

Reading for Law in Barry Unsworth's *Sacred Hunger*

Jothie Rajah*

I. INTRODUCTION

The contestation between a humanist, ethical law and a dehumanizing, profit-exalting law animates the plot and is dramatically embodied in the principal characters of Barry Unsworth's *Sacred Hunger*.¹ In the process, the novel illuminates the three intertwined concerns central to James Boyd White's *The Legal Imagination*: how language constitutes cultures, communities, and selves; how politics and ethics are encoded in different ways of talking about other people (as objects or "means to an end" rather than "centers of autonomy and value"); and how forms of inherited speech and expression both constrain and enliven the imagination.² The fact that *Sacred Hunger* is a historical novel about Britain's role in the slave trade—a literature of realities—adds layers of complexity to its legal imaginations.³

In this essay, I explore aspects of the novel through which *The Legal Imagination*'s three principal concerns are illuminated by *Sacred Hunger*'s central consciousness, Matthew Paris. I also trace how *The Legal Imagination*'s three principal concerns are intensified by the spaces, languages, and logics of jurisdiction in *Sacred Hunger*. I understand jurisdiction as "the power to *speak the law*, bringing it into existence and defining *who* will be governed, as well as *how* and *where* . . . a fundamentally spatial concept that enacts the governance of law."⁴ Put differently, given jurisdiction's compound meanings, dynamics, and operations, and the centrality of language to jurisdiction, it becomes a useful

* Research Professor, American Bar Foundation. I am grateful to Winni Sullivan, Beth Mertz, and Barry Sullivan for the helpful conversations informing this article, and to all the participants and organizers of this symposium issue celebrating James Boyd White's transformative and highly influential *The Legal Imagination*.

1. Barry Unsworth, *Sacred Hunger* (New York: Anchor Books, 2017). Unsworth was awarded the 1992 Booker Prize for *Sacred Hunger*.

2. James Boyd White, *The Legal Imagination* (Abridged) (Chicago: University of Chicago Press, 1985), xii.

3. Peter Hulme, "The Atlantic World of Sacred Hunger," *New Left Review* 204 (1994): 138-144; White, *The Legal Imagination*, 244. White describes history as a literature of realities.

4. Shiri Pasternak, "Jurisdiction," in *The Routledge Handbook of Law and Society*, eds. Mariana Valverde, Kamari M. Clarke, Eve Darian Smith, and Prabha Kotiswaran (New York: Routledge, 2021), 178.

analytic concept through which we might grapple with the novel's range of legal imaginations.

Briefly, I consider the legal imaginations enacted in three of the novel's jurisdictional spaces.⁵ One such space is the slave ship, the *Liverpool Merchant*, captained by the misanthropic, law-making Thurso. The second jurisdictional space is the near-utopian settlement founded, as equals, by the slaves, crew, and officers of the *Liverpool Merchant* after a mutiny against Captain Thurso. The third jurisdictional space is nodal and expansive, domestic and imperial. Its sites include Liverpool and London—port cities that pump the hearts of darkness of the slave trade and British imperialism. This tentacular jurisdiction extends via British outposts for trade and assertions of sovereignty in Africa, North America, and the West Indies. While this third jurisdictional space is mobile and diffuse, it is also situated and concrete; secured through the governing and enforcing limbs of empire such as the army and the church. This nodal/diffuse, domestic/imperial jurisdiction travels in many ways, including through the bodies of British merchants and functionaries of empire. Some of these individuals are devoted to, and profit from, commercial imperialism. Others are themselves exploited, if not annihilated, by the imperial system through which they hope to gain wealth.⁶

This third jurisdictional space of the slave trade frames the novel's opening and closing. In the novel's opening, it is most embodied in the Liverpool merchant who owns the slave ship, William Kemp. In the novel's closing, it is most embodied in his son Erasmus. Erasmus has remade himself as a London merchant after his father's suicide. Both father and son embody a dehumanizing legal imagination, exalting profit above all else. It is the worship of profit, the hunger for money, that Unsworth ironically sacralizes as sacred hunger in his conundrum of a title.

II. SACRALIZING GREED

Early in the novel, while the *Liverpool Merchant* is being built, Kemp asserts the legitimacy and authority of the slave trade on the grounds of its conjoined profitability and legality. Pronouncing his views at a supper party he is hosting, Kemp scorns one of his guests for profiting from smuggled tobacco, saying, "I am talking about a commerce that will be worth millions. A lawful commerce—it is sanctioned by the law of the land."⁷ Unsworth

5. Pasternak, "Jurisdiction," 178.

6. At the Company's fort, Paris meets a young factor, Saunders, and notes symptoms of ill-health in Saunders. Later that day, Delblanc explains to Paris that Saunders has been caught in a debt trap by the Company. Hired on the promised income of seventy-five pounds a year, Saunders arrived at the fort to discover that he was paid in cracka, "a kind of false currency that can only be used in the Company stores—at Company prices." Delblanc tells Paris that all the junior officials have been similarly tricked and enslaved by debt to the Company. Unsworth, *Sacred Hunger*, 326.

