NOT QUITE THERE YET:

JURISPRUDENCE, UTOPIA AND INTENTIONAL COMMUNITY

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JURISPRUDENCE, UTOPIA AND INTENTIONAL COMMUNITY

By

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ABSTRACT

This thesis examines the role of concepts of jurisprudence, utopian theory and intentional community in three novels that are based on actual attempts to construct utopian intentional communities. Chapter one focuses on Nathaniel Hawthorne’s *The Blithedale Romance*, applying Ronald Dworkin’s interpretive theory in order to evaluate the Blithedale commune’s attempt to construct its own legal community. Questions of “why does it fail?” are pervasive in this thesis, but in this chapter, I pull apart the various roles of individual members in order to decipher both the role of the individual and the community in self-created legal systems. Chapter two adds to the consideration of constructive interpretivism by looking at the role of associative obligations in T.C Boyle’s *Drop City*. In particular, I analyze how associative obligations change when the commune relocates to Alaska, considering the effects of space in shifting associative obligations. The final chapter considers the meaning of legal death in Richard Brautigan’s *In Watermelon Sugar*.I explain the implications of a commune based on negative intent in order to determine whether this community can still maintain integrity to its cause.

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INTRODUCTION

In this thesis, I want to determine how law, in its most basic form as jurisprudence, functions in literary, utopian intentional communitiesthat do not have a pre-existing legal system. By examining fictionalized accounts of actual attempts to construct utopian intentional communities, I will inquire into the myriad ways theories of law work in forming a society. By only considering utopian intentional communities, I hope to merge the theoretical realms of law and utopianism, combining the formalism of concepts about structured legislative authority with the creative, interdisciplinary nature of utopian theory. My aim is to tease out what concepts of jurisprudence mean for us today, specifically as we begin to conceptualize alternative routes of being that bear significance on both our ethical and moral selfhoods, while reframing the parameters and the role of the legal on the everyday. I am not considering the particularities of specific laws, but rather jurisprudence, that is, the philosophical concepts behind human laws as they express and shape society. In discussing utopian intentional communities, I will be using Lyman Tower Sargent’s definition of an intentional community as “a group of five or more adults and their children, if any, who come from more than one nuclear family and who have chosen to live together to enhance their shared values for some other mutually agreed upon purpose” (Sargent, 6).

 These societies do not have any authoritative text that defines what law is, making their experiments in living a perfect point from which to explicate the inherent structure of law and the process through which it comes about, one that is separate from the frequent association of law and state. I want to unpack the common understanding that governments impose laws while simultaneously functioning through the systematic order of the law. By looking at intentional communities and examining environments that are trying to step outside bureaucratic order in order to appreciate questions of autonomy beyond state law, I will be examining the role of the institutional features of law and beginning to see how jurisprudence functions without this. Furthermore, I argue that these communities attempt to construct an optimal legal structure that minimizes the rule-governed structure of law. To be clear, this is not to deny the value of governing structures, but rather, to discern the best legal structure for recognizing the moral and ethical confines of governance and not descend into a dystopian structure that imposes laws that fail to improve the lives of citizens.

 I am first outlining the aspects of utopianism that underwrite my project, before establishing how jurisprudence weaves into this work. In *Ideology and Utopia*, Karl Mannheim explains that ideology and utopia emerge from political conflict (Sargent, 120). Mannheim expands on this to clarify the relationship between utopia and ideology, explaining that the disappearance of utopian thought would bring about a static state of human affairs in which man himself becomes no more than a thing. By thing, I simply mean an object. In order to explain this better, I want to briefly turn to a concept on the idealism of freedom. My conclusion will include a closer consideration of this topic through an examination of Schelling’s *Treatise on the Essence of Human Freedom*, but for now, I just want to explain how human consciousness can become a “kind of thing” and furthermore, how this relates to the status of utopian affairs. Martin Heidegger[[1]](#footnote-1) considers the interpretation of beings (which is the determination of Being) from a realist and idealist perspective, concluding that the idealist perspective is superior because the realist interpretation of beingness ignores the fact that Being is ego-like (Heidegger 93). This ego-like quality moves towards the quality of the subject, causing its character as a thing to disappear. Thus, realism predicates Beings as mechanistically effective, and not as representing – as mechanistically compelled, and not free. This association between utopianism and humanness as ego-like and full of striving is where utopia takes the effect of a certain kind of scrutinizing and active humanity. Moreover, the Being of Idealism is also where utopianism intersects with how jurisprudence as embodied in law delineates human behaviour (something I also elaborate on further into this chapter). Of course, this is not to conclude that law and utopia are simply oppositional ideas. Rather, in considering utopia as an “exploration of the possible,” I want to reconsider what law means in society and whether or not there is a potential to think about the law as an evolving feature of society (Sargent 122). Utopianism works from a perspective of subversion (124) and in this way allows us to re-evaluate what is, what could be and how it comes about. Utopia, however, also works within ideology; since no one is able to step outside of ideology, utopia works by appropriating ideology in order to manifest its own vision. This is what makes utopia subversive but simultaneously creative, active and something that uses ideological structures to recreate its very own culture. By applying its vision onto a larger framework, utopia uses ambiguities and uncertainties as the main points from which to construct alternatives. While these questions pose problems that may seem indirect, they underscore humanity’s search for a better society, forcing us to contend with the most pertinent aspects of existence – in this case, how we want to live as a group.

In combining utopian theory with jurisprudence, I will expand on how theories of law function in each of the intentional communities I am studying. The two main tenets of jurisprudence are the opposition of natural law and legal positivism, and these provide a framework for understanding how scholars conceptualize law. I am including an explanation of legal positivism in this introduction even though it is not a major aspect of my thesis in order to provide a larger overview of existing arguments within legal theory. Natural law, by presupposing a common human nature, states that individuals and communities, through the light of reason, can know the fundamental guidelines for moral action in conformity with the very nature of the human subject (Cahill, Haker, Metogo, 7). This common human nature is attributed to God, and moral action becomes a path towards achieving human goods. Thus, natural law favours teleological ends that have corresponding actions and maintains that these align with absolute moral or legal truths (Siep qtd. in Cahill, Haker, and Metogo, 45). In *The Concept of Law*, however, Herbert Hart argues instead that law is a social construction. Hart’s legal positivist theory proposes jurisprudence as a way of thinking about law, so that by understanding legal discourse, we can begin to make intelligible the structures and processes of law itself. It is difficult to define jurisprudence, because its very character is tied up with the problem of definition, as jurisprudence brings together concerns surrounding subject, method and criteria, taking it to the level of a meta-theory. However, to simplify things, Robert Alexy and Ralf Dreier[[2]](#footnote-2) state that jurisprudence is the theory of positive law, while legal philosophy describes the theory of right or just law (2). Moreover, jurisprudence refers to concepts of legal positivism but is not limited by them as such. In *The Concept of Law*, Hart lists the three persistent questions of law as being “how does law differ from and how is it related to orders backed by threats, how does legal obligation differ from, and how is it related to, moral obligation, and what are rules and to what extent is law an affair of rules?” (13). Hart distinguishes jurisprudence as a question about the nature of law, but clarifies that this can frequently turn into a quest for definition. Language plays an important role in law, as it is primarily a mode of drawing lines and distinguishing between one kind of thing and another, which language marks off by a separate word (Hart, 13). Thus, law is as much a matter of language, of choosing and delineating the proper word, as it is about rules. Legal positivism, the theory that Hart develops in *The Concept of Law*, is an important theory for this thesis, maintaining that laws do not satisfy or reproduce certain demands of morality (Hart, 203). Legal positivism argues that law exists regardless of its merit or demerit, so much so that legal norms may have any kind of content. While on one side, legal positivism appears to signal an open, changing system of law that is not bound to any strict rules, in reality it can translate to invalid state laws. Hart explains that for legal positivists, “the law of a State is not an ideal but something which actually exists … It is not that which ought to be, but that which is” (203). Of course, this concept is interesting for the implications that it carries for citizens who obey the laws, and this relationship between individuals and laws is central to my examination of the intentional communities of my primary texts. I will also examine how these citizens who are dissatisfied with their relationship to state law, upon taking an opportunity to recreate their own law, begin to subvert or alter the law, or if they do not do this, to decipher why their efforts to reconstruct law are unsuccessful. More broadly, if positive law is one facet of jurisprudence, positioned in contrast to natural law, then how do these different aspects of a single system flow into each other and influence the totality of the legal system? This social process is something I want to consider further in my thesis, and by breaking down each of my texts into particular examples, I will begin to unravel how different facets of law intercept each other.

 Finally, in addressing the question of jurisprudence I want to consider Ronald Dworkin’s interpretive model of law, as his work offers a “third way” of law that combines theories of natural and positive law. In his famous 1985 essay “Law’s Ambitions for Itself,” Dworkin attempts to refute legal positivism in order to argue for a model based on integrity. Dworkin’s law as integrity is analogous to his interpretive model and opposes the efficiency model of legal positivism (Dworkin, 186). The interpretive model’s core aim is to have the way institutional practice affects the law be determined by certain principles that explain why the practice should have that role. It is the final criterion to addressthe “why” that links the interpretive model with the integrity model of community. Dworkin argues that positive law draws from unrestricted utilitarianism which allows for a way to conceive of legal positivism as a constraint on the community. By regarding efficient communities as those in which other people are regarded as resources and competition, legal positivism privileges a view of politics as commerce (187). Given that my project grapples with intentional communities and their role in conceptualizing alternative legal formations, Dworkin’s claim that politics functions as an exclusionary set of practices that demoralize communities actually becomes a compelling argument, maintaining that self-structured communities are inherently more community-oriented than ones based on institutional recognition. He recognizes the variety of phenomenological profiles that impact different external preferences, and in this way, interpretivism works to respect the rights of various minority groups while prohibiting temporary majorities from banning certain perspectives through the law.

