. Edward, who never shows he loves Elinor and may indeed not do so, nonetheless provides an engagement and thereby secures Elinor's rights. In Austen's eyes this action makes him moral. Being loved is not a right. However, outward signs of love (of which an engagement is perhaps the most important) signal that rights and the corresponding personhood they grant a woman are highly likely to be given her. In Austen's concern to secure for her

[22] The apology also functions as a link between manners and the law. As David Kaufmann, "Law and Propriety, Sense and Sensibility: Austen on the Cusp of Modernity," *ELH* 59.2 (1992): 385–408, has explained "manners act as an origin, supplement, and corrective to the law" (388).

heroines the most basic rights—the economic ones—she neglects to outwardly acknowledge that love, even a non-contractual love of the sort Willoughby shows Marianne, is equally a means of conferring the status of person on a woman.

That women such as Austen should have used imaginative literature to try to turn marriages into true equal contracts made sense. However, the self-contradictory nature of the ideas bound up in the phrase "marriage contract" kept getting in the way. Even in a world of women as persons fully entitled to share the wealth and property of their husbands, the particular power relations each partner stood in would have powerfully affected the stipulations of any contract. Since women were almost always in the weaker position they faced the difficult reality that though ideals of social contractualism might minimally improve their lot, nothing short of a revolution could give them true equality. Austen uses the performance of Willoughby's apology to enact just this sort of revolution. His apology, because it admits his wrong, transfers society's exclusively male legal personhood to Elinor and thereby helps certify her existence as a legally-valid person. His apology, by symbolically providing Elinor with contractual rights, makes these a permanent grant she can use in her forthcoming marriage to Edward. Willoughby's apology provides her with the rights that Edward's lack of love will deprive her of. The valid personhood a man's apology gives a woman enables her to make a true contract—one where the man is bound to fulfill his obligations and a woman can dismiss or deny him if he fails to meet his promises. With a status as a legally-valid person a woman can finally contract as a man would, as an equal party to the agreement. As Michael Marrus has explained, "One of the important achievements of apologies, when done effectively, is to allay fears of historical

oblivion."[23] Though we tend to understand oblivion as an ex-post-facto condition, Marrus' point applies equally a priori. Apologies can be a means of writing individuals or social classes into history as a guard against oblivion. Even as *Sense and Sensibility* is a fictional work, it uses the act of writing Willoughby's apology to make Elinor matter, to rhetorically transfer her as a modern everywoman into the path of history.

Though she did imaginatively create a viable female self with Willoughby's apology scene in *Sense and Sensibility*, Austen was nonetheless unable to overcome the conflict in marriage contracts between specificity and universality, between the real conditions that existed before the marriage contract and the ideal ones the social contract tried to represent. As Hobbes, Locke, Rousseau and other social contractarians had worked to show, the civil and legal rights contracts granted contractors had their origin in concepts of natural right that were entailed on the basis of fundamental human existence. As such, these theories created an unavoidable link between universalism, contractualism, and equality. In the state of nature that Hobbes had imagined, all persons were equal and the natural rights this state gave them were to be given universally, to all people. Women then had the same contractual rights as men, but only *in theory*.

Sense and Sensibility struggles with the nearly impossible imperatives of the social contract ideal. The daily life of women made it evident that they were not equal to men. Yet from the precepts set out in the philosophies of the contractarians it was clear they ought to be. Contracts, as Hobbes, Locke, and Rousseau had understood them, were public charters. What that meant was that someone breaching a contract could be deposed if they were a political authority or sued if the clauses of the con-

[23] Michael R. Marrus, *Official Apologies and the Quest for Historical Justice* (Toronto: Munk Centre for International Studies, 2006) 34–35.

tract were commercial ones. Seeing marriages as contracts cut two ways—on the one hand contractualism transformed the marriage in such a way as to suggest that women ought to be equal to men, but on the other, it also denied the specific conditions of their inequality by assuming they *were* equal. Without the power to depose their husbands or sue them in a court of law for breach, women as yet had no viability upon which they could plead for redress of male wrongs.