7. *Ibid.*, 16.

contextualizes and comments upon this sacralizing invocation of law-for-profit as he writes, “[i]n later times, when commercial enterprise came to be a *virtue* in itself, and a good return on capital was *blessing* enough, the need to invoke *legitimacy* was not so much felt.”⁸

This, the novel’s first explicit mention of law, builds on the etymology of “sanction,”⁹ and on the lexical chain—commerce, virtue, blessing, and legitimacy—to set the stage for “sacred hunger” to mean the sacralizing and legitimizing of the kind of greed that seeks profit by exploiting others. While many, particularly on the *Liverpool Merchant*, are beset by hunger for food and nourishment, the novel’s overarching irony is to characterize untrammelled commercial greed—a greed structured, protected, and exalted by law—as sacred. And, as encapsulated by the setting of a supper party in Kemp’s home for his exaltation of the slave trade, the novel situates us in a world in which this troubling legal imagination is both public and private, systemic and individual, domestic and imperial. In other words, law-for-profit is pervasive and world-making.¹⁰

Launching this world from the novel’s arresting title, *Sacred Hunger* is a profoundly jurisprudential novel. Jurisprudence, “the philosophical questions which are asked about legal systems,”¹¹ entails “critique of established, conventional, and naturalised patterns of thought.”¹² In asking readers to think of law as “an enormously rich and complex system of thought and expression, of social definitions and practices,” rather than “merely a system of rules . . . or reducible to policy choices or class interests,” *The Legal Imagination* is also a primer for the jurisprudential project of asking philosophical questions of legal systems by critiquing established, conventional, and naturalised patterns of thought.¹³

Sacred Hunger critiques the law that reigns in the universe of the novel, the ethically impoverished, dehumanizing legal imagination that exalts law-for-profit, as exemplified by Kemp’s celebration of the slave trade as lawful, sanctioned, and profit-generating. In addition to being a brilliant work of literature, the novel’s 630 pages are a jurisprudential exploration of how law-for-profit has inverted, distorted, and appropriated the natural law tradition of regarding law “as an object of reverence, a source of authority external to the will (or mere preference) of those momentarily in political power.”¹⁴ Law-for-profit, we are shown repeatedly, is internal to the will

8. Ibid (emphasis added).

9. “Sanction (v.),” *Online Etymology Dictionary*, Etymonline, https://www.etymonline.com/word/sanction#etymonline_v_22689.

10. White, “The law makes a world”, *The Legal Imagination*, xiii.

11. Margaret Davies, *Asking the Law Question: The Dissolution of Legal Theory*. (Sydney: Law Book Co of Australasia, 2002), 2.

12. Davies, *Asking the Law Question*, 255.

13. White, *The Legal Imagination*, xiii.

14. Ibid, xii.

or mere preference of those who hold power. It is instrumental, unjust, and inhumane. It is unworthy of reverence. This is the discomfiture Unsworth provokes by sacralizing greed. Just as White's *The Legal Imagination* is designed "to help the reader work out a response for herself,"¹⁵ so too Unsworth requires readers to engage in the processual, interpretive work of discerning "what kinds of justice can there be in a world in which some people are reduced to objects of manipulation by others, or where their stories are erased?"¹⁶ And although *Sacred Hunger* is set in the past, its events spanning 1752 to 1765, the novel was published in 1992, an era marked by consolidations of neoliberalism's version of law-for-profit.¹⁷ In other words, the jurisprudential critique provoked by *Sacred Hunger* bears contemporary and ongoing resonances for readers who seek to examine contemporary legal imaginations.

A. Paris and Delblanc as Jurisprudes

Within the novel, the characters who question, resist, and repudiate the dominant legal system—Paris and Delblanc—also provide the critique of established, conventional, and naturalized patterns of thought central to the project and processes of jurisprudential thinking. The ontological and epistemological struggles and convictions of these characters, particularly of Paris, the character we know best, are akin to the processes of thoughtful self-awareness *The Legal Imagination* gently inculcates in readers.

Halfway through the novel, we meet the artist-philosopher Delblanc, who formulates and explains sacred hunger:

"Money is sacred, as everyone knows," he said. "So then must be the hunger for it and the means we use to obtain it. . . . The ships come and trade on the edges. You may think only the edges are fouled with this trade but it is not so. The flood of cheap manufactures, for which the people have no need, destroys their industries. They become dependent on this trade and the demand for goods can only be met by enslaving their fellows. To do this they need muskets in ever increasing quantities—which we supply. And so we spread death everywhere. But that sacred hunger we spoke of justifies all. The trade is lawful, they say, and that is enough."¹⁸

Delblanc's bitter indictment of the racialized, imperial "plunder and death" that is Europe in Africa is jurisprudential in that he questions and rejects that which has been naturalized and legitimized.¹⁹ Delblanc's legal imagination—"that men would live together in peace and harmony if only

15. White, *The Legal Imagination*, xiv.

16. Ibid, xiv.

17. Raphaël Lambert, "Barry Unsworth's *Sacred Hunger*: Birth and Demise of a Community," *Journal of Modern Literature* 41, no. 1 (Fall 2017): 118-136.

18. Unsworth, *Sacred Hunger*, 325-328.

19. Ibid, 328.

the coercion of authority were lifted from them”—helps fuel the founding of the post-mutiny settlement as well as its radical legal imagination.²⁰ But before discussing the settlement, it is important to highlight the role of Matthew Paris in this jurisprudential novel’s narrativization of how a humanist legal imagination might emerge from within the ethical paucity of a law-for-profit regime.