In the case of intentional communities, Dworkin’s essay underscores the value of integrity as “the most intense version of community compatible with moral diversity” (187). The ideal of integrity is highly significant to the study of intentional communities, not only because interpretivism emphasizes achieving community and diversity as a primary end, but also because interpretivism balances out the role of institutions with the role of individuals in creating and sustaining law. Most significantly, interpretivism combines natural law and legal positivism in unique and valuable ways. For one thing, the title of Dworkin’s essay states that law has its own ambitions; to further express this in human terms, it is helpful to turn to another metaphor, “law works itself pure,” or “there is a higher law, within and yet beyond positive law, toward which positive law grows” (173). Each of these metaphors draws on an element inherent in natural law – that is, through the personification of law, the metaphors reach for a higher essence that is present in law. Without critiquing this in its entirety as essentialist or as potentially justifying corruption, Dworkin uses interpretivism to invest agency into the rights of minority groups and in this way reverses the liberal-positivist association, re-aligning positivism with conservatism and his model of interpretation with a fuller conception of law, one that takes into account the reasoning behind certain positive laws. This reasoning sees a direct relationship between the form of jurisprudence behind a society and its laws. The positivist conception of law does not provide a rationale, either to citizens or within the official exposition of law, as to why certain laws are in effect, and I want to further consider how a positivist attitude to law could be the cause of latent conservatism. The way that this will tie into my work on intentional communities is through its interweaving of natural and positive law. By allowing me to examine utopian intentional communities as attempts to connect “pure ideology” (thereby recalling their intentionality) with the attempts to sustain a communal way of life, legal interpretivism captures the persistence of law in regulating the messiness of human encounters. In my chapters, I will use interpretivism as a way to dissipate tensions between natural and positive law, seeking literary examples that uphold such dynamic processes of legal function.

 Intentional communities are well-suited for considering interpretive models of law, because in these societies people are moving away from a purely constitutional or positivist basis for law. Therefore, since there is a rejection of positive law as that official and regulating feature of society, there is an opportunity to take a step back and consider what lies beyond the borders of positive law, or how interpretivism re-envisions the future of law. In *Intentional Communities* for example, Barry Shenker analyzes communal life through “external” factors, such as environment and social organization and “internal” factors, such as belief, meaning, and commitment (Shenker, 6). Similarly, interpretivism’s “full” law, which takes political morality together with legal positivism to construct a complete view of law, reflects a similar combination of external and internal factors. Here, I think it is helpful to briefly outline the significance of intentional communities for this thesis. Their intentionality refers to the fact that they are purposefully constructed by a group of people in order to realize a set of aims (10). Furthermore, two qualities that characterize their being a community are face-to-face relations and an adoption of communalism as an ethical end in itself. This latter ideal of an ethical end closely parallels Dworkin’s thinking on law as well, as the affinity between positivism and political morality – or the idea that laws need to be able to justify a better life – lingers in the changing consciousness on topics of political ideology and its social ramifications.

 Shenker defines the success of a commune in three ways: chronologically, ideologically and structurally. If the commune is chronologically successful, it is able to attract a continuous number of communitarians that enable the commune to persist through time. For the commune to be ideologically successful, its intentions have to have been realized, which may be difficult since their intentions are often far from clear (12). From a structural approach, the commune must see itself as being essentially consistent over the years and not experiencing radical changes through history. This latter structural approach is significant because it determines whether any particular institutions are *in themselves* fundamental to the commune’s success, or whether they are *expressions* of something else which is fundamental (13). While the differentiation of natural and positive law seemingly resurfaces here, this is really the key question of my thesis – that is, when founding a new form of government (formally or informally), do structural aspects make up the basis for all conduct, and to what effect? In writing this thesis, I aim to try to separate out these different elements of law and jurisprudence and situate them in their respective functions in order to determine an equilibrium that ensures neither an overly constructed system that may fail at reliably recognizing variance within form, nor a loss of coherence through privileging complete spontaneity in structures. Shenker suggests a multilateral approach that combines all three forms, and again, this seems to be complementary to Dworkin’s interpretivism. Yet, if there is such an easy acceptance of a multilateral approach to governance, why does embodying interpretivism become difficult?

 The difficulty of interpretivism rests on questions that again, relate to ideas about utopia as method and the exposition of the concept as a kind of thought experiment itself. In *Justice for Hedgehogs*, Dworkin’s most comprehensive work published in 2013, he elaborates on Hart’s *Concept of Law*, stating that at the time of its publication, the dominant mode of analysis among Oxford philosophers supposed that analysis consists in making evident the hidden convergent speech practices of ordinary users of language (404). Despite separating law and morality as distinct categories, the positivist view does not clearly define the doctrinal concept of law. I take Hart’s abstraction of the concept of law to be deeply entrenched in a philosophical understanding. Moreover, by stating that historical facts about legislation and perhaps social convention are exclusively decisive in deciding what legal rights people have (407), legal positivism may privilege institutional rights over people’s ability to acquire genuine rights.

 In *Justice for Hedgehogs*, Dworkin elaborates on the concept of interpretivism and suggests that by understanding what it is and what kind of arguments are needed, we will be better able to construct and test conceptions of judgemental responsibility, a good life, moral obligation, human rights, liberty, equality and law (164). This is, to be clear, in part a claim about second-order or meta-ethical questions which assume that addressing meta-ethical issues requires philosophical argument rather than moral judgement (10). These are the “logic” games of law, and they play a part in my argument to the extent that language is always a meta-ethical process without which value judgements could not be obtained. I argue that the intentional communities I am studying specifically attempt to construct an interpretive model of governance and jurisprudence and provide tested examples of what happens when different conceptions of these aspects of life are held in tension. Each intentional community, by trying to decide which values they want their community to uphold, inevitably fails to characterize or properly identify what these values are, which leads to disagreements and arguments. Dworkin’s concept of interpretivism may illuminate the friction behind some of the disagreements that take place in the novels, providing a framework through which to better conceptualize patterns of disagreement in order to integrate them into a structure of law. Moreover, by pointing out that everything is interpretive, the value of seeing justice and other moral concepts as interpretive is not to reaffirm relativism, but rather to get to the premise of the value disagreement itself, to get to the jurisprudence (or lack of it) behind the particularities. Why is this important? Dworkin’s foundation in making this argument is to state that political concepts must be integrated with one another. According to this, a conception cannot be defended without showing how this particular conception fits with and into appealing conceptions of other political concepts, which he calls the unity of value (7), something I will elaborate more on in the next paragraph. This unity of value is where value judgements become difficult subjects – that is, not in their variance but in their alignment. There are always multiplicities of value – however, at times they may not be evident – and often they do not seem to align, and this is where the work of interpretivism begins. By uniting various discrepancies, interpretivism presents a larger totality that incorporates fit and justification into a new model of law based on understood theories of law.

Fit and justification simply denote how to go about the interpretive process. For example, justification asks the interpreter to settle on some general justification as to why the practice is required – how we justify why we do certain things, for example. Once we decide or “see” why we take a specific position in the practice being interpreted (this is the pre-interpretive stage), we have to make sure that this is correct in the light of different justification or that there are no mistakes in what we have been justifying (66). In the first stage, we see the purpose or aim in the practice, and in the second we see the consequences of that purpose. Fit requires a recognition that interpretation coincides with “a great many ways to disagree” (67), and therefore, interpretations need to fit with the main features of the practice and also with the other interpretations to a degree. I do not think that Dworkin suggests a moralistic hierarchy should exist however, and that those things which do not fit into the accepted conception of political value need to be sacrificed for the sake of its entirety. Rather, I thinkthis is precisely the challenge that Dworkin poses, and in debating law and morality, he is not falling back onto a Kantian ethics of absolute morality, though there is an appeal to a similar end. Instead, Dworkin’s focus is on a life well lived as well as on politics and justice.

 By living well, Dworkin means to live our lives, as the Romantics said, as a work of art, with the value of an aesthetic life lying in the relation between the value of what is created and the value of the acts of creating it (197). In this way, great art is valued not as a product that enhances our lives but because it embodies a performance, a rising to an artistic challenge (197). I view the intentional communities of my primary texts in a similar light. In fact, if nothing else, these attempts at constructing a new way of life through the formation of a commune can be seen as viable cultural and aesthetic life forms and I want to consider how these projects enhance the overall perspective of living well. Moreover, how does the combination of living well and political value play into the role of the commune?

 Dworkin’s theory of interpretivism combines natural and positive models of law, taking the institutional features of positivism and linking them with the moral ends of natural law. This thesis will consider Dworkin’s third form of law in relation to intentional communities in order to determine the role of cooperative and communal forms of law in the context of thinking about law beyond the state level of jurisprudence. What is significant about the theory of interpretivism is its aim to supersede contemporary scepticism grounded in moral argument, in order to attain coherence of value. I believe that applying this theory to the study of intentional communities will offer a way of understanding political environments that are saturated with vastly different personal and private values that must be independently recognized within a larger system that maintains coherency throughout. By privileging the third way of law, I will also discuss additional ways of thinking about law which are supported by some of Dworkin’s other works, such as *Law’s Empire*, bridging the gap between literature and law through a consideration of Dworkin’s metaphors about law being “like a chain novel” for example. The chain novel metaphor comprises one of the central arguments of my thesis, in which multiple authors are responsible for writing a chapter in a novel, ensuring continuity throughout. Writing a chain novel resembles the act of interpretation, as each act builds on previous acts of interpretationn; moreover, authors do not work in a vacuum but have critics who interpret the novel – and the author of each chapter takes on the role of both. The interpretation each author takes up must successfully flow throughout the text as a whole. Making our interpretations eligible and fitting with what has previously taken place and ensuring that they are multifaceted enough to contain layers of interpretation is what the metaphor of the chain novel reveals.

 Nathaniel Hawthorne’s *The Blithedale Romance*, the subject of my first chapter, perhaps best illustrates a utopian intentional community, depicting a Fourier-styled socialist commune set on Blithedale Farm, a fictionalized adaptation of Brook Farm, an intentional community in Massachusetts in the 1840s. *The Blithedale Romance* portrays the difficulty of defining law as it is obscured through language. The mysterious relationships that develop among the poet Coverdale, the philanthropist Hollingsworth, the proud and outspoken Zenobia and the estranged but ethereal Priscilla give the novel an emotional undertone that is characteristic of the gothic romance. Here, I will use Dworkin’s interpretive process and apply the metaphor of the chain novel in order to pry apart the various characters in the text, examining how their respective roles impact both the text and the success of its communal experiment. How does this novel complicate our vision of law by seemingly emptying out the content of its events, including the successes and failures of its utopian vision, into a perplexing relationship with language that often obscures our understanding of the definition of law as it affects the actual *Blithedale* commune? Aside from thinking through ways in which language obscures the cause, I will also consider the practical side of this intentional community, such as alternative property regimes and communal organization versus the activity that takes place in the city.