As I've argued, imagining marriages as true contracts required making women into viable selves. In order to do this women had to be given those universally-held natural rights that men already possessed and took for granted. Setting Elinor as Willoughby's judge in the apology, giving her rights over him, was Austen's way of using imaginative literature to symbolically grant women this all-important personhood. Willoughby's redirected apology to Elinor first transfers his own contractual rights to her. [24] Elinor, now granted the power by his apology to contract like a man, uses her newfound rights to make a marriage contract for Marianne with Colonel Brandon, a suitor who in her estimation will better respect her sister's rights. Once given the power of contractual personhood, Elinor behaves in the most moral possible way: she uses it to make an equitable contract for another person—Marianne. The difficulty with Elinor's action however, is that though Willoughby's apologetic transfer of power to her is made voluntarily, Elinor's transfer of power to Marianne, made by setting up a contract with Brandon, happens without Marianne's consent.[25] Austen recognizes the

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[24] As Maine explained: "Not many of us are so unobservant as not to perceive that in innumerable cases where old law fixed a man's social position irreversibly at his birth, modern law allows him to create it for himself by convention," [or by imagination] (179). Though Maine may not have intended that women be included in this observation, it seems clear that the general point was not lost on them.

[25] In *The Doctrine and Discipline of Divorce* Milton ties consent to passion and the absence of passion as legitimate grounds for breach of the marriage contract.

existence of a social contract model but applies it inconsistently. She blames Willoughby for his failure to contract and so compels him to recognize that Elinor should be equal to a man in power, but by allowing Elinor to make a decision about Marianne's own marriage choice, she fails to acknowledge the need for contractual consent to extend to Marianne.

In her judgment of Willoughby Austen reveals the complex ways in which the marriage and social contracts interact. On the one hand Elinor's private conviction, her inner sense of Ferrars' fundamentally good heart and Willoughby's basic wretchedness are used to certify the rightness of her judgment. In this she recalls the "moral sense" ideas of Smith and Hume. On the other hand, Edward is morally absolved of his wrongs only because of his contractual fidelity, solely because by remaining with Lucy Steele after his feelings for her have ceased, he has remained true to the institution of the marriage contract. Correspondingly, Willoughby's fundamental wrong lies in his failure to observe the implicit contract that his behavior has appeared to promise.[26] In this social contract view Austen looks more like Locke and Rousseau. By this point Austen takes it as self-evident that the reader will see Willoughby as immoral and therefore as undeserving of the rights and personhood his society gives him. In this view, for Elinor to stand in judgment over Willoughby is in fact the highest form of justice; *she* and not *he* is deserving of natural rights and the legal and civil powers that result therefrom. To have Willoughby recognize contractual obligations

[26] The making of a promise, however, requires a verbal declaration. As Willoughby never actually proposes he has promised nothing. Marianne's contention that "He [Willoughby] has broken no faith with me," (132) is technically correct. As Austen asserts a few paragraphs later, the "contract" here is based on Marianne's feelings. The promissory obligations required by an implicit contract presumably cannot be the same as those of an explicit one.

towards Elinor, while she ignores the rules of contractualism by contracting for Marianne, is justified in this moment by the extremity of his immorality.

Elinor's moral superiority to Willoughby continually calls into question the legal status of women as non-entities. Just as Rousseau uses the Vitali apology to transfer rights to an everyman figure called "the Secretary" that represents him, so too does Austen use the Willoughby apology to transfer rights to the virtuous everywoman Elinor represents. In both works the heroes and heroines of the work are made into viable people—rights-bearing individuals—by being the recipients of apologies. In both works the apologizers are the bearers of power, people whom the authors assert have abused their privileges and held onto power illegitimately. The presence or absence of a character's apologetic performance, and its direction, is used as a trope intended to signal who is moral and who immoral.

The contractual problem Austen faces is that if Willoughby's wrongs and Marianne's rights are to arise from the assumption that men and women are fundamentally equal, then the inherent equality that undergirds the marriage contract and that it aims to guarantee, needs to apply both to men and women. This presumably is why Willoughby is finally not good enough for Marianne. His immorality *before* the marriage is taken as a sign that he wouldn't respect Marianne's rights *after* the marriage; this, and his economic straits are what disqualify him as an appropriate husband for anyone but the wealthy, jealous, and thoughtless Sophia Grey. Edward Ferrars, on the other hand, while far from a moral paragon, demonstrates the essential virtue of contractual fidelity through his willingness to provide economically for a woman re-

gardless of his feelings.[27] Edward's attentions to Lucy Steele are based on his sense of her beauty and a result of their generally being thrown together. As the estate of Longstaple is entailed to him he has nothing to gain financially by a marriage to her. For Lucy, as for many of Austen's other female characters, the financial benefit from the marriage will be hers. In contrast to Willoughby, Edward's behavior *after* the marriage is presumed to be guaranteed by his contractual fidelity *before* the marriage. Because he is otherwise so deficient in appeal, contractual fidelity really becomes Ferrars' only virtue. Sadly, that (and perhaps a concession to general manners) is finally *all* that matters for Austen's morality. This explains why Edward's apology is able to be so nearly an excuse. His proposal, and the real-world way in which that proposal affects Elinor's future and bestows power on her, functions as Edward's atonement. A man's particular financial generosity—one conferred on a specific woman—has here become a proxy for universal moral principles. In a moment that can be reminiscent only of Hobbes, Austen's contractualism here exists exclusively to preserve security.[28]