III. MATTHEW PARIS: A HUMANIST LEGAL IMAGINATION

A humanist, freethinker, scientist, and surgeon, Paris sails on the *Liverpool Merchant* as the ship’s surgeon. Before joining the ship, Paris has known law’s coercive, destructive, and corrupt force. An eager scientist, Paris studied marine fossils, fascinated by “what they can tell us about the age of the earth.”²¹ Linking his research to the views of a theorist of evolution, Maupertius, Paris acquired a printing press and published his research. Because his findings contradicted Church doctrine,²² Paris was arrested on a complaint initiated by the Bishop of Norwich. He was convicted by a judge “in the Church interest,”²³ and subjected to a humiliating twelve hours in a pillory, as well as imprisonment. Norwich Jail, in which he was held, was a source of income for the same Bishop who had him arrested.²⁴

In addition to the shame and shock of this response to his research, Paris is tormented by grief and guilt. Paris had been in a loving marriage. Tragically, Paris’s wife and their unborn child died while he was in prison. His wife’s death was precipitated by a mob’s attack on his home and printing press. The moral and ethical degradation of this jurisdiction is exemplified by how the institutions (the church, the court, the prison), legitimize forms of punishment that visit violence upon bodies, emotions, and psyches. The corruption of this jurisdiction is evident in how the church, court, and prison are enmeshed. Together, church, court, and prison privilege entrenched power and profit-making over a search for truth and care for human beings. By questioning established thought and conventional wisdom in his research, as well as illuminating the corruption, violence, and anti-humanist practices and values of the legal system, Paris is a key jurisprudential actor in *Sacred Hunger*.

In his questioning of established norms, as well as his efforts to hold himself accountable to his own humanist values despite the corruption of the world he inhabits, Paris functions very much as the embodiment of *Sacred Hunger*’s humanist legal imagination. It is worth noting that, even

20. Ibid, 334.

21. Ibid, 330.

22. Ibid, 331.

23. Ibid.

24. Ibid, 21.

though law is pervasive in the novel—tracing legal imaginations through “humanity and inhumanity in speech”—²⁵ none of the major characters is, by profession, a lawyer.²⁶ However, Paris expresses that “central literary characteristic of the lawyer’s life,” as he both represents and analyzes events.²⁷ The conceptual order through which Paris analyzes events is simultaneously ethical, moral, philosophical, and scientific. We know Paris, in part, through the omniscient narrator’s recounting of Paris’s life, character, and passions. We also know Paris through the journal he conscientiously keeps on board the ship, representing and analyzing people and events for us. As we read, we participate in Paris’s “need to find or create meaning in experience.”²⁸ The legal imaginations of Paris and the omniscient narrator are fused. Both these narrative voices speak, write, and think about others with awareness of structural inequities, a horror of violence and injustice, and a quest for compassion.

As *Sacred Hunger*’s humanist legal imagination, we invest trust in Paris, in part because he examines his thoughts, motives, speech, and conduct, apologizing unreservedly when he finds himself lacking. For example, when Paris is sent up the Sherbro River to inspect slaves held captive by the English, he meets the trading company’s agent there, Owen. When, over after-dinner drinks, Paris disagrees with Owen’s assessments of the credulousness of “the savage,” Paris is “arrogant with superior wisdom and intensely dislikeable.”²⁹ Roused to anger, Owen tells Paris he knows “nothing at all of the nature of life here, along this pestilential river.”³⁰ Paris, silent for a moment, apologizes to Owen, experiencing

[T]he swift remorse . . . a feeling like sorrow, at having delivered a wound for the mere sake of argument. The kind of truth that can be asserted by argument had lost all glamour, all lustre, for him, seeming no more now than another aspect of that ancient urge—much older than the desire for truth—to command attention, dominate one’s fellows . . . That a man engaged in this cruel trade still deserved not to be treated with cruelty seemed a mystery to Paris rather than a truth; but it was one that contained

25. White, *The Legal Imagination*, 109.

26. A lawyer features briefly as a minor character when, early in Book Two, the West India Association holds a banquet in London to celebrate a legal victory. “The Assembly in Jamaica, in order to raise revenue, had sought to impose a duty on every negro imported into the colony. The Sugar Interest, supported by the Company of Merchants Trading to Africa, had naturally resisted this iniquitous tax on their profits. There had been a protracted legal battle, but the Association’s lawyers had pleaded the matter successfully and the Board of Trade had finally condemned the law as unjustifiable, improper and prejudicial to British commerce” Unsworth, *Sacred Hunger*, 440; The Association invites the lawyer who won their case to the banquet. Briefly engaging with this lawyer at the dinner, in his mind Erasmus disdains him and all lawyers as “mercenary creatures.” It is an irony perceived by readers but not by Erasmus. In *Sacred Hunger*, Unsworth generally characterizes those who subscribe to law-for-profit as lacking in self-awareness.

27. White, *The Legal Imagination*, 224.

28. *Ibid.*, 244-45.

29. Unsworth, *Sacred Hunger*, 265.

30. *Ibid.*, 265.

a strong imperative for him.³¹

Paris's acute awareness here of how argument can serve dominance and self-aggrandizement might be read as a critique of the common law's adversarial system—a system in which a skilled advocate might emerge victorious by serving interests other than truth and justice. Paris's own terrible experience of the legal system's corruption inform this moment, illustrating the searing honesty of Paris's self-examination and the humanist standards he holds himself to. If *Sacred Hunger* juridifies its readers by presenting opposing views and voices on the contestation between law-for-profit and a humanist law,³² then our intimate engagements with Paris are instances in which the “whole person stands before the bar, and the very question the law must face is, ‘Who is this man?’”³³ It is because Paris confronts his own weaknesses, his “old vice of prideful assertiveness,”³⁴ and orients himself, again and again, to speech, conduct, and thought that is humanist, that we trust him as the novel's true north for a humanist legal imagination.