Drop City, an arts commune located in semi-rural, southern Colorado, existed between 1965 and 1973 and was most notably recognized for its colourful geodesic domes which provided accommodations for communitarians. Though the local health department shut it down in 1973, it remained at the forefront of the explosive manifestation of communal idealism that took place between 1965 and 1975, and is the inspiration for T.C. Boyle’s 2003 *Drop City*, which I discuss in my second chapter. Drop City’s open-door policy resulted in many transient commune-seekers coming to stay for free, resulting in an interesting combination of shared physical labour, do-it-yourself technology and houses built from trash, as well as interest in drugs and sexual freedom, making Drop City “the first capital of the outlaw nation.”[[3]](#footnote-3) When the commune disintegrated, a few of its original members relocated with renewed optimism. Erin Elder argues that Drop City portrays the commune as a cultural form and that acting out an alternative reality was the project at hand (Elder, 7). In this sense, Drop City reveals an attempt at recreating values and depicts “rugged individualism” as connected to the idea of “unlimited opportunity for the strong” (Richard Slotkin qtd. in Adamik, 4). I argue that this novel represents the commune as a frontier for a new legal system based on subversive relationships with space, and in this case, *Drop City* contends with both natural law and legal positivism in order to try to resolve its construction of a better society.

 Richard Brautigan’s novel *In Watermelon Sugar* (based on Brautigan’s experience living in Bolinas and other 1960s utopian communes) was published in 1968 and provides an unusual perspective from which to conceptualize the relationship between jurisprudence and law in my third chapter. While the novel’s plot structure is divided into three larger chapters that give the reader an overview of three different sets of events, the poetic format in which the text is written is unsystematic, sparse, fluid and lacking structure. Thus, the novel’s form depicts a legal system at its most fragmented point. The novel then becomes a symbol for how a society conducts itself when there is no clear legal system, capturing the death of a legal system. This new form of law, emerging from an illegible sphere, is both unpredictable and difficult to understand as it is not readily visible. As a result, the characters become symbols of the types of persons created by an uncertain legal order. I will be introducing the theoretical work of Colin Dayan and Davina Cooper to explore *In Watermelon Sugar*. Dayan’s *The Law is A White Dog: How Legal Rituals Make and Unmake Persons* portrays the role of unseen forces, some of which rely on subconscious or non-rational elements to create legal order. Cooper’s *Everyday Utopias: The Conceptual Life of Promising Spaces* further helps ground this novel as a depiction of utopia as method. More than just considering how utopia captures an organic practice of becoming, emphasizing process, conflict, temporality and choice (Cooper, 25), and beyond this underscoring of enactment, there is also a link to conceptions of institutional law that I will flesh out more fully, specifically as these processes surround bureaucratic practices in order to improve our current systems. As Cooper explains, “law’s conceptual connection to the state cannot be severed … [T]he search for the institutional aspect of norm formulation or enforcement is nothing other than a smuggled reference to the state bureaucratic legal apparatus” (27). It becomes clear that law cannot be imagined clearly and separately from the state. While *In Watermelon Sugar* opposes this conception, particularly through the incident of the death of the tigers, which represent legal and systematic order, it offers a lens through which to examine the aftermath of a state-imposed order.

CHAPTER ONE:

 “THE HAWTHORNE EFFECT”: SPECTATORSHIP AND THE COMMUN(E)(ITY) IN NATHANIEL HAWTHORNE’S *THE BLITHEDALE ROMANCE*

In this chapter, I will connect Hawthorne’s *The Blithedale Romance* with Dworkin’s interpretive model of law through a series of arguments that build on each other. These arguments will help develop a nuanced understanding of how the various relationships among characters (including author, narrator, community members and critical interpreters) take shape in the interpretive process. Though at times, my arguments appear to develop backwards, I offer this as a useful conceptual tool for envisioning a culture that similarly aspires to emerge spontaneously out of its material conditions. This is not so much a blueprint model for utopia, but rather, a process or challenge of enactment. Furthermore, I will analyze how these roles combine to realize or negate the integrity model of governance. By taking a position that further relays concepts of deconstructed jurisprudence, I can begin to elucidate what jurisprudence is in relation to how I am using it in this thesis and develop a broader understanding of the term as it affects social processes that act and are acted upon through these various practices of jurisprudence. Finally, I will establish that the novel fails due to a lack of justice to its cause.

I first want to explain Dworkin’s concept of the “chain novel” as it sets up the foundation for this chapter. Dworkin compares judges to authors and critics, as they build on decisions set by previous cases, always working from a precedent. Precedent opposes the notion of “case-by-case” law, asserting that law builds on itself in order to reach its next configuration. He further states that the distinction between author and interpreter is more a matter of different aspects of the same process (229). By this, he means that interpretation involves its own act of curation, similar to the process of authoring a text. Moreover, he adds that literary criticism also contributes to the traditions of art in which authors work – this is the area of critical theory. Ultimately, Dworkin makes a comparison between literature and law through the construction of the genre of literature called the chain novel (229). Here, a group of novelists write a novel, each taking turns interpreting the chapters they have been given in order to write a new chapter, which is then added to what the next novelist receives and so on. The novelists must take on the responsibility of continuity however – that is, they must produce a single, unified whole while aiming to find layers and currents of meaning rather than a single, exhaustive theme. I argue that this is what happens in *The Blithedale Romance*, and I want to further elaborate on examples of these processes in the novel to show how the chain novel metaphor expresses the interpretive method.

I will now move from the general to the specific and show how layers of meaning are exemplified through multiple perspectives in the novel. In order to better understand interpretivism as a model of jurisprudence, I want to draw comparisons to instances of it in *The Blithedale Romance* by first considering the single example of a narrative shift in the text. In “The Silvery Veil” (108) Zenobia recounts the legend of the veiled lady as the community takes part in a theatrical performance, thus taking Coverdale’s place as narrator. Within the novel, Zenobia’s story represents a narrative shift, yet we must consider that both perspectives are written by Hawthorne. This refuses the paradigm of the chain novel, yet it still offers an opportunity to see how unity and continuity function in the text. Hawthorne employs this method, showing readers the value of interpretation through the different lenses of the two characters. The novel further reflects an interpretive method by using foreshadowing in Zenobia’s story, thereby producing continuity throughout the text and creating multiple layers of meaning within it.

This narrative shift also creates an opportunity for multiple interpretations to arise – something that directly informs Dworkin’s concept of legal interpretivism. For example, in “‘The Tender Passion Was Very Rife Among Us’: Coverdale’s Queer Utopia and *The Blithedale Romance*,” Benjamin Grossberg explains how Theodore in the story of the Veiled Lady foreshadows Coverdale’s undoing by veiled desire that is revealed at the novel’s conclusion. In this sense, Hawthorne is constructing a single narrative which lends itself to multiple readings. Grossberg argues that Coverdale’s queer “veiled desire” (23), not manifested by the novel’s conclusion, is his craving for not just Priscilla, but for Zenobia and Hollingsworth as well (23). Hawthorne pulls together four distinct characters, showing them in multiple and complex lights throughout the text, conflating and collapsing gender categories and queering the potential of their union. He subtly alludes to potential distinctions, and the reader can interpret these how she wants to.

‘The Veiled Lady’ is Hawthorne’s single attempt in the novel to take narrative control away from Coverdale. By doing this, he underscores the potential for various interpretations that might be less clear if there was a chance to only understand the text through a single narrator. By challenging the reader to see from each character’s perspective, he draws attention to the difficulties of interpretivism. *The Blithedale Romance* is a suggestion of variety without an actual immersion in its complexity. Is there a single interpretation that flows throughout the text? And if so, what disrupts it? Zenobia’s narration weaves in aspects of her own personality and character much as Coverdale’s narration does. Zenobia’s story, however, though her own, seems formal and learned in its delivery and this reveals a preoccupation with performativity that the text complicates. The other characters are no more sincere however, evidenced by their lack of grieving after Zenobia’s death at the novel’s end and also by their unwillingness to open the door for Priscilla at the beginning of the novel, which Coverdale explains as: “whether to enjoy a dramatic suspense, or that we were selfishly contrasting our own comfort with the chill and dreary situation of the unknown person…so it happened, that nobody, for an instant or two, arose to answer the summons” (26). This delayed response reveals disingenuousnessto the cause.

Furthermore, Zenobia’s entire narrative authority rests on an institutional identity (as it does not arise naturally), and this is first exemplified by her formal address to the audience as “dear friends” (108). Her identity is institutional due to its, as I will later argue, past history with the professor and because she consistently manipulates her speech for a viewing audience, severing her persona from any personal truth. Coverdale, by the novel’s end, becomes so unsure about her “truer attitude” that he concludes “there was something like the illusion which a great actress flings around her” (165). Zenobia’s calculated way of talking is evident from the beginning of the novel, when the narrator explains that Zenobia greeted everyone “having something appropriate to say, I recollect, to every individual” (21). The narrator then goes on to repeat what Zenobia tells him upon greeting him, and it is this: – “I have long wished to know you, Mr. Coverdale, and to thank you for your beautiful poetry, some of which I have learned by heart; – or rather, it has stolen into my memory…I would almost rather give you up, as an associate, than that the world should lose one of its true poets!” (14). I argue that Zenobia’s suicide results from an inability to perceive herself as separate from her social persona and her surroundings. Zenobia’s performance is too constructed, not allowing for any spontaneity to emerge from beneath the surface of her coolly constructed demeanour. Though this is what a persona is, we do not see anything else from Hawthorne’s characters. The problem is not that her persona is performative, but that its performativity is constituted by external structures; however, somemay argue this is always the case with performance, but I argue that this is false. Zenobia is consistently portrayed as performing in the novel, and her narrative shift takes place in the context of a storytelling session. It is difficult for her to assert her own identity, not because she lacks will power, but because of a lack of visible interiority in the text. Since she is constantly performing, both in the country and city, her identity seems to rely strictly on this one aspect. I argue that this preoccupation with performativity stems from a reliance on institutional form and societal expectation that cause a rupture from oneself. The result is an evacuation of the self, evident in Zenobia’s speech which can be characterized as artificial and created through the presence of others who do not necessarily know any better either, and contributing to a polluted and hostile environment early on in the text. However, I do not think Zenobia’s institutional identity is self-created, but rather something that can be traced to her wealthy upbringing (182) and the influence of the professor, whom the narrator describes as looking at him with “black eyes [that] sparkled, whether with fun or malice I knew not, but certainly as if the Devil were peeping out of them” (94). The professor does not positively impact Zenobia because his involvement with her (and every) cause is disingenuous, further exemplified by his engagement with the commune which I will later elaborate on. Coverdale explains that “every human being, when given over to the Devil, is said to have the wizard mark upon him…I fancied that this smile was the Devil’s signet on the Professor” (158). The professor masks his true intentions behind this sinister smile and in this way, by attempting to maintain his superiority, manages to pollute each and every cause around him. The evacuated personas that populate Hawthorne’s text relate to a vacated sense of citizenship and justice.