Though Willoughby's apology is supposed to signal a man's recognition that he's violated a woman's contractual rights, never in the lead up to her marriage contracts does Austen show any concern that the woman might violate the man's rights.

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[27] One of the givens of Austenian criticism is that Austen successfully criticizes excessive materialism. From this perspective Elinor is more moral than Lucy. The novel implies that Lucy leaves Edward only so that she may now get Robert's money. But Austen is unclear on what constitutes excessive materialism. What makes the living Edward gets from Colonel Brandon sufficient and morally acceptable, but Lucy's marriage to Robert Ferrars so crassly materialistic?

[28] In this vein see the recent article Michael J. Stasio and Kathryn Duncan "An Evolutionary Approach to Jane Austen: Prehistoric Preferences in Pride and Prejudice," *Studies in the Novel* 39(2) (Summer 2007): 133–146, that argues that morality in Austen can compellingly be understood from the perspective of evolutionary psychology. What I find fascinating in Austen is the way in which biological imperatives for female security are translated into moral principles without any acknowledgement of this transition. The woman writer thus faces the interesting problem of trying to reconcile the execptionalism of gender with the equality promised by contractualism.

Given historical inequities this may not be a possibility that we can ask Austen or any literature by a historically-oppressed group to contemplate. But if a marriage is truly to be a *contract* based on the inherent natural equality implied in the contractual relationship, then the risk of a woman's immoral actions towards a man must also be considered in its design. Like a woman, a man entering into the contract of marriage needs the insurance of love. Yet Colonel Brandon, though he loves Marianne, seems willing to marry her despite the fact that she does not love him, but Willoughby. He rhetorically observes to Elinor, "Your sister, I understand, does not approve of second attachments." And Elinor replies, "No, her opinions are all romantic," (43). Yet the thrust of this conversation is clear—Marianne's unwillingness to love a second time is immature at best, immoral at worst. To Brandon Elinor says of her sister: "Her systems have all the unfortunate tendency of setting propriety at nought; and a better acquaintance with the world is what I look forward to as her greatest possible advantage," (43). "Propriety" here becomes a code word for Marianne's unwillingness to compromise her feelings and marry Brandon. While there is a long history of men who have loved or merely desired women and married them regardless of any reciprocal feelings, Austen seems unconcerned that in thrusting Brandon upon an unwilling Marianne the role of love as a marker of a woman's own willingness to enter into the marriage contract has been ignored. "She [Marianne] was born to overcome an affection formed so late in life as at seventeen, and with no sentiment superior to strong esteem and lively friendship voluntarily to give her hand to another" (268). Though Austen is careful to add the word "voluntary" to Marianne's acceptance, yet she is equally clear that Marianne has no love for Brandon. If Willoughby's harm to Marianne calls for an apology, then why not Brandon's willingness to marry Marianne without the full consent of her heart?

To apply a different standard of love for men and women in the ideally equal marriage contract is to call into question the validity of the contractual idea. The rights to viable personhood the marriage contract in Austen is supposed to grant women cannot work without reference to the inherent equality supposed to be granted all persons by the social contract. I am not saying that moral distinctions between good and evil people cannot be drawn. But Austen creates a problem for herself when she assumes that the provision of the marriage contract is sufficient to generate the love that represents the equality of the contracting parties. Karen Newman argues that "Austen exposes the fundamental discrepancy in her society between its avowed ideology of love and its implicit economic motivation."[29] Austen vexes questions of contractual consent by denying Marianne the full scope of love in her marriage to Brandon. If mutual love is indeed what is required for contractual validity, then the love that Willoughby and Marianne bear for each other is the novel's only marker of equal contractualism. Even as Willoughby apologizes because he's violated the rules of the marriage contract, his apology is also the clearest sign we have of a man placing the feelings of a woman (or perhaps of two women) above his own. It is perhaps in recognition of this fact that Austen has him say to Elinor: "tell her [Marianne] that my heart was never inconstant to her, and if you will, that at this moment she is dearer to me than ever," (234). The love of Willoughby and Marianne, though it may not result in marriage, nonetheless represents an expression of full and equal consent.