Another way in which Paris wins our trust as *Sacred Hunger*'s humanist lawyer is his sense of commonality, if not community, with those who are below him in society's pecking order. In addition to being gentle and patient with the crew he treats, Paris's sensed commonalities with the brutalized Other is most powerfully conveyed when he sees himself mirrored in these Others. For example, Paris has a moment of recognizing self in other when he looks into the eyes of a slave who has been tortured for refusing his food. Attempting to forestall further torture—Thurso intends to wrench the slave's mouth open with the “notched prongs and the broad wing-screws” of a *speculum oris* that will damage teeth and gums to forcibly funnel food into the slave—and surrounded by watching crew and slaves, Paris persuades Thurso to let him try and feed the slave. In the process, Paris sees himself in the eyes of the dying slave:

As Paris crouched there, holding out in his fingers the sticky ball of rice, he knew that he was quite alone. The pale sky had clutched at them, gathering them into privacy, some area of seclusion. He did not know whose was the greater arrogance, his or this dying man's.

“Eat it,” he said harshly. He reached forward and put the rice between the man's lips . . . the eyes for the first time looked at him, registered his presence there, directly, immediately. Paris saw in the eyes the desire for death and recognized it as his own familiar; but in these same eyes that longed for the burden of pain to be removed there was what the surgeon had

31. Ibid, 265-266.

32. Carol Clover, “Law and the Order of Popular Culture,” in *Law in the Domains of Culture*, ed. Austin Sarat and Thomas R Kearns (Ann Arbor: University of Michigan Press, 2000), 92-120.

33. White, *The Legal Imagination*, 111.

34. Unsworth, *Sacred Hunger*, 265.

seen in his own looking-glass . . . inveterate, unquenchable, the hope of life, the appeal to be saved. And Paris knew in that same moment that he had done a wicked thing to sail with this ship out of mere despair.³⁵

This moment of wrenching commonality precedes one of Paris's most vulnerable, psychological, and jurisprudential experiences. He journeys into his painful past, when, in a scene echoing Conrad's *Heart of Darkness*, Paris is taken upriver by canoe. On the river, Paris experiences the discomforts of the unfamiliar—extreme heat and “the cruising jaws of crocodiles”—but, as time folds in on itself through his senses, he also experiences the disorienting presence of his past,

A thin haze of mist hung over the water, rendering more distant objects indistinct—the canoe in front was half hidden in it. . . . They passed a heron at the water's edge, to all appearance the same grey heron, hunched and dishevelled, that he has seen in Norfolk, round the reedy borders of the Wash.³⁶

After this journey upriver to inspect slaves, Paris returns to the *Liverpool Merchant*. The ship continues its journey round the cape, heading towards the governing seat of British trade in Africa. Paris arrives at “the white fort, shimmering in the sunshine, dramatic and imposing” flying both the Union Jack and the Company flag.³⁷ For Paris, the “intensity of white, almost blinding” of the fort, rising amidst “the squalid and provisional evidences of life around them” bears “a terrible strangeness” asserting, through this juxtaposition of the white fort and its squalid setting, that “[t]here would always be profits to make, interests to defend.”³⁸

At the Company's slave dungeons, as Paris walks along the corridors to conduct the inspection of captives, the trauma of his past imprisonment surfaces.

As they proceeded, he began to feel a sort of remote terror, the anxiety that comes sometimes in dreams of labyrinths, when each turning threatens to confront us with something intolerable . . . No one can keep account of damage done to himself. We imagine we have absorbed the shock, the harm, but we have merely caged it, and not in a strong cage either. It waits within the bars for a signal . . . a man can after twenty years be struck by a horror he thought he had forgotten and it will be green and fresh as ever . . . as it came to Paris now with the smell of the dank stone, the smell of degradation somewhere ahead of him, a horror almost incredulous that he was lost here . . . that he, who had prided himself on his vigilant

35. Ibid, 289-290.

36. Ibid, 251.

37. Ibid, 307. In the time Unsworth sets for these events, 1752-1753, “the Company” would have been the Company of Merchants Trading to Africa. “The Company of Merchants Trading to Africa,” roads to modernity, WordPress, <https://roadstomodernity.wordpress.com/2016/12/19/iii-the-company-of-merchants-trading-to-africa/>.

38. Unsworth, *Sacred Hunger*, 308.

clarity of mind and ruined himself for it, could have been his own self-deceiver, could have made his own despair a reason for compounding the misery of the world, and that he could have called this monstrous egotism self-abnegation.³⁹

The journey from Liverpool to this slave dungeon is also, for Paris, a journey into his sense of self. He comprehends, with a terrible clarity, how, by serving on the *Liverpool Merchant*, he has compounded the misery of the world. His painful perception of himself *in relation to* the slave trade is an illustration of White's insight that, "[u]ncertainty in one's own sense of self makes the process of knowing and describing others, and of establishing relations with them, especially intense."⁴⁰ Paris is highly relational. He cares about treating others with courtesy and respect, plumbing the depths of his educational and emotional literacy to uncover points of commonality wherever possible.