 The characters represent an empty posturing that takes the place of a moralistic legal attitude. Yet, Hawthorne’s characters are not concerned with offence and openly display their personas, demonstrating honesty in the presentation of their personas. They are quite candid even as they conceal their true selves. This is exemplified by Coverdale’s open portrayal of the characters – and perhaps this is reflective of the romantic genre – as he notes their unwillingness to answer the door. He is not protecting the characters from their own / each other’s perspectives and I argue this is a transgressive reading in terms of the contemporary state of utopian thought today (which lies in the midst of various political battles), and that this is what interpretivism entails as well. In “‘Cool Memories’: Baudrillard and the Crisis of Reading” Mike Gane elaborates on Jean Baudrillard’s attempt to grasp the world “without finding a central point, a point of interpretation.” In this sense, Zenobia’s suicide mirrors “the world in all its silences and brutality” (Baudrillard qtd. in Gane). Coverdale considers looking into the water and trying to find Zenobia’s soul (233), but he is too afraid, and the “black, inscruptable depth” does not give up any final insights until Zenobia’s body is discovered. There are multiple interpretations of Zenobia’s death by the other characters, including that it is insensible (240), “sorrowful” (232) and inevitable (240), but ultimately Hawthorne leaves readers with the task of understanding. The end of the novel resonates with a similar invocation to grapple with meaning in the absence of “ideological enthusiasm or traditional passion” (305). Perhaps a lack of meaning in her death is the most radical interpretation, as collapsing meaning into an irreconcilable paradox that rejects the coded structures of cultural and political order challenges the notion of a unified interpretation. The river is the indeterminable void that Coverdale refuses to look into, and in a sense, Coverdale also refuses meaning here. This reading actually affirms the reason for the failure of the communal project. Blithedale neither reinvents a nostalgic, Fourier past nor creates a simulated future self. The commune essentially lacks integrity to its own cause, which is evident in several ways. The commune is depicted as either taking part in social events, such as “pic-nics under the trees [that] were considerably in vogue” (Hawthorne 166) or as not being properly self-sustainable. Coverdale describes the reactions of the neighbours as dismissive of the idea that the communitarians could adequately farm their land due to their inability to perform tasks like yoking oxen, taking them to field, releasing them at nightfall, milking cows, planting seeds and using farming equipment (65) – this is significant because it renders them ineffective at precisely what they need to do as a community.

The ideal of self-government is closely related to the concept of integrity in jurisprudence. Integrity expands the role individual citizens can play in developing the public standards of their community because it requires them to treat relations among themselves as characteristically, not just spasmodically, governed by these public standards*,* explains Dworkin (189). Integrity calls for an underlying commitment to a fundamental conception of justice so that each citizen accepts demands made on him or her and may make demands on others that share and extend the moral dimension of any explicit political decisions (189). To live thus, the Blithedale communitarians would need to fuse each citizen’s moral and political lives with the spirit of the others to the benefit of all. This is Dworkin’s conception of integrity, and it complements the transcendental ideal of fusing mind and spirit (19) that the Blithedale communitarians essentially seek out. This integrity would then extend to the neighbours as well, who are apparently involved in the same kind of farming practice.

This commune falls apart because the members do not really believe in the cause. This lack of belief is evident through their departure for the city (145). When Coverdale visits the hotel room, he notes the difference in Zenobia’s dress, once “so simply attired” and now set off by dress and ornament (163). The quick exchange of role and costume reveals a lack of continuity, or a performativity that is more important than the actual project itself. Dworkin explains that continuity between public and private in the integrity of his theory of jurisprudence has practical as well as expressive value, because it facilitates an organic style of change. In order for subjects to move freely through time and space in a way that facilitates this organic style of change, there needs to be a balanced relationship between the inner and outer self. The goal is fidelity to a scheme of principles each citizen has a responsibility to identify, ultimately for himself, as his community’s scheme. I argue that the Blithedale community does not have a continuity of cause, or they do not see their experiment in living as an end in and of itself. The fact that Blithedale does not see its communal endeavour as an end in itself is evident by Coverdale’s observation that their scheme of reform “looked so ridiculous” (Hawthorne 101), further adding “if I were wise, I should get out of the scrape, with all diligence, and then laugh at my companions for remaining in it” (101). Clearly, Coverdale lacks continuity between his private and public goals, negating the requirements for integrity. A lack of continuity between Coverdale’s private goals and public goals is further emphasized by his idea that the reformers must periodically return into the settled system of things to correct themselves by a new observation of the old system (141). There is neither continuity between the individual members and their ideas about what the commune requires of them, nor is there continuity between what the commune represents in relation to a larger societal framework. At the novel’s end, Coverdale outright admits this very failing, explaining that the experiment fails, “first lapsing into Fourierism, and dying, as it well deserved, for this infidelity to its own spirit” (246). Again, there needs to be a consistency to why each member does what he or she does, internally as well as externally, to ensure a community that functions according to its own law, that is, according to the integrity model.

Blithedale’s political integrity is further compromised by the group members’ inability to discuss their respective points of view. For example, when Coverdale attempts to explain Fourier’s ideas to Hollingsworth, Hollingsworth immediately rejects the possibility of his theory, stating “and as for Fourier, let him make a Paradise, if he can, of Gehenna, where as I conscientiously believe, he is floundering at this moment!” (54). No character is freely able to communicate with the other characters, and it constantly seems that their voices are being stifled by or from one another. Aside from Hollingsworth’s philanthropy, there is no single value that the community, or the novel, really develops. What is originally identified as a socialist scheme is never quite discussed, and the “life of toil” that they outwardly praise is never taken seriously, as is evident through the disappearance of Silas Foster, a farmer who tries to tell them what needs to be done (37), but who is never engaged any further. Moreover, the communitarians do very little actual farm work, evidenced by Coverdale’s inability to wake up on the first day and his consecutive time spent in his bedroom (41). The other characters are presented as equally self-involved, whether due to philanthropy or their own personal interests (74). No honest or direct expression takes place among group members, and this ultimately results in the tragic end of the commune. Even Zenobia, who seems to be one of the more outspoken characters in the novel, has – because of a negative past experience with the Professor, which Coverdale alludes to by explaining that “whatever stain Zenobia had, was caught from him” (241) – becomes “poisoned,” in Coverdale’s words again, making her voice less her own. Dworkin explains that, in contrast to de facto communities which are comprised of people who are in the same geographic area – or, as Dworkin writes “a de facto accident of history and geography” (209) – rulebook communities accept that political communities require a shared understanding to obey rules established in a certain way that is special to that community (210). Politics have a different character for people in an integrity model of government. In a principle model (analogous to the integrity model), politics “is a theater of debate about which principles the community should adopt as a system, which view it should take of justice, fairness, and due process, not the different stories, appropriate to the [de facto and rulebook communities], in which each person tries to plant the flag of his convictions over as large a domain of power or rules as possible” (211). Blithedale does aspire to an integrity model of law, exemplified by their initial proclamation that “we sought our profit by mutual aid, instead of wrestling it by the strong hand from an enemy, or filching it craftily from those less shrewd than ourselves…or winning it by selfish competition with a neighbour” (19).

The overriding of natural self-expression in the rulebook and de facto communities and in Blithedale as well is significant as it is the actual reason one would create or join a commune in the first place, in order to have the freedom of choice; yet the Blithedale commune never quite establishes its intentions. The ideal for communitarians is to establish a society in which the political rights and duties of its members are not exhausted by the particular decisions of their particular institutions, but depend, more generally, on the scheme of principles those decisions presuppose and endorse (211). In other words, the very premise of the communal institution would rest on the expectation and acceptance of difference and disagreement, and not on unquestioned acceptance of the commune’s particular decisions. The former offers an external condition that is more permissive, in the sense that the primary principles presuppose difference, whereas a political right that does not extend past particular decisions of institutions requires each person to adopt the bare minimum in terms of political integrity, trading in choice and free speech for a standard one-fits-all model of law. In the case of an integrity model of jurisprudence, the primary principles would enable direct discussion of the secondary functions of law. This never really happens in Blithedale, for many different reasons, such as a lack of clearly identified “Transcendental” intent, Hollingsworth’s self-interested philanthropic mission, unresolved class differences, and no true female expression, mostly due to the condition of a male author.

I want to make a short detour and briefly relay the significance of the relationship between the Blithedale commune and the larger political environment in which it takes place. In “Ronald Dworkin on Communities and Obligations,” Eerik Lagerspetz argues for the existence of associative obligations as a prerequisite for the existence of a political community. Yet, for associative obligations to exist, he stipulates the requirement of a “bare community” whose members are historically and geographically interrelated in an adequate way. Once this is established, the members must enact obligations regarded as special for that community, their mutual obligations towards one another must be seen as a personal responsibility to one another, they must be egalitarian, and they must have equal concern for all members of the group for the bare community to become a “true” community (108). I argue that the Blithedale community attempts to achieve this true community because its members recognize the inability to attain it within the larger society. Coverdale explains early in the novel that, “I very soon became sensible that, as regarded society at large, we stood in a position of new hostility, rather than new brotherhood” and he goes on to state that “we were inevitably estranged from the rest of mankind, in pretty fair proportion with the strictness of our mutual bond among ourselves” (Hawthorne 20-21). The emphasis on a strong inner community in Coverdale’s description underlines the absence of it in the larger political community. Lagerspetz explains that if modern states comprise political communities, associative obligations will play their intended roles in the legal system. The appeal of a socialist commune would stand in opposition to the reality of existing national disputes and serve as a model for the larger state. Dworkin’s political community would function according to the model of principle in which rights and obligations arise from the historical fact that the community has adopted them (111). This concept of a tailor-made community that follows its own principles matches the project of intentional communities. Intentional communities are a microcosm of Dworkin’s idea of a true associative community as they create their own principles, and it is important to note why nation-states benefit from recognizing the value of smaller communities within the larger nation-state. Intentional communities, in Dworkin’s sense of a true community, serve as models for larger nation-states. Lagerspetz goes on to state that if a community makes decisions that gravely violate integrity, it is not a true political community. Thus, the final conclusion he draws in his article is that “integrity holds within borders, not among them” (112). This is interesting because it clearly draws a line of where a political community exists and where it does not and further underscores the difficulty of achieving a true political community. Dworkin aims to change how people think about associative communities in order to achieve a more organic sense of functioning than the common rulebook model of law allows for. Interpretivism plays a key role in how models of law in an associative community become altered because it is not through an imposition of a “right” law; rather, laws come into being and evolve through changes in jurisprudence, in how we think about things like precedent cases, past priorities and our own obligations.