Viewed in strict terms, the principle of equality the marriage contract seeks to get us to recognize can only work if the parties are equal *before* they contract. Without this equality before contracting that love is supposed to signal, women's economic

[29] Karen Newman, "Can This Marriage Be Saved: Jane Austen Makes Sense of an Ending," *ELH* 50.4 (1983): 695.

needs alone will force them to marry. Marrying purely for economic need would become a form of coercion, however indirect, and would again deny the inherent equality the marriage contract is supposed to demonstrate. Though his marriage to Sophia Grey may signal his own economic selfishness, and his seduction of Eliza Williams paint him as heartless, the voluntary aspect of Willoughby's apology also shows that unlike Brandon he is unwilling to accede to any form of romantic coercion for a woman. By choosing to allow Marianne and Elinor to have moral authority over him for the pain he has caused, Willoughby's character validates the importance of feelings. When it comes to the Dashwood women, Willoughby, because he loves and apologizes from the depth of his own heart, shows more than either Brandon or Ferrars a truly human concern for women's equality to men. One may reply that if women aren't contractually permitted to contract Austen has no choice but to deny love in the service of personhood and use a man like Willoughby to imaginatively accomplish this task through the alternative process of an apology. Nonetheless Austen might have written a fairer and more genuinely moral (if perhaps less interesting) novel had its nearly exclusive focus on women's economic needs been understood both as denying the rights of poor men like Willoughby to make a beneficial marriage, and reducing the role of love in establishing women's equal rights to something approaching irrelevance.

Though marriage is intended to be a contract guaranteed by love, Elinor's romantic substitution of Brandon for Willoughby defeats this contractualism by denying the reality of Willoughby's love for Marianne. Though Brandon too loves Marianne, Marianne does not love him. Instead the novel says, she must *come to* love Brandon. This may seem to be a minor point, but the emotional inequality at the moment of

contracting this signals, calls into question the reciprocal rights the marriage contract is supposed to recognize. Both from the view that love is essential to a successful marriage and from the equally powerful perspective of the inherent equality that contractual relationships are meant to establish, Willoughby *and not* Brandon is the right husband for Marianne. This is true not just as a matter of heart but as a matter of the equal rights feminist thinking is supposed to help guarantee. Willoughby loves Marianne, and based on the overt signals of the novel does so with far better evidence than Brandon does.

As Austen shows with Willoughby, Wickham, and even with Captain Wentworth in *Persuasion*, a man without economic means faced significantly worse prospects in the marriage market than a woman without such means. Elizabeth Bennet, for example is not wealthy; she can offer the fabulously rich Darcy only a reasonable beauty and a sharp wit. While neither attribute is to be condescended to, Wickham offers the same qualities to Georgina Darcy, only the characteristics that in Elizabeth are virtues become vices in him. Though Lucy Steele and John Willoughby are both criticized for marrying for purely economic reasons, Austen's criticism of this ignores her view that *some* women who marry up the income scale and *all* men who do or try to do so are immoral.

In Austen's novels no poor man could ever fall in love with a rich woman and be rewarded with wealth and happiness. Without the wealth of a Darcy, Wickham cannot grant Georgina Darcy or even Lydia Bennet the economic well-being they require, and so in the world of Austen's gentry, whose views her novels represent, Wickham's only moral option would have been to remove himself from the marriage

market altogether.[30] Willoughby successfully accomplishes with Sophia Grey what Wickham cannot with Georgina Darcy, but that very success requires that he apologize and feel remorse for respecting the same economic imperative that drives own Austen's heroines. The essential moral difference between Wickham and Elizabeth Bennet then, lies not in any inherent aspect of character, but in the particular social roles their gender defines.

An apology that resulted in true forgiveness for Willoughby would recognize the fact of his love and allow it to take its proper place as a guarantor of equal rights in the contractual relationship. But instead of using the fact of Willoughby's wrong to promote a universal justice for both men and women founded on the basis of the mutual respect of love, Austen blames the arguably artificial type of a romantic man for a deprivation of women's rights, and then attempts to pass off as just a subsequent denial of this romantic man's rights to make a marriage contract based on love. Austen's denial of Willoughby's love for Marianne removes the basis upon which social contractarians had granted people equal rights—their fundamental humanity. By using money instead of basic human existence as the basis for granting individual rights Austen weakens the powerful case she wishes to make for women's inherent equality. By denying the role of love in establishing equal rights, Austen helps to deny these same rights to Marianne, depriving her of identity and any legitimate selfhood until she comes around—literally by the force of nature—to Elinor's way of thinking. The apologies Willoughby gives can only be accepted or denied if made to someone who