In *Sacred Hunger*, Unsworth tends to characterize those who subscribe to law-for-profit as without the capacity to be relational. On board the *Liverpool Merchant*, it is Captain Thurso who most potently embodies this instrumental, non-relational, profit-driven legal imagination.

IV. THE LIVERPOOL MERCHANT

The very name of this ship richly signifies the values, community, and conception of law that dehumanizes through an exaltation of commerce—in particular, a form of commerce that commodifies and brutalizes fellow humans. Consistent with Unsworth's grounding of the novel's imagined events in recorded history,⁴¹ the first known slave ship to sail from Liverpool, sixty-three years before the events of the novel, was a ship called the *Liverpool Merchant*.⁴² During the period Unsworth sets for Book One of the novel, 1752-1753, Liverpool had overtaken Bristol and London to dominate the slave trade, a dominance that, by 1790, would see Liverpool accounting for 80% of the British slave trade and 40% of the European slave trade.⁴³

The name of the ship is also a clever play on the literary device of personification because Kemp, who owns the ship, is a Liverpool merchant. As a jurisdictional space, Unsworth shows us how the legal imagination of the *Liverpool Merchant* is so totalizing, so monologic, as to parasitically absorb and consume individuals and individuality. People who subscribe to

39. Ibid, 313.

40. White, *The Legal Imagination*, 111.

41. Hulme, "The Atlantic World of *Sacred Hunger*," 138-144.

42. "Liverpool and the transatlantic slave trade: Information sheet 3," Archives Centre, Maritime Museum, *National Museums Liverpool*, <https://www.liverpoolmuseums.org.uk/archivesheet3>. This *Liverpool Merchant* of historical record sailed in 1699.

43. "Liverpool and the transatlantic slave trade: Information sheet 3," National Museums Liverpool, accessed November 9, 2023, <https://www.liverpoolmuseums.org.uk/archivesheet3>.

profit-exalting law and instrumentalize others as “means to an end” unwittingly become cogs in the all-encompassing, all-consuming machine of commerce and are themselves destroyed by its values and relations. *Sacred Hunger* illustrates this monstrously ravening maw of a monologic, profit-exalting and dehumanizing law through the plot as well as through how the *Liverpool Merchant* indifferently contains, then consumes, the starkly different personalities of Kemp, the owner, and Thurso, the captain. Kemp is warm in manner, attractive and magnetic, with a “natural friendliness towards inferiors,” connecting to those who labor to build his ships by chatting eagerly to them about their work.⁴⁴ In contrast, the taciturn Thurso has a face “set very hard indeed,” a “hoarse, toneless voice.”⁴⁵ Thurso’s language objectifies all people, navigating his perceived place in a chain of command ordered by the only issues that matter to him: profit, and his capacity to control others. Where he has power, he wields it from the conviction that “[t]here is nothing like fear for keeping people in order.”⁴⁶ Yet both men, so different from each other, are partners in the project of the *Liverpool Merchant*’s legal imagination: to profit from the Triangular Trade, “cheap trade goods to Africa for the purchase of negroes, these then carried to America or the West Indies and sold there; rum and tobacco and sugar bought with the proceeds and resold in England.”⁴⁷ Both men worship and subscribe to law-for-profit and both are killed by commerce. Kemp hangs himself to escape the despair of his debts and losses.⁴⁸ The heartless Thurso is killed when he is stabbed to the heart in the mutiny on board the *Liverpool Merchant*.⁴⁹

It is striking, given how *The Legal Imagination* draws attention to language, speech and expression, that Unsworth introduces us to Thurso by highlighting his voice. Thurso’s voice is toneless, marked by “a single hoarse and grating level.”⁵⁰ And Thurso’s language expresses total contempt for almost all other people. For example, consistent with the logics of racialized hatred, he regards “the natives” in totalizing, de-individualizing terms as “villains . . . inclined by nature to every kind of mischief and evil-doing.”⁵¹ Thurso characterizes his crew as “the lowest of all seafaring men . . . scum.”⁵² Thurso’s crew, some of whom (foreshadowing the captivity of the slaves) have been kidnapped, are flogged and shackled, on the receiving end of viciously disproportionate

44. Unsworth, *Sacred Hunger*, 8.

45. *Ibid.*, 40.

46. *Ibid.*, 249.

47. *Ibid.*, 17.

48. *Ibid.*, 360-363.

49. *Ibid.*, 585.

50. *Ibid.*, 39.

51. *Ibid.*, 298.

52. *Ibid.*, 43.

corporal punishment. On the ship, the captain's word is law and it is a despotic legality. For example, when Paris tries to persuade Thurso to let him treat a twelve year old captive who is ill with an infectious disease, Thurso, enraged by Paris's inability to "know what that means in money," says "in his hoarse monotone, ' I command on this ship. I will have you muzzled like a dog and sent to kennel below if you argue another syllable with me.'"53

Thurso is convinced of the legitimacy and propriety of his authority. For example, when the *Liverpool Merchant* finally arrives off the coast of Sierra Leone, and suppliers of slaves are about to board the ship to see the trade goods Thurso has to offer in exchange, Thurso pronounces on the difference between the (virtuous) law he exercises and the improper law of "local chiefs":

"Those two men in irons . . . can be released now. I don't want men in irons sitting about the deck when any of these local chiefs come aboard. It gives a bad impression. They don't understand any process of law or proper punishment, they think it is all done on a whim, as they do things. I know these people."54

The irony exists at multiple levels. We have seen the terrifying violence Thurso unleashes as "proper punishment," very much on his malevolent whims. And it is Unsworth's consistent trope that the characters who subscribe to law-for-profit lack any genuine knowledge of either self or other. Those who subscribe to law-for-profit treat and talk about others as means to an end, unaware of their own cognitive and ideological processes.