Obstructions to a true associative community arise in Blithedale however. Coverdale tells readers that “I began to discern that [Hollingsworth] had come among us, actuated by no real sympathy with our feelings and our hopes, but chiefly because we were estranging ourselves from the world” (55). Hollingsworth’s lack of integrity poses a threat to the priorities of the commune, as nebulous as those are, undermining the associative obligations that were originally sought out. Hollingsworth’s “closer friend” (55) – the cold, spectral monster of his philanthropic theory – gets in the way of his becoming a true member of the community. Instead, he wants to use the socialist commune to further his philanthropic mission. In “Associative Political Obligations as Political Integrity” Nina Brewer-Davis analyzes the role of associative obligations beyond Dworkin’s interpretation, questioning the appeal to moral acceptability as a condition for associative obligations (270). Would Blithedale, despite Hollingsworth’s disruptive interaction, still comprise an associative community? In other words, even though Hollingsworth’s involvement is morally wrong, do its members still have associative obligations towards each other? I argue that Blithedale is not an association and this is made clear by the failure of the communal experiment. Yet, to agree with Dworkin that members must all meet the criteria of moral acceptability for associative relations to exist would be to chalk up the commune’s failure to a moral cause – that is, to say that the commune fails due to Hollingsworth’s corruptive influence. Instead of agreeing with this statement, Brewer-Davis considers what it means to be an association, rather than defining the parameters of moral acceptability. Again, Blithedale is not a rule-book community to the extent that members do not act in their own interests as much as allowed without regard to the costs of fellow members. At least, ideally this is not what they aspire towards. Coverdale explains how “as the basis of our institution, we purposed to offer up the earnest toil of our bodies, as a prayer, no less than an effort, for the advancement of our race” (Hawthorne 19). The repetition of “our” signifies that the members do not act for maximum personal interest. Moreover, by stating “as a prayer, no less than an effort” Coverdale fuses together the personal intention and moral life of each person on the one hand, with the public, practical and political good that is required for an associative community. This combination of ethics and political interest proves that Blithedale intends to be more than just a rulebook community, in which relationships between members are limited to what is required by the rules (Brewer-Davis 274). The members of Blithedale aspire to be an association of principles in which they are connected to each other by their shared commitment to a scheme of principle and in which the relationships themselves have value.

I have already stated that there are points of contention to Blithedale being classified as an associative community. Members of a community of principle, explains Brewer-Davis, aim to express their scheme of principle through rules and practices as if those rules and practices were written by a single individual (275). Though Coverdale is the primary narrator, it is evident even from his narration that there is disagreement among the members about the principles of the community. Coverdale initially identifies as a principle that the members mutually agree to a life of toil (24), though he recognizes the inherent privilege in trying to prove himself equal to actual farmers. Though the communitarians of Blithedale Farm do exercise a certain privilege in being able to move through spaces, from the bachelor apartment (31), to the farm and the city, this privilege would not have been directly responsible for the failure of the commune. In other words, their privilege to don certain personas would only work to enable them to “transcend” the limitations of normative society and achieve a higher state of consciousness. Coverdale describes moving beyond the common social hardships as leaving “the rusty iron frame-work of society behind us” and goes on to state that “we had broken through many hindrances that are powerful enough to keep most people on the weary tread-mill of the established system, even while they feel its irksomeness almost as intolerable as we did” (19). Their ability to move beyond markers of ideological oppression is not the problem at the heart of the commune’s dissolution.

In linking interpretivism with various critical interpretations about the novel, it becomes evident that the commune fails, in part, due to its interpretive heterogeneity. In Grossberg’s reading of *Blithedale* as a queer romance, he cites John Hirsh’s observation that the fate of Blithedale as a social experiment is inseparable from the personal dynamics of the communitarians, once again referencing the dichotomy between the personal and political (Hirsh in Grossberg, 3). Grossberg identifies Zenobia and Hollingsworth as having stable gender categories, while Coverdale and Priscilla represent genderless characters. By having Priscilla emerge as increasingly feminine in the hotel room at the novel’s end (Hawthorne 213) and Coverdale becoming masculinized when he confesses his love for Priscilla and returns to his bachelor life in the city, the novel challenges the possibility of a genderless, queer character. Grossberg further adds that while Zenobia argues for fluidity in gender roles, Coverdale argues for fluidity in gender itself. While she tries to blur the distinction between men and women’s spheres, he tries to blurs the correspondence between masculinity and femininity, and gender (8). Coverdale presents Zenobia and Hollingsworth as prototypically feminine and masculine characters, evidenced by his comparison of Hollingsworth to a “grim Puritan magistrate” and Zenobia to a “sorceress” (214) while also comparing Hollingsworth to a nurse (42) and stating that Zenobia’s character expressed itself by a need for larger amounts of physical exercise (156). Grossberg ultimately argues that Coverdale’s continuing bachelorhood (Hawthorne, 246) explicitly ties to the failure of his queer vision. This reading suggests that without a reworking of the structures available for how we arrange our personal relationships, we cannot change how we view our social and political obligations. Yet, other characters in the novel have no interest in this interpretation either, exemplified by Hollingsworth’s refutation of Fourier’s ideas, and Grossberg concludes his article by stating that “the problem of the community is not the failure of its vision, but the failure of its members to agree on a unified vision” (25). Grossberg’s queer interpretation of *Blithedale* hints at the problem of interpretivism; since there are multiple perspectives being recognized, it is difficult to begin to recognize them in their variance and then rank them from harmless to harmful.

How exactly does interpretivism fit into this model of understanding *Blithedale* as queer failing? By recognizing different interpretations, Dworkin urges readers to not prioritize any view as inherently right. If we equate utopia with invention, alternatives, and discovery, then Dworkin’s thinking on external skepticism and literary criticism, in which he states that some literary critics say it is a mistake to think one interpretive opinion can really be better than another (*Law’s Empire*, 77), facilitates an understanding of *Blithedale’s* queer failure. For one thing, Dworkin critiques the ordinary right-wrong view. Right-wrong, binaristic, black-white thinking supports a good-bad viewpoint; a good, heteronormative, life-long commitment, for instance, that opposes “an inextricable knot of polygamy” (Hawthorne, 98) is an example of a right-wrong view in relation to Grossberg’s queer reading. The novel ultimately resolves itself in accordance to this right-wrong viewpoint, as Grossberg’s reading that the commune fails as a queer undertaking indicates.

I finally want to outline how the process of interpretivism works in relation to the novel itself in order to produce a meta-narrative that identifies how Blithedale is structured in relation to interpretivism. Dworkin describes a two-step process by which a set of practices in a community can be created. First, the notion of the new practice is identified as having value and not as simply existing (Dworkin, 47). It must serve some interest or purpose or some principle other than just describing the rules that make up the practice. In other words, we need to establish that the practice is not futile before we move onto the second step of developing an interpretive approach. In the second step, the rules are modified, extended or qualified once the behavior the practice requires is recognized to have changed. In this step, people try to impose meaning on the institution, “to see it in its best light – and then to restructure it in the light of that meaning” (47). Interpretation occurs as a concept that folds back in on itself, altering the shape of the practice, while the new shape encourages further reinterpretation, so the practice always changes – though each step in the progress is interpretive of what the last achieved. This process is what continuity entails as well – an endless interpretation that flows out of previous attitudes towards the practice – and this is also what the chain novel metaphor envisions. A new interpretation of the practice becomes necessary when the previous interpretation no longer seems important or right. At this stage, the point of the previous practice is viewed as almost the converse of its original point, causing the practice to lapse back into the static and mechanical state in which it began (49). Furthermore, the members must all “speak the same language,” understanding the process that they are involved in. From here, each member of the group has her own specific task of distinguishing between trying to decide what other members of her community think the practice requires and trying to decide for herself what it really requires (64). There is a metaphorical leap however as the second step requires the individual to join the practice he proposes to understand; his conclusions are not neutral reports from an objective, anthropological perspective**,** but claims about the practice that are competitive with those of the other group members.

In the novel, the members of Blithedale adapt Charles Fourier’s ideas, referring early on to building phalansteries (19). They cannot passively accept Fourier’s theories however, but must distinguish the project that they develop from Fourier’s ideas about communal living. When Coverdale becomes sick, he spends his time reading Fourier’s works (52) and states that “there was far less resemblance, it is true, than the world chose to imagine; inasmuch as the two theories differed, as widely as the zenith from the nadir, in their main principles” (53). In separating Blithedale from Fourier’s ideology, Coverdale asserts it has its own identity – thereby producing its own group consciousness. This is vital to the existence of a commune, in that the commune is composed of individual acts that must have significance to the larger group entity. In other words, it is essential for Coverdale to identify Blithedale as not just another copycat Fourier model, because in this very act, he stakes the claim that they are involved in something that they can identify or that they “speak the same language” about. In accepting the tacit presence of a group consciousness, the person, in order to take part in an interpretation of the project, must actively join the practice he proposes to understand. If we assume that Blithedale is a distinct being with opinions and convictions of its own, a group consciousness of some sort, this assumption adds to the story “a further person whose opinions an interpreter must judge and contest, not simply discover and report” (*Law’s Empire*, 65). Interpretation is not a passive process. At the end of “The Wood-Path,” Coverdale provides a metaphor for life as a performance (97). He compares Destiny to a stage-manager which secures the presence of at least one calm observer whose job it is to “give applause when due…and distil…the whole morality of the performance” (97). Coverdale identifies his own role as that of the “Chorus,” a role which seems aloof from the possibility of personal concernment (97), and the professor’s as the “one calm observer.” The problem is that both of their roles are inert as they are not personally engaged in the activity. Interpretation however is by nature personally involved and requires an “interpretive method” by which to test the discovered entity’s judgement. According to the interpretive model, there is no involvement without action, and no being without involvement. Dworkin warns that mere “conversational interpretation is inappropriate; interpreting [the practice] is not just a matter of discovering what any particular person thinks about it” (65). The professor’s conversations with Coverdale are not adequately involved to constitute interpretation; they do not interpret and therefore do not reproduce the commune through actions that maintain its principle beliefs. After considering the professor’s role as “objective observer” and Coverdale’s as “narrator,” I believe that Blithedale is just a novel rather than a communal experiment. That is, the story about the attempt at forming a commune takes precendence over the actual attempt to create one. Grossberg makes a similar point, in relation to Zenobia’s story, stating that “such moments of narrative manipulation remind us that we are being told a story by someone only posing ignorance of the events to come” (Grossberg, 6). He adds that Hawthorne’s writing is like our re-reading: heavily self-conscious, aware of the process of constructing a narrative from fragmented events. The result is that we become sensitive to the narrative as a surface distinct from events, an interpretation (6). Therefore, it is hard to interpret why the commune fails when it is a text that is produced by a singular author and distinct from any activity that went on at Brook Farm. Furthermore, the characters in the book do not take part in any “creative interpretation” about either what their communal endeavor is about, or what it requires of them, so the communal enterprise is cast aside early on.