[30] Note that is exactly what Captain Wentworth in *Persuasion* is made to do. Wentworth's initial proposal to Anne Elliot is rejected because he is too poor. In the intervening seven years between the first proposal and his return to Anne's social circle he has made his fortune. His persistence in loving Anne along with his newfound wealth combine to make him one of Austen's most heroically moral men.

possesses a viable self. If Marianne has no rights of her own to possess, if up to nearly the end of the novel she may bear nothing but what is forced upon her by her life-threatening illness, she correspondingly has no self and no rights, and so Willoughby cannot be doing her any harm.[31]

By having Willoughby implicate himself in his own crimes—by engaging in the self-accusation that is characteristic of the apology—Austen attempts to make it self-evident that Willoughby has behaved abominably. The proof of this, however, is not to lie in our own consciences as readers, or even in a fair trial of Willoughby's crimes, but in the guilt that his apology helps reveal. Elinor continues to hold Willoughby blameful because that is what the ideology of the novel and the construction of Ferrars and Brandon as domestic heroes demands. As Austen sees it the principles of a certain narrow group of men in the British gentry—those comparatively well-off men willing to marry and stay loyal to their wives constituted a kind of moral exemplum for all men. Men of another sort, who because of circumstance or for other reasons could not or would not match Austen's ideal of the domestic hero were always morally to fall short.[32] Just as the Vitali apology in Rousseau's *Confessions* served to assist

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[31] Particularly in this moment of apology Willoughby has much in common with Milton's Satan who can only expiate his sin by choosing to submit to authority. Both suffer from an unwillingness to submit to rules and follow convention. While not wanting in any way to minimize Willoughby's crimes, from the perspective of the apology he is more Christian than Satan, since unlike that great epic hero, Willoughby *voluntarily* submits to power. Yet both heroes are alike since their redemption fails. I think it's safe to assume that even had Satan come crawling back to Milton's God with his tail between his legs and groveled, he would never have been granted the rights of the Lucifer (light-bringer) he once had had. The absence of Elinor's Christian grace when faced with Willoughby's Christian-like voluntary submission to her authority shows the powerful influence of economic security on Austen's thinking in *Sense and Sensibility*.

[32] Moreland Perkins in *Reshaping the Sexes in Sense and Sensibility* (Charlottesville: U. Press of Virginia, 1998) argues a position almost diametrically opposed to mine. For him Edward Ferrars represents what he calls a "democratic hero" (40). Perkins points

in making the political individual, so too in this moment does *Sense and Sensibility* help invent the gendered individual—a woman with rights not only over her own destiny but equally over the destiny of others, specifically over those men like Willoughby whose evidently immoral actions have caused women so much pain.

If Willoughby's apology is redirected from Marianne to Elinor because it is a crime against the broader rules of the marriage contract, it remains equally true that Willoughby makes the only obviously redirected apology in the Austen corpus.[33] Austen's conflicted views about contract are revealed in this unique apologetic redirection. Because Willoughby's apology is partly intended to enable a marriage contract it is made to one person, to Elinor herself. By equalizing power between him and Elinor the apology substitutes emotionally for the love Edward and Elinor's marriage is intended to possess. Willoughby is "apologizing" for Edward's own lack of emotion. While Willoughby bears directly, in his own person, the faults of sensibility he and Marianne represent, his sensibility also functions as the antidote to the excesses of Edward's sense. Willoughby therefore carries in a kind of shadowed image, Edward's negative self. Contractually then, by enabling a marriage that is not his own, Willoughby can guarantee both kinds of contracts—the economic/security contract, abso-

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out Ferrars' self-deprecating character and Edward's oft-stated desire to be like "everyone else." He also notes that Austen describes Edward as having a fundamentally good heart. Perkins claims that the purpose of the novel is for the reader to come to admire Edward and Elinor and see them as moral beings. Perkins may be right, and his subtle and perceptive reading runs against the predominant view that Edward is merely dull and lifeless. But I think that if this *is* Austen's intention, it fails, at least for this 21st century reader. Edward's actions and his apology show him to be quite as immoral as Willoughby, even if in subtle and different ways.