Under Thurso, slaves who refuse their food are tortured to terrify and deter other slaves from also asserting control over themselves. Speaking of the slave who is refusing food, Thurso tells Paris, "He cannot be allowed to die as he chooses. They must not believe they have the disposal of themselves . . . If he is going to die it must be at our hands and in pain, so that the others will not be corrupted."55

At one point in the voyage, Thurso decides to throw living slaves overboard so as to secure insurance payments for the ship's owner. Unsworth takes us through Thurso's reasoning process when he makes this decision; a process that includes Thurso's attention to "the need for lawful proceeding."56 Thurso calculates how, in the course of six days of bad weather, eighteen captives had died, with

[A] good number more likely to die before Jamaica was reached . . . Cargo dying aboard ship of so-called natural causes was quite worthless, whereas cargo cast overboard for good and sufficient reason could be

53. Ibid, 339.

54. Ibid, 195.

55. Ibid, 275.

56. Ibid, 382.

classed as lawful jetsam and thirty per cent of the market value could then be claimed from the insurers.⁵⁷

Paris, who has been ill with a fever and unaware of Thurso's decision to murder slaves, is roused to dress and leave his cabin by the unfamiliar cluster of sounds he hears. Weak from his illness, a bewildered Paris sees slaves "manhandled over the side . . . they had taken the chains off them. Chains had a value still."⁵⁸

Even as he struggles to register the incomprehensible workings of law-for-profit, Paris is struck by the posture a threatened slave's body takes in his fear,

[H]e had brought his hands up to plead for him and thrust forward his head as if to make an obeisance before his oppressors. It was a posture beast-like, baited, derided, and Paris recognized it.⁵⁹

In this beast-like posture, Paris recognizes himself, unable to straighten after the twelve hours he spent in the pillory, "that crouching, ludicrous, beast-like posture, the terrible exposure of the naked face and head."⁶⁰ Responding to this sensed commonality, Paris uses language, gesture, and passion to repudiate the degradations and inhumanity of law-for-profit, both as embodied by Thurso's terrible regime, and also by the system that pilloried and imprisoned him.

All thought of consequences departed from him. "No!" he shouted. "No!" He began to move rapidly towards them across the deck. Obeying an obscure impulse he raised his right arm to the fullest extent, as if in witness. With all the strength of his lungs, aiming his voice at the sky, he shouted again: "No!"⁶¹

In this moment of visceral expression, Paris initiates the mutiny. The actual acts of violence that kill Thurso belong to others. Thurso draws his pistol, presumably to shoot Paris, but members of the crew who have suffered from Thurso's violent, cruel, and unwarranted punishments are quick to extract vengeance before Thurso can kill Paris.⁶² Remaining together after the mutiny "made them all accomplices in murder."⁶³ And it is this complex weave of events, emotions, and vulnerability to the law-for-profit system that informs the founding of the post-mutiny settlement.

V. THE POST-MUTINY SETTLEMENT

After the mutiny against Captain Thurso, the slaves, crew, and officers of

57. Ibid, 382.

58. Ibid, 383.

59. Ibid, 383.

60. Ibid, 332.

61. Ibid, 384.

62. Ibid, 585.

63. Ibid, 536.

the *Liverpool Merchant* establish a settlement. The settlement's legal imagination and enactments have much to do with the voice and stature of Paris, of course.⁶⁴ But if the settlement, a fledgling republic, has a founding father, that honor goes to Delblanc, the artist-philosopher who boards *Liverpool Merchant* as a paying passenger to escape the corruption and degradation of Europe in Africa. Delblanc advocates for "doctrines of liberty . . . Men living free and equal in a state of nature" to anyone who will listen to him on the ship.⁶⁵ Twelve years after the mutiny, Paris reflects on the settlement's founding and understands that, for Delblanc, the conjuncture of events—a "ship blown off course, a scuffle of sick and desperate men, the blood of a madman [Thurso] clumsily and almost casually spilt"—became "a truth of politics, a revolution, the founding of a new order."⁶⁶ Convinced of "man's natural goodness," Delblanc's dream was for people to live in community, uncorrupted by money, unconstrained by government.⁶⁷ Delblanc's dream approaches a reality in that the settlement is characterized by a radical and humanist legal imagination.⁶⁸ Mutuality of comprehension being central to the respect for each other as "centers of autonomy and value,"⁶⁹ the fugitives develop a common language, pidgin.⁷⁰ In this settlement, black and white have equal rights, women have more power than men in the domestic sphere,⁷¹ and law-making is communal. The plurality of voices marking the settlement's law is dramatically narrated through three major events: the settlement's first debate, the settlement's first public execution, and a Palaver, or trial.⁷² In mimicking the practices and proceedings of parliamentary debates, capital punishment, and a common law trial, with advocates, witnesses, and a jury, the settlement's law illustrates White's point about how legal imaginations are constrained yet enlivened by forms of inherited speech and expression.