The inability to engage with the communal cause makes *The Blithedale Romance* a voyeuristic portrayal of a fetishized love triangle – there is nothing beneath the surface to interpret. Nina Baym’s reading that “what ‘Blithedale is’ is inseparable from what it is to Coverdale, for nothing is known in the book than what is known by him” (Baym qtd. in Grossberg,) seems outwardly obvious. Yet her reading reveals an important distinction in the novel – the distinction between Hawthorne as author and Coverdale as narrator. Who is actually interpreting *The Blithedale Romance*? I argue that while Hawthorne interprets the actual communal experiment that takes place on Brook Farm, thereby relaying a fictional account of a real experience, it is Coverdale who interprets the narrative content and in a sense, authors the text. It is through him that we understand what the events of the novel are, and not through an account of what went on at Brook Farm. The experiment is not the central issue of the novel because we are reading through Coverdale, and not through Hawthorne. Each reader must further formulate her own interpretation of the events in the novel, thereby reproducing Dworkin’s claim that readers cannot discern an authorial intention through reading (54). Thus, each reader must interpret the text by choosing what he or she thinks is most aesthetically valuable for the text (55). This idea of active interpretation is expressed by Coverdale when he says that “we did not greatly care – at least, I never did – for the written constitution under which our millennium had commenced. My hope was, that, between theory and practice, a true and available mode of life might be struck out...” (63). This quotation emphasizes the need to actively engage in the process of interpretation to create an intentional community, by taking what is already available and reworking its premises for oneself. In this way, the Blithedale commune is successful in its exploration of what alternatives exist, but its success is heavily weighed down by the condition of an author and is further diluted by the narrator’s diverse interpretations of the events and characters that monopolize the novel.

CHAPTER TWO:

CHANGING ASSOCIATIVE OBLIGATIONS IN T.C BOYLE’S *DROP CITY*

In this chapter, I want to build on several ideas established in the previous chapter, especially in regards to the formation of true communities and the existence of associative obligations. In part, I wish to draw these concepts out in greater detail in order to unravel their significance and also to clarify the questions around borders – that is, where there are and are not true communities. The first part of this chapter centres around an extrapolation of associative obligations in accordance with Nina Brewer-Davis’s overthrowing of moral acceptability, revealing a perseverance of communal adaptability that stems from the letting go of customary mores. Dropping out literally and metaphorically expands the commune’s potential for growth. In the second part, I unite the presence of changing associative obligations with the creative interaction with space that is left out of the existing, stable and unchanging communal structure.

 Drop City’s open-door policy is an example of how associative obligations play a major role in the commune’s development. Early on in the novel, the open-door policy looms over the commune like a social hazard. Pan comments that he could live with sharing food stamps, but that “Norm was insane, because Norm insisted on feeding anybody who showed up, even bums and winos and the spade cats from the Fillmore, who incidentally seemed to have taken over the back house in the past week, with no sign of leaving” (25). The question of how far to extend associative rights underpins the very foundation of Drop City, and communalism elicits some of the most fundamental problems of incorporating associative obligations. Dworkin explains that most people think that they have associative obligations just by belonging to groups defined by social practice, which is not necessarily a matter of choice or consent, but that they can lose these obligations if other members of the group do not extend them the benefits of belonging to the group (196). The two objections to communal obligations however are, first, their dependence on emotional bonds that presuppose that each member of the group has personal acquaintance with all others, something that is impossible in large political communities, and second, the idea of special communal responsibilities holding within a large, anonymous community “smacks of nationalism, or even racism” explains Dworkin. Both of these come up in Drop City, as emotional bonds are difficult to ensure, and without being able to control who can join the commune, it is impossible to maintain emotional ties with all newcomers. Secondly, racism surfaces within the commune as well, as a group of Spanish men are described as not “so much emerg[ing] from the car as uncoil[ing] from it, all that lubricious menacing spade energy, (25) and are later depicted as rapists (29). Yet Norm’s open-door policy represents an ideal of communal association and that is why the group members contend with the challenges that it poses. Despite the difficulty of establishing this ideal, it remains the most central aspect of the Drop City experiment – the commune’s name referring to the status of the members as dropouts (44) – because it serves to further the claim that it is possible to have associative communities regardless of structural challenges.

After the rape is addressed and the community confronts Norm about kicking out the guilty parties, Norm’s refusal and statement “Land Access to Which Is Denied No One” (38) shows the paradox and struggle of associative community. In “Associative Political Obligation as Political Integrity” Nina Brewer-Davis questions the assumption that only associations which are morally acceptable are those that give rise to obligations. She explains “many associations are deeply disappointing or regrettable in some way, without being thereby negated” (266). However, her argument is not located in an aim to extend the conditions of moral acceptability, but rather, it poses the question of how associations give rise to obligations separate from the question of what constitutes morally acceptable association (267). Instead of focusing on moral integrity, Brewer-Davis’s focus turns to an observation of how obligations take shape, and how they develop out of existing associations. This is an intriguing dimension because of its relevance to current political circumstances. In thinking through this thesis in terms of ideological value, I am considering the broader applications that envelop philosophical, legal, political and social situations. In this case, Norm’s attitude is more politically correct than an exclusive approach, despite an intuitive preference for the latter in forming a community. The social contract of open-access land overrides potential damages to individual parties because what matters for associative obligations is whether the conditions of genuine contract have been met. Ronnie describes the terms of the contract to Star – most members took on a new name upon joining the commune – explaining “you want to come to Drop City, you want to turn on, tune in, drop out and just live there on the land doing your own thing…you are welcome, hello everybody—” (19). Clearly, everybody knows this is the primary social contract of Drop City, as it is what the members base their original membership on, that is, everyone being welcome. Once the contractual obligation is met, members then may or may not become an associative obligation.

For associative obligations to exist, the community needs to comprise a true community, also touched on in the previous chapter. According to Dworkin, only a true community gives rise to obligations. His four conditions for a true community are a regard for their duties as special to other group members, as applying directly to other group members and not just the group as a whole, as representative of the concern for the well-being of members, and as equally shared amongst the members. In other words, they must not take some members to be more valuable than others (269). According to these criteria, *Drop City* is not a true association, because the rape of the fourteen-year-old girl would compromise the four conditions. Brewer-Davis’s objection to this claim that the four conditions must be met stems from the idea that communities that do not meet these conditions may nevertheless be characterized by relationships that give rise to genuine obligations. I argue that Drop City falls into this category of an associative obligation, despite not meeting all of the aforementioned criteria. Drop City still maintains integrity despite the fact that many of its members do not have associative obligations to the rest of the group.

What differentiates an association from a random grouping of people based on an arbitrary condition is that an association requires shared values. Yet, for Drop City, the precedent of open-access land which gives the group members a shared value is also what breaks them up. Similarly, their contractual obligation is what contributes to the negation of associative obligations; that is, letting everybody in causes the commune to break apart. Star comes to a similar realization during a communal breakfast when Lester comes in and takes several portions of food for himself and Sky Dog (131). Star’s questioning of “had it really come to this? Were they fighting over *food*? Or was it something else, something ugly and dirty, something that made Drop City the biggest joke in the world?” (131) resonates with the similar dilemma of maintaining contractual and associative obligations without a deterioration of communal integrity. Integrity dips throughout the novel, and this one example of Star’s observation of Lester and Sky Dog’s exploitation of communal resources reflects a constant rise and fall that is actually what keeps the commune in motion.

 In their chapter “Punishment: Drop City and The Utopian Communes” from *Living Beyond the Law*, Paul and Sarah Robinson explain that Drop City was a commune founded on the principles of anarchy – opposing external authority, power, and coercion in favor of voluntary cooperation and self-imposed restraints – and any action designed to collectively coerce individual behavior, such as punishment, violated the over-riding Drop City philosophy of permitting “unrestricted individuality” (49). Though the members believed they could and should complain to a person about objectionable conduct, they opposed coercive sanctions and hoped that by adopting an anti-coercive model of jurisprudence they could demonstrate to the rest of the world the practical power of this model in order that the rest of the world would come to see its value and follow their lead (50). Not being able to sanction members who take more from the communal pot or, as in the incident with Pan, take other members’ money and spend it on themselves while promising to bring back goods for the commune (314) results in the community beginning to disintegrate at moments of failure like this one.

One important aspect of the Robinsons’ chapter is their differentiation between the actual Drop City commune and T.C. Boyle’s fictionalized account of the living experiment. They focus on the real Drop City in this chapter, highlighting its actuality and pointing out the differences in the novel’s account of the commune’s achievements. The difference between the real Drop City and the fictionalized account of the commune is most evident in the example of Peter Rabbit – the real person that the character Pan is based on. The Robinsons explain that Peter Rabbit had been seen at a local restaurant eating a steak, stealing the commune’s money and using it for himself. Though Peter confessed his deception, he refused to change and contribute money in the future, still benefiting from the communal share. Despite this, the group concluded that they could not sanction Peter, but there was a growing discontent and a growing reluctance on the part of other group members to contribute to the communal fund when Peter was also drawing support from it (51). In the novel, Pan goes to town to get supplies and Star explains how “people were milling around now, everybody waiting for the orders they’d put in, for the magazines and candy bars and eyeshadow and honey-herbal shampoo, but Pan was turning away from the plane empty-handed” (314). The Robinsons add many other examples of similar events in the commune’s history, including instances of new members spending everything in the bank account on an electric scooter, leading the founders to abandon Drop City (52). The rejection of communal values is dramatized in the character of Pan, causing other members in the group to have to respond to the deterioration of cooperative values.