[33] Frank Churchill often apologizes in *Emma* and his apologies run the gamut from small errors to the problem of his concealing of his engagement to Jane Fairfax. Though his apologies are also given to strong, virtuous women as happens in *Sense and Sensibility*, his apologies are made directly to those individuals he is believed to have harmed.

lute and irrevocable, and at the same time the contract of emotion that is wholly voluntary, binding two equal parties in mutual consent, and that I read as having its fullest expression in Rousseau's notions of the social contract and its subsuming of the general will to the good of society.

The fact that Elinor was not the person harmed by Willoughby's behavior and that Willoughby asserts that he's come to be forgiven by Marianne again gives Elinor the role of spectator as well as judge in Willoughby's apology. In this sense the performance of Willoughby's apology is much like theater. (During most of the apology Elinor is sitting in a chair. Willoughby at first sits opposite her, then he stands up and walks around the room.) The risk of exposure to an apology in Austen is the same as the risk of attending the theater in Rousseau: emotion may get the better of us, we may lose control of our feelings and end up being mislead.[34] Rousseau resolves this problem by creating a distinction between spectacle and theater, Austen by distinguishing between sense and sensibility. Both writers are warning of the same problem—the way in which emotional expressions may deceive us. For Rousseau, as we remember, spectacle is authentic because it is a spontaneous public expression of emotion; no one is playing a role. For Austen however, emotion itself, when unmoored from concrete reality, becomes the culprit. For Rousseau it is the assumption of the role, and not the expression of emotion that is dangerous and that leads to the creation of false expectations in an audience. For Austen, as Penny Gay explains,

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[34] Anna Lott "Staging a Lesson: The Theatricals and Proper Conduct in Mansfield Park" *Studies in the Novel* 38.3 (Fall 2006): 275–287, explains that among the debates about the theater in the Romantic era, one view, advanced by a number of women writers of the time was that drama would have a "positive effect on domestic conduct." 276. What these debates, both about theater and novels took for granted was that these forms of verbal art could influence behavior. Elinor, then, if she is indeed the paragon of virtue most critics believe, would have a beneficial effect not only on Edward but on readers as well.

"there is no avoiding role-playing in social life," but this role-playing needs to be carefully distinguished from reality.[35]

Whereas Austen has Elinor alone observe Willoughby's apology and collapses the roles of judge and spectator into one person, Rousseau firmly asserts the existence of the social contract by having an entire household observe Vitali's apology to Rousseau's alter-ego of "the Secretary." Austen shows her own conflicted view about the social contract in the way spectatorship functions in Willoughby's apology. If we accept Rousseau's model of the Vitali apology as spectacle, then the assembled spectators at the apology are all rendered equal to de Montaigu by Vitali's apology. The equality between spectators and de Montaigu permits equal contracting and true consent. By assembling all the members of the household Rousseau attempts to demonstrate the universality of the social contract. But Austen purposely limits the spectacle of Willoughby's sincere and passionate apology to Elinor alone. Austen seems willing to distribute rights directly only to Elinor herself. Marianne's right to contract comes only as a grant from Elinor.

[35] Penny Gay, *Jane Austen and the Theatre* (Cambridge: Cambridge U. Press, 2002) 121.

Coda: From Status to Contract

Between 1650 and 1811—from the publication of *Leviathan* to Austen's *Sense and Sensibility*—the years that bracket this project, and that as a period is generally referred to as the long eighteenth century, the mind of the western world changed profoundly. The world before Hobbes, even as it had left behind the feudal system of the Middle Ages, was still largely determined by status relations: one's position in society as pirate, prince, or pauper largely determined one's fate. The watershed of the English Civil War and the execution of King Charles I in 1649 for abuse of power helped drive western society away from this model, and towards a new more egalitarian world determined by contract relations. Roughly speaking, before the English Civil War Parliament was still subservient to the King; after it, this relationship was reversed—the King had now become subject to the power of Parliament. To sustain power, sovereigns in the years to come would increasingly need to consult the will of the people and gain their assent for those laws to which they would be subject. I have been speaking here only of England; yet the rising power of England—its transformation into Britain in 1707—and its subsequent growth into the British Empire throughout the long eighteenth century helped spread these ideas around the globe.

Hobbes' *Leviathan* is a profoundly important work in the progress of human history because it explicitly formalizes this change from status to contract. In *Leviathan* the ruler has no authority or existence until he is created by his subjects through a creative speech act. Hobbes makes the authority of the ruler entirely dependent on the power his subjects choose to give him. Without this authority from his people the sovereign is powerless. Furthermore, Hobbes' theory allows for the overthrow of a ruler who fails to provide for his subjects' security: under Hobbes' social contract

model a tyrant king such as Charles I could *legitimately* be overthrown, even executed, if his crimes were of significant magnitude.