64. Paris's standing relates to the trust the people have in him to extend both physical and pastoral care: "The people of the crew reported to him [Paris] out of habit and a kind of deference that had survived the familiarity of the years; and both black and white confided in him sometimes when he was treating them for sickness or injury or discontent." Ibid, 510.

65. Ibid, 541.

66. Ibid, 536.

67. Ibid, 536.

68. Unsworth takes us into Paris's thoughts to explain the radical quality of the settlement's laws, rules, and practices: "the nature of life in the settlement, the variety of language and race among the negroes, above all the violence done to traditional morality by the need to share women, had wrenched the people away from their accustomed styles of thinking." Ibid, 533.

69. White, *The Legal Imagination*, xii.

70. Their lingua franca is "derived from the trade pidgin of the Guinea Coast." Unsworth, *Sacred Hunger*, 533.

71. Ibid, 500. Sexual relations are founded on a woman's consent.

72. For a rich and recent argument on how to better grapple with law's plural voices through a dialogical jurisprudence, see Julen Etxabe, "The Dialogical Language of Law," *Osgoode Hall Law Journal* 59.2 (2022): 429-515.

A. *The First Debate*

Early in the days of the settlement, the community becomes aware that four men—two white, two black, all four armed with muskets—have taken three Indians captive, very probably to sell the Indians into slavery. This event precipitates a debate that becomes a defining moment for the people of the settlement. They gather to collectively debate and decide on how they, as a community, will respond. Delblanc argues that the community must act to rescue the Indians to “assert the principles of freedom and natural justice.”⁷³ But three men—two white, one black—are in favor of not interfering with the slave-takers. It is a woman, Tabakali, “tall and magnificent,” expressing scorn and contempt for these men who would turn a blind eye to the crime of slavery, who turns the settlement’s opinion in favor of rescuing the slaves.⁷⁴

As the debate unfolds, in an aside to Paris, Delblanc convinces Paris that the community must kill the slave-takers because the slave-takers are “mixed white and black, just as we are. By killing them we cancel the distinction . . . It is the only thing that will keep us together.”⁷⁵ This consolidating of the community through a conjoining of violence and values—killing oppressors in order to establish freedom and natural justice—recalls Walter Benjamin’s theorizing of the relationship between law and violence, in particular, the coexistence of, and distinction between, law-founding and law-preserving violence.⁷⁶ The mutiny, marked in Paris’s memory by its “confused reality . . . glutinous with blood, thick with discordant sound, grotesque,”⁷⁷ is the revolutionary and violent event that founds the settlement and its law. This moment of law-founding violence is consolidated by the rescue and ceremonial liberation of the captive Indians, staging, for the settlement, that freedom and natural justice are the settlement’s guiding principles.⁷⁸ The killings of the slave-takers by a team of six men from the settlement—three black, three white—functions as law-preserving violence.

B. *The First Public Execution*

The law of the settlement is again preserved by the subsequent execution of Wilson. Wilson had been one of the crew on the *Liverpool Merchant*. He violated two rules of the settlement. One of these rules related to “the need for the men to share the women . . . it had been a matter of simple

73. Unsworth, *Sacred Hunger*, 516.

74. *Ibid.*, 514-518.

75. *Ibid.*, 518.

76. Walter Benjamin. “Critique of Violence” in *Walter Benjamin: Selected Writings*, eds. Marcus Bullock and Michael W. Jennings (Cambridge: Belknap Press, 1996), 1913-1925.

77. Unsworth, *Sacred Hunger*, 585.

78. *Ibid.*, 520-521.

arithmetic from the start with only fourteen females surviving.”⁷⁹ Importantly, the settlement’s “established rules of sexual behaviour . . . were founded on the woman’s consent.”⁸⁰ The other rule Wilson breaches relates to honoring the lives of all in the community, black and white. Wilson, unwilling to share Kouidi, the woman who had admitted him to her bed, murdered Tibo, a black man in the community who Kouidi had also accepted. Wilson was publicly executed for this crime; the first and only public execution in the twelve years of the settlement. The youngest adult male in the settlement, Sefadu, remembers how, as a child, he saw Wilson “brought out and tied up and slaughtered like an animal.”⁸¹ The execution of Wilson becomes one of the settlement’s founding stories. Sefadu recalls how this killing was explained to him as a child,

Wilson had been killed by *everybody*. It was this that made his death special, the children had been told. It was justice, it was all the people showing how much they hated this crime. Killing was justice when everybody joined in.⁸²

As an adult, Sefadu understands that Wilson’s execution “had shown the black people that their lives were valuable to the white people” but Sefadu struggles to comprehend this killing as an expression of justice.⁸³

C. *The Palaver*

Palavers are held in the settlement when disputes cannot be settled privately. Palavers are attended by all the people.⁸⁴ The Palaver Unsworth details has been precipitated by an accusation of witchcraft directed at one of the poorest men in the settlement, Iboti. The accuser is a man called Hambo, who belongs to a “phalanx of power” of Shantee people in the settlement.⁸⁵ Before the Palaver takes place, Paris worries; guessing at a possible conspiracy, and discovering to his horror at the trial, that the purpose of the conspiracy was to “incriminate an innocent man and make a slave of him.”⁸⁶ The Palaver is a major event in this section of the novel. Indeed, it is striking that, for a novel that foregrounds law as much as it does, this is the only trial that Unsworth details for us.⁸⁷ The Palaver has

79. Ibid, 521; “Children lived with their mothers and they had all the men for their father, such at least was the general principle.” Ibid, 524.