Similarly, when the commune’s leader Norm announces that he is leaving Alaska, Star describes the commune’s reaction as completely shocked, stating “nobody could say a word. Norm had just held a glowing torch to the roof of the meeting hall, he’d napalmed the village and scattered the refugees” (398). Paul and Sarah Robinson explain that for social pressure to be effective, the person to be influenced must care about what other people think of him and must think such opinions more important to him than his other needs and wants (52), and when this is not the case, they argue that there must be basic rules to effectively deal with such conflicts. Clearly, social pressure exists in Drop City only when individual members want it to, and this seems to be the whole point of the experiment. Otherwise, they are free to momentarily suspend social pressures, causing a decrease in group morale, as evidenced by the examples of Norm’s departure and Ronnie’s return to the commune without having brought back each member’s requested items. This brings us back to Star’s complaint that the commune seemed like a big joke, because they were giving their own food, energy and resources, only to have people come in who would steal from them, without being able to ban anyone from the group. By supporting people who reject the communal enterprise and its core values of social cooperation and its shared judgements of unacceptable conduct, the commune becomes an easy target for exploitation.

The Robinsons argue that the commune members are unable to deal with the reality around them, describing Drop City as a tragic-comedy whose members stuck to their misguided principles “in the face of an increasingly obvious reality until that reality bit them in the ass” (53). What was a utopian experiment in living unravels into one that is confronted by criminal activity – a similar occurrence takes place in *In Watermelon* *Sugar* – and the commune members have no choice but to give up on their initial ideal of communal love. Certain rules have to be imposed when they move to Alaska, such as that “everyone was responsible for his or her own plate” (393) due to limited supplies. The recurring point of the Robinsons’ chapter, however, is to show the necessity of some form of punishment to ensure the commune’s success, in order to keep up with imposed co-operation. In their chapter, they cite studies showing that people are predisposed to cooperate with others as long as the others in the group do not behave selfishly. This finding leads to their conclusion that “a group can dispense with many of the standard norms and restrictions—it can promote free love and communal property—but it cannot dispense with a system of punishment for those who refuse to defer to the norms the group needs to remain cooperative” (58). Moreover, they use this argument to oppose much of modern day penal theory, which they believe is better left inside the ivy towers (54). Their ideas are fairly common and speak to practical views of society; we know that there needs to be something ensuring co-operation, especially if we have associations that are not constituted through moral acceptability. They go on to argue that the original Drop City became simply a “hobo camp” while, ironically, Peter Rabbit started a new commune with rules and sanctions called Libre that continues to thrive today. In fact, *Drop City* contains elements of multiple attempts to create communes – encounters that arose out of the original Drop City experiment – but the novel combines these discrepant examples of various communes and the problems they faced, including harsh weather conditions, out of control children who threaten adults, runaways and minors, and the arrival of criminals who were once a black militant group and then Hells Angels (55). The experimental failures that existed in the aftermath of Drop City are turned into communal challenges in the novel. I argue that what makes *Drop City* exceptional is that there are multiple points in the novel in which challenges are presented as conditions upon which the commune is to determine its success in establishing certain ideals. The novel argues for establishing something that exists according to its own precedent, instead of viewing challenges as limitations, and this enables it to eventually transform into something different. This transitional state is important, as some of these communes are still in existence today. So what is *Drop City’s* precedent? Before I get into what makes the commune in the novel so distinct, I want to elaborate on some of the examples that limit moral acceptability, thereby reworking concepts of associative obligation in the novel.

 The role of children is very contentious, and when Reba’s daughter Sunshine asks for some LSD-laced juice during their Druid Day celebration, Reba asks Star to give her some, saying “you really think I’m that far out that I don’t know what I’m doing? You think my kids haven’t been turned on?” (126). Reba then gives Sunshine some juice, warning her daughter to “not come crying to me if you get onto some kind of kid trip like you did last time – remember last time, when you curled up in that cabinet under the sink and wouldn’t come out all day?” (127). While most people would agree that children should not take drugs, Reba’s decision reflects Brewer-Davis’s question of associations, that is, how can a group that consistently disrupts moral standards still be considered an association? Moreover, what can we expect children who are raised like this to contribute down the line? Part of the problem is that no one is willing to step in, as the freedom that the commune perpetuates limits people from interfering when commonly accepted standards of behaviour begin to collapse. In Paul and Sarah Robinson’s thinking on this, no one is willing to take on the risk of being the one to impose punishment (59), even though this would provide long-term benefits to the group. Clearly, there are risks involved in transforming what we believe to be communal obligations, and the Robinsons end their article with the cautionary appeal to “bring on the free spirits, free love and free lunch…but be warned that it will all collapse if you do not also bring on a system that will punish violations of the norms essential for social cooperation” (59). According to this view, punishment is necessary but does not limit changing associative obligations.

Brewer-Davis reiterates Dworkin’s idea of integrity as acknowledging the value of consistency with the past while expecting gradual change, and even allowing for the possibility of dramatic change when necessary. As the *Drop City* commune moves from Southern Colorado to Alaska, significant changes to the communitarians’ attitudes towards their associative obligations occur. Once they decide on crossing the border into Canada in separate groups after being shut down by the Colorado health department, with the majority of the group riding in an abandoned school bus, the end result that Lester and his crew do not make it across the border in their car (246) serves as a legal symbol foreshadowing the change in associative obligations. From this point, the group also changes in respect to how they view their new role in the commune. Dworkin explains that each individual is responsible for interpreting the community’s principles for herself (273). This is evident during the relocation of the commune, as each member has to re-evaluate her commitment to the commune. Star tells Pamela that, “the biggest lesson is in just learning to think alike, to anticipate, to give, you know what I mean? And the flow. That’s important too. To feel the flow and know you’re not just a me anymore” (300), thus reproducing her own verbal declaration of the communal values. Star realizes that Pamela “was just like them” (301) despite Pamela’s disdain for their long hair, weird clothes and drug use (301) and this realization leads to the formation of new associative obligations as they all ultimately value a romanticized idea of “getting back to nature” which they equate with a closeness to God. This is how associative obligations change, as many previous communitarians drop out of Drop City, and new people, like Sess and Pamela who already live in Alaska and take part in a similar project of self-sufficiency, become integrated with Drop City. The change in group members and the introduction of new people reinvigorates their shared commitment to a scheme of principle, one that is altered from the previous scheme of principle in Colorado. Brewer-Davis’s argument that associative obligations are constantly revised to better reflect their underlying principles is in line with Dworkin’s process of constructive interpretation. She argues that associative obligations need to also be understood in terms of the principles that underpin them and, by noticing how these change, we can also notice shifts in what constitutes the primary association. This observation is pertinent to Drop City, because the move from Colorado to Alaska changes both the underlying principles of the commune and the members who make up the association. While in Colorado, the commune values free love, drugs, and “the California sunshine to massage away the hard feelings” (393), while Alaska brings members together based on new challenges, like hunting and trapping in the wilderness and building shelter (385). The change ultimately makes Drop City a stronger commune, transforming it into a truer community than it previously had been.

Though the commune moves from Colorado to Alaska, changing some of its original values, other values persist throughout the transition. *Drop City’s* community is an arts commune, and the real Drop City commune was a leading influence on the commune-building movement in the Southwest. In “How To Build A Commune: Drop City’s Influence on the Southwestern Commune Movement” Erin Elder describes how the arts collective had special interest in temporary spaces for alternative cultural production (4), and I argue that this is an ongoing value that aids in the commune’s development. Elder examines how notions of consciousness expansion, the network, and the southwestern landscape came to bear on the conceptual and physical manifestation of Drop City and its neighbouring communes. Since I am outlining how group consciousness develops, in a sense, and further adding the consideration of legal “institutions” as paradigms that enable these networks to exist, this connection between consciousness/landscape and institutional structure is important to me. While *Blithedale* positions the separation between city and country in a similar way, *Drop City* aims to separate institutional life from trash life, trash being an ironic constituent of anything outside the center, or the normatively recognized system. Yet, trash is not just trash but somehow gets equated with a new height – or plane of consciousness – of getting beyond the disposability of mass/consumer culture, and of embracing the new freedom of no meaning. While this trash aesthetic[[4]](#footnote-4) offers communitarians a route for reclaiming agency over their environment, symbolized by the use of trash to construct homes (4), the agency can also marginalize characters once the trash becomes too excessive – this is evident in *In Watermelon Sugar*, when Margaret visits the Forgotten Works and becomes consumed by trash. Thus, the trash aesthetic becomes a tricky balance of promoting easy freedom while maintaining self-preservation from the trash itself, as it seeks to reclaim its territory. Again, this is the “delicate balance” of life at iDeath and the struggle of life in *Drop City*.

Aside from the risk-aware consciousness that resonates with a trash life, *Drop City* also considers how temporal shifts become ingrained in the conscious self and imprinted onto space. Throughout the novel Star reminisces about her past, her Catholic childhood, her science teacher Mr. Boscovich, baking cookies with her mom and staying up all night talking on the phone to Nancy Trowridge (306), and she ultimately concludes that she needs the past, explaining that “to come here, to be part of this, to do what they were trying to do at Drop City, you had to sever the ties…but that didn’t mean you had to give up the past” (306). The idea that there needs to be a conscious break from one thing to take part in the next thing re-affirms the value of space as a marker for shifting consciousness. This new consciousness is described as one of self-sufficiency in each of the novels I am looking at – but even here there is a line to be drawn. Star describes it as “when you crossed the boundary from self-sufficiency to asceticism – to martyrdom – and she had no intention of suffering just for the sake of it” (309). Even consciousness becomes something to be delimited, and in moving from “a little pink house in the suburbs” (301) to converting goat pens into barns for winter (303), from feeling the oneness of being (300) to sleeping in a canvas tent at 60 below zero (309), the process that is being mapped out is one of making meaning in the absence of prescribed institutional frameworks. Painting the school bus (185) and building a shelter from scratch with free materials (316) become artistic projects. The Robinsons describe how the actual Drop City even had a sequin-encrusted refrigerator (Robinsons, 50). Erin Elder cites Henri Lefebvre who discusses how ambiguous realms of art bring everyday life into view as a question of “stating critically how people live or how badly they live or how they do not live at all” (Lefebvre qtd. in Elder 7). By integrating art with human activity, Elder states that Drop City’s expansive perspective on trash, art, and everyday life created a space that influenced cultural alternatives as it was both intentional and experimental (6). Forty years later, what does Drop City’s interactive approach mean in relation to the formation of utopian principles of jurisprudence? I argue that Drop City’s project encourages us to see potential in space. This entire novel is about reconstructing and re-envisioning what spaces can do for us and seeing beyond the institutional structures that are readily apparent to us. If space is controlled by institutions, it becomes its own legal entity – shaping people through its own vision. This is why property is so significant in the novel, and owning property becomes not just a form of power, but gives the community opportunity to create ideas – which is probably why the actual Drop City constructed geodesic domes to live in and have for cultural purposes. The domes represent an experimental and experiental relationship to space. This example of using space in new ways is analogous to Dworkin’s circular explanation of living well as making one’s life into art, and making life into art as living well (Cahn, Vitrano, 16).