Hobbes' vision in *Leviathan* is a wholly contractual one; his text leaves no room for a society of status. All pre-existing relations of social power are swept away through the conceit of a state of nature that pre-exists society and in which all individuals are inherently equal. History and tradition are entirely eliminated in this social contract ideal. As Hobbes implies through his universal speech act authorizing the Leviathan and his subsequent delineation of the transition from covenant to contract, an unjust contract is really no contract at all—rather it is a return to the older world of status relationships. The invention of the Leviathan as sovereign power and the existence of an egalitarian contractual society thus go hand in hand; for Hobbes the fictional character of the Leviathan and the contractual character of society exist in an interdependent relationship—one cannot exist without the other.

As a part of his new contractual society Hobbes requires that each party forgive the wrongs done them by another when that forgiveness is sincerely requested. Hobbes social contract thus makes an explicit link between the speech act of apology and the possibility of living in this new form of society. Without the possibility of an apology that affirms the existence of a social contract people will remain in their war of all against all and this new society cannot exist. Hobbes shows in formal design what the rest of the works of this essay will show in practice—that because the modern apology rhetorically calls forth the egalitarian principles bound in the contract, it functions as a speech act essential to the functioning of our modern consensus-based society.

Although Jean-Jacques Rousseau wrote an important work called the *Social Contract*, his unique contribution to western thought may be less his own version of this contract than the way in which he transforms Hobbes' vision from abstract theory into concrete experience. What is only theory in Hobbes Enlightenment writing begins in Rousseau's proto-Romanticism to become a record of actual experience. In *The Confessions* Rousseau uses the history of his own life to dramatize the change in society from status to contract. Rousseau gives flesh to the idea of a contractual society by using the language of the apology to overthrow the old world of status relations. As we learn, Rousseau is neither a French noble nor a petty gentleman, he's a Genevan upstart; he's also a Protestant (perhaps even a crypto-Calvinist) in a Catholic country, and therefore very much an outsider. Yet in the Vitali apology he tries to justify that he—possessing neither titles nor land—the traditional forms of status—be given pride of place based on a contract he's made with de Montaigu to confer on him the position of Secretary. In Rousseau's vision his contractually-determined position ennobles him more than the gentleman Vitali or all the other nobles with whom de Montaigu associates. By having Vitali apologize, and in the most abject way, Rousseau symbolically dramatizes an acknowledgement on the part of persons of status (e.g. Vitali, de Montaigu, the absent nobles) that the world is now to function along principles of contract. Between his failed attempt to apologize to the servant girl Marion for his unfair accusation of her, and the apology he manages to persuade Vitali to make to him for respecting the power relations of the older world of status, Rousseau clearly demonstrates the egalitarian aspects of the new society of contract.

Rousseau's *Confessions* is also important for its form. If the world of status relations was written in history as a record of real-world deeds, the world of contract,

even as one could now begin to trace its emergence in real life, had to be constructed at least partially in the imagination, as a fiction made in language. Contractual relations—though a significant improvement over the older world of status relations—were never quite as fair in the real world as they ought to and could be. It was therefore important both to show that social contracts were actually happening and that they could still be improved. The equal power represented as an ideal in Hobbes' contract was only comparatively equal when these contracts happened in real life. The world of contract needed a representative form that was both about history and about fiction, about both the past and a hoped-for but increasingly plausible future. Showing the transition from a world of status to one of contract meant creating a literary form that melded the realities of history to the possibilities given in a fictional narrative. *The Confessions* as a genre appears from its title to refer to a real past of status relations recounted through a history of wrongdoing, but it is in fact a defense and fictional re-writing of that past made through Rousseau's multiple apologies.

The ways in which William Godwin dramatizes the social change from status to contract is complicated by Godwin's own mixed feelings about status. Where Rousseau and Hobbes are radicals in their wholesale rejection of a status society, in *Caleb Williams* Godwin will work to trace a middle ground between the hierarchies given by the status world and the ideally egalitarian nature of contract societies. Unlike Rousseau, Godwin very much wants to preserve traditional social distinctions. For Godwin the position of the gentleman should not be overthrown, as Vitali is, but rather reinterpreted in new and different terms. As shown in *Caleb Williams* Godwin believes that there are good and bad versions of the gentleman. The good gentleman of Godwin's peculiarly English variety makes due obeisance to the contractual nature

of late eighteenth-century society by teaching the lower orders to reject the physical and institutional coercion that is the fundamental characteristic of status-based societies. The gentleman who so teaches—shown in *Caleb Williams* in the person of Falkland—thereby earns the right to keep his inherited status. Such a gentleman has successfully made the transition from status to contract: even as he preserves his ancient status, Falkland has become a modern contract-respecting gentleman. On the other hand, the gentleman who is not gentle (e.g. Tyrell) and will not be an exemplar of non-coercive choice for the rest of society, should, like Hobbes's tyrant king, be eliminated through any means necessary, even if this means using the status-based society solution of killing him to do so.