80. Ibid, 500.

81. Ibid, 548.

82. Ibid.

83. Ibid, 548.

84. Ibid, 565.

85. Ibid, 568.

86. Ibid, 575.

87. Two other trials or formal legal contestations are noted but not detailed—Paris’s conviction, and the West India Association’s challenge, before the Board of Trade, of Jamaica’s efforts to tax the slave trade.

rules of procedure,⁸⁸ identifying “a man with no discernible interest to serve save justice,” and electing him as “beck-man, or holder of the stick.”⁸⁹ The beck-man enforces the rules of the proceedings. There are rules governing who gets to speak, and the order in which the accuser, witnesses, and the accused or his representative may speak. The rest of the settlement serves as a jury, voting, by show of hands, in favor of, or against, acquittal.⁹⁰

VI. CONCLUSION

A striking feature of *Sacred Hunger* is that the novel devotes slightly less than one sixth of the novel’s pages to the settlement.⁹¹ And it is in this fraction of the novel’s pages that law is most communal, most dialogic, most alive to contestation. This dialogic quality of law in the settlement becomes a foil for the monologic oppressions of law-for-profit’s dominance throughout the rest of the novel. And it is the monologic dominance of law-for-profit that destroys the settlement when, twelve years after the ship’s presumed loss, Erasmus is told that the *Liverpool Merchant* has been seen beached on the Florida coast. Driven by an obsessive hatred of Paris,⁹² Erasmus convinces himself that Paris is “the leader of mutiny, a man with blood on his hands.”⁹³ As he mulls over this surprising new information about his father’s ship, Erasmus thinks in legal categories, compounding the wrongs and crimes: murder, theft, piracy.⁹⁴ When Erasmus finds the beached *Liverpool Merchant*, he also finds Paris’s journal.⁹⁵

In *Sacred Hunger*’s contested legal imaginations, the jurisprudential questioning, alongside the presence and absence of relationality, are encapsulated in a particularly arresting encounter between Erasmus’s and Paris’s legal imaginations when Erasmus reads Paris’s journal. Paris has written an intimately jurisprudential understanding of himself,

I have assisted in the suffering inflicted on these innocent people and in so doing joined the ranks of those that degrade the unoffending . . . This has been my crime and I am more guilty in it than the common seamen, who

88. These rules, in particular the rule that only the person holding the stick may speak, were established by Delblanc, who has not survived to be present at this trial. The stick that functions as a regulatory device at the Palaver is Delblanc’s “elegant, silver-headed cane.” Unsworth, *Sacred Hunger*, 565.

89. *Ibid.*, 565.

90. *Ibid.*, 564-574.

91. *Sacred Hunger* is 630 pages long. The settlement is narrated from pages 499-601, a total of 102 pages.

92. This hatred is traceable to a single moment in Erasmus’s childhood. Erasmus had been eight or nine years old and failing at his efforts to build a dam against the sea when the eighteen-year-old Paris “lifted him, helpless and raging” away from the sea, thereby becoming, for Erasmus, a “mortal enemy.” Unsworth, *Sacred Hunger*, 19, 430.

93. *Ibid.*, 430.

94. *Ibid.*

95. *Ibid.*, 445.

can plead the dire necessity of—⁹⁶

Unsworth takes us through Erasmus's response,

Erasmus felt the touch of an intolerable compassion. At the same time he could hardly believe what he had been reading . . . This wild confession, this owing to a crime so outlandish, so totally different from the true ones of mutiny and theft of the negroes, outraged him with its insolence and perversity . . . What became of law, of legitimacy, of established order, if a man could assume such attitudes of private morality, decide for himself where his fault lay? It turned everything upside down. He could think of nothing more damnable.⁹⁷

Undertaking the hatred-fueled, involved project of finding the *Liverpool Merchant* and tracking down his cousin, Erasmus convinces himself that his purpose is “high,” and a “mission of justice.”⁹⁸ When the settlement is attacked, Paris is shot in the leg and dies from his wound.

In 2023, just over thirty years from the 1992 publication of the novel, *Sacred Hunger* confronts readers with how, in troubling continuity with the era of the slave trade, law-for-profit continues to dominate, and wealth continues to be revered, sacralizing greed. Despite the violent destruction of the near-utopian settlement, *Sacred Hunger* brings into our present the profound yearning for a humanist, ethical law animated by *Sacred Hunger*. The novel challenges us all to be as self-examining and conscientious as the thoughtful, self-aware Matthew Paris. In navigating this world of competing legal imaginations, the literary sensibilities cultivated by and through *The Legal Imagination* function like a compass, pointing us to Paris's project of self-awareness and ethical conduct, of finding ways to be relational, humanist, and ethical in a generally corrupt and de-humanized world. Without the humanism and self-reflection of *The Legal Imagination*, we risk becoming mechanistic lawyers, ready, like Kemp, the Liverpool merchant, to celebrate cruel, exploitative, and inhumane profit-making because it has been sanctioned by the law of the land.

96. Ibid, 451. The journal has been partially damaged by water. Only fragments remain legible.

97. Ibid.

98. Unsworth, 482.