A gentleman who does his contractual duty by opposing the coercion inherent in status societies must be given the public recognition of this fact through an apology made for any wrongs he may have done along the way. The lower orders—shown here in the person of Caleb—learn to be the gentlemen they aspire to be by responding to the injustices done to them through the creation and publication of literary apologies that establish sympathy for the true gentleman's plight. The inertia of status societies, in Godwin's view, is such that any gentleman who honestly tries to bring about a contract society will have his reputation ruined by the false opinions of a passionate but deluded public. The only way to respond to such an assault on this sort of virtue is through formally deinstitutionalizing justice. This happens by explaining to a skeptical public the whole context of the gentleman's actions. When the true gentleman's story is properly understood and his motives duly clarified all his wrongs will be forgiven and his status position as gentleman will be preserved.

Because Godwin wants to leave space for certain kinds of status and remains fundamentally opposed to all forms of public contract, he turns to the private and intimate form of the fictionalized biography to bring about an implicit form of contractual agreement. Godwin's is a contract of sympathy established through the process of the lower orders making public apologies for the behavior of virtuous members of the gentry. Because this contract is always built from the mental state of sympathy instead of the facts-in-the-world character of judicial innocence, (which is ever insufficient anyway) for Godwin biographical fiction takes primacy over history. Godwin's text makes an important leap on the road from status to contract, for his anti-institutional bent leads him to the realization that the stories of real people will always be bound by certain conventions of status. In this view contractual societies require the construction of wholly imaginary (yet still believable) characters so as to bring a semblance of real life to the ideals expressed in the social contract. Only by modeling real life with the presence of entirely fictional characters can one carry social contract ideals into the minds and messy real-world lives of readers.

Jane Austen is a key inheritor of Godwin's ideas. Although formally her works are entirely imagined fictions, with no pretense to objective history, she is working from a tradition that has already accepted the fundamental value of contractual societies and begun to establish them in real life. Austen's struggle is neither to prove the superiority of contract over status nor to establish the formal nature of this contract as a believable fiction, but rather to extend the equal rights contracts are understood to confer onto a heretofore left out group—women in general and intellectually capable and pragmatic young women in particular.

Though she lacks Godwin's overtly anti-institutional bent, Austen too seeks to preserve the best aspects of being a gentleman, for in her vision such true gentlemen are necessary to confer a well-merited status on virtuous women. Like Godwin, she uses the fictional frame of her novels to argue that gentleman who do their contractual duty by duly marrying and staying married to smart, capable women should get to keep their money, lands, and houses. Bad gentlemen, however,—those who fail to remain loyal to society's necessary contract of marriage—are given the crucial role of apologizing to virtuous women as a way of conferring on these women the status needed to sustain an imaginary equality that their marriages will almost certainly deprive them of. When Willoughby apologizes to the virtuous, practical, and clever Elinor, though he has done her no wrong, she gains the status of moral judge. From this dominant moral status position Elinor can symbolically represent to readers the hypocrisy of an ostensibly universal social contract whose benefits don't apply to women.

The world of contract that these four writers were so instrumental in helping bring about is still very much *our* world. The conflict between our selfish wish for status and our recognition that collectively we are often better off with the fairness that results from a society of contract remains an ever present problem. When we struggle for justice, we are also struggling to shift an unjust relationship from one that has been defined by status and towards one guided by contract. Outside of courtrooms we negotiate these irreconcilable imperatives through the process of the apology. Status and the exceptionalist aspects of the apology provide us with our autonomy, contract and the cooperative aspects of the apology help join us to the human community. This project has been about showing how these twin imperatives, medi-

ated and negotiated through the process of the apology, make for our modern sense of individualism. I submit that our individualism, though we may not be conscious of it, owes its origins in some large measure to these eighteenth-century writers who helped set up the intellectual structures that continue to determine many of our social relations to this day.

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