In my final argument for this chapter, I want to link the moral associations that Brewer-Davis considers to the idea of space that I have just discussed. By questioning the idea that political obligations are determined by morally acceptable behaviour, Brewer-Davis points out that associations that have morally unacceptable features can still give rise to obligations. This is evident in *Drop City*, as morally acceptable behavior is undermined by characters, yet the commune is still represented as thriving by the novel’s conclusion. The actual Drop City only lasted seven years and was shut down by the health department in 1973, but from a literary angle, the commune survives despite the moral failures presented in this chapter, and I argue that this is due to its subversive relationship to space. By occupying liminal spaces such as the school bus in order to complete the border crossing into Canada and by building a new commune in the natural landscape of Alaska - what Star describes as “an old-fashioned barn raising” (316), *Drop City* supersedes obligations designed by the morally acceptable model of association that Dworkin poses, in order to develop new forms of association that have a certain elasticity enabling the commune to alter its group consciousness. Moreover, the members know that the school bus symbolizes an imperative location for the commune’s transformation, as one member suggests that the group should not paint the bus as “we have to cross the Canadian border here – like twice – and the last thing you want is a freak parade, you know what I mean?” (185). This attitude represents a conscious understanding of spatial limitation and also of the strict development of moral association that occurs in relation to state-sanctioned events. However, the elasticity of associations is not just a product of changing moral attitudes, but is actually a direct result of shifting spaces themselves. If the communitarians had stayed at the site in Colorado, there would be no possibility for their associations to change through the eliminations of certain unproductive and harmful relations. Moreover, if they had never landed in Alaska, they would similarly not have had the chance to meet new members that helped reaffirm and simultaneously alter their existing project. Thus, space plays a direct role on moral associations – strengthening or destabilizing their existing potentials through its inherent persistency. As it is impossible to escape space itself, and while we recognize that it plays a role in constructing subjectivity, the communitarians realize that it is essential to explore space in order to discover or reject its possibilities.

I will explain this in greater detail with examples, but I first want to tie this to Davina Cooper’s thinking on this topic in *Everyday Utopias: The Conceptual Life of Promising Spaces*. Cooper explains how utopian sites are never just the realization of a blueprint, but that they rely on spontaneous and complex processes for the materialization of an idea to occur. The reliance on change and adaption as opposed to a blueprint model makes the commune’s failures and struggles as important as its successes (4). Cooper further elaborates that everyday utopias do not just enact new practices, but that they bring about new forms of normalization, desire and subjectivity (5). She brings up the notion of utopia as an impossible space – a “no place” as well as “good place” in order to disrupt conflations of impossibility and lack of existence. By challenging the routinized and organized everyday co-created by people and institutions, utopian spaces simultaneously reveal (through exposing the very thing that is being critiqued) the prevailing norms, ideologies and practices that refuse to be re-considered from a different perspective and as a result, constitute their own oppressive perspectives. Cooper ends on a statement that this utopian ethos opens up the terrain of the everyday to deliberate refashioning (6). *Drop City* enacts this very kind of utopia when it decides to take up a new relationship to space. This is why, even though the open-door policy fails at times and feels like a ridiculous idea, the point of enacting this, despite its absurdity, is that it creates a potential for opening up “everyday” spaces as Cooper defines them. Moreover, by envisioning such an alternative and bridging the conceptual gap – that is, from imagination to actualization (Cooper, 11) – Drop City becomes an entirely new entity in the process. Moving across the border further ensures this as “a whole raft of people just packed up and left” (Boyle, 222) when it was time to decide on whether or not to relocate. Other members are stopped at the border and do not cross into Canada at all. In this way, there is a natural filtration that goes hand-in-hand with shifting associative obligations.

We see a triangle created through the link between conceptual space, artistic collaboration and associative obligations. These combine to disrupt the typical practices or norms that the community of principle aims to express. Dworkin’s ideal of associative obligations describes a community that floats across a moral landscape, undisrupted by waves of disagreement due to strong histories of social practice. The community relations have value when members are committed to the virtue of integrity, and this is evidenced in *Drop City* when Star, at the novel’s end, muses on the commune’s disintegration, saying “it was just boredom…sameness…nothing was happening” (394) and everybody was leaving and “why should she wear herself down in the thankless role of *chick* and scullery maid” (399)? Star feels both a lack of integrity to the commune’s ideal and to the individual relationships that comprise it, and relatedly, this is also when Star notices that Ronnie stole her three-hundred dollars that she had hidden away in case she needed to buy a one-way ticket home (400). T.C. Boyle further elaborates that “it came to her that everybody must have had a secret stash, something they were holding out on for their own selfish little reasons…so it was only logical that they would suspect each other” (400). Integrity falls apart, and Star references Yeats’ “The Second Coming” “*the centre cannot hold*” (399), yet T.C Boyle offsets these moments of communal failure with the potential for sustainability that remains possible through the example of Sess and his trapline and affirmations like “waste was worse than a sin; it was death” (406). Here, the novel, much like Thoreau’s *Walden,* reaffirms a potential for communal rebirth through self-sufficient acts by singular members.

As readers, we bear witness to the oscillation between a negation of value and a re-assertion of it in a new form which allows the shift in associative obligations to take place, in contrast to Dworkin’s idea of obligations that are more conceptually consistent and revolve around the meeting of expectations. The primary difference is evident in the presence of checkerboard solutions (Dworkin, 210) – those solutions which require an internal compromise despite its rejection of integrity. Dworkin explains that “a conventionalist philosophy coupled to a rulebook model of community would accept the internal compromises of our checkerboard statutes” (210). Checkerboard laws simply mean that instances of racial discrimination or abortion can be treated differently on arbitrary grounds, thereby producing political compromise (179). Though this seems appalling, both the de facto and rulebook communities, by virtue of upholding individual self-interest above a sense that rules are negotiated out of common commitment to underlying principles that are themselves a source of further obligation (210), accept checkerboard solutions as a compromise between antagonistic interests or points of view. Basically, integrity is required in some shape or form and there have to be certain associative obligations for an intentional community to exist, but what those are and how they come about in *Drop City* is not as explicit as, for example, Dworkin’s four criteria of morally acceptable associations.

*Drop City’s* experimentation with space and landscape makes room for consciousness to change among members, which makes integrity itself dynamic and prone to alteration. Yet one distinctive feature of the *Drop* *City* commune, or what is left of it by the novel’s end, is its faithfulness to integrity. As I mentioned earlier, the actual Drop City commune built dome-homes, as these represented an alternative to the “planned, mass-manufactured, and unoriginal housing developments spreading across America” (Elder, 9). In opposing the new suburbia, the Drop City communitarians built houses “from nothing,” scrounging for scraps with no steady income or financial backing. The members physically move to a new landscape – that of Alaska’s wilderness, which gives way to a new set of obligations that come from having to learn how to survive out in the cold, without food or money or access to resources. Cooper states that “the utopian is not simply a depiction of another kind of place, but a process or challenge – a mode of striving toward something else that is better, in which questions of imagination, creativity, and processes of change are deeply entwined” (25). In this case, the positive example of instantiation that demonstrates what could be as well as what is reveals what is distinctive and of pivotal importance to the utopian. This is further evidenced in the *Drop City* commune’s attempt to actualize their values of co-operation and open-access land, later transitioning to new values that they invariably also attempt to enact. In this sense, Cooper lessens the emphasis on older conceptions of utopia as a challenge of perfection, invoking imagination and social trial instead. Similarly, Cooper extends our thinking on the concept – choosing to see it not as an idea, but as something transformative and evolving (25). In her discussion Cooper cites Nicholas Gane and Deleuze and Guatarri, describing concepts as “devices that draw on the complexities of the empirical world in order to open our theoretical imagination to things as they might be” (Gane qtd. in Cooper, 26). Concepts and spaces come together in a way that changes associative obligations and ensures this outcome as an inevitable reality. I do not want to end this argument with an appeal to an idealistic utopia that exists at the basis of all experimentation with intentional communities. However, I am arguing that the potential for long-lasting associations that lie outside of morally defined obligations not only arises from, but depends on, transformative interactions with space.

CHAPTERS THREE:

SIGNIFIERS OF EMPTY SPACE: LEGAL DEATH AND THE iDEATH COMMUNE IN RICHARD BRAUTIGAN’S *IN WATERMELON SUGAR*

*In Watermelon Sugar* poses a different problem for this venture into jurisprudence, law and utopian communities. In this chapter I want to introduce questions about interiority and exteriority, symbolism and metaphor, the figure of death, and gangs and criminal activity, leading to larger perspectives about communal functioning and interpretivism in law. By interpretivism in law, I mean the formal acts that attempt to decipher the meanings of law – which can equally be applied to texts – in order to decide the intentions or purposes of social practices. The question or main argument I will raise in this chapter is whether or not Dworkin’s integrity model of law can apply to a community in which the members of the community experience a kind of “legal death.” This legal death however is not quite what it sounds like – yes, the members of iDEATH, Brautigan’s fictional commune, experience an expulsion from a systematic legal order, but the legal death I write about represents a metaphorical death of the subject in order to produce “legal entities.”

 In order to better understand the implications of the metaphorical death of legal subjects, I first want to begin this argument in an unusual place, considering the effects of legal death as they occur in the realm of language. Though this seems like a marginal point, it establishes a very important binary that exists in the way that language is used in *In Watermelon* *Sugar*, and this binary informs the very core of my argument. (I am working from the inside out and not from the outside in). Before I begin my argument, I want to explain Derrida’s notion of double deconstructive reading as it aligns with the interpretive method of pulling apart a text in order to determine authorial intention, stating that double deconstructive reading comprises a first and second reading. The first reading merely refers to the surface meaning that is evident in the author’s work, and the second reading to the imposed reading that a critic may interpret, unbeknownst to the author. In “Jacques Derrida’s *Double* Deconstructive Reading: A Contradiction in Terms?” Gerasimos Kakoliris explains that a first reading reproduces or “doubles” authorial intention while a second reading deconstructs the meanings that have been determined and identified during the first reading (Kakoliris, 1). In order to have a first and second reading, however, Derrida assumes that the text itself has a stable meaning that can be deconstructed. Deconstructive reading must produce a separation between an author’s intention and what he or she does not “command,” or that which takes place in the text without the author’s will. Generating this gap is considered productive, liberating and radical, but I argue that it is a kind of faux-activity that empowers the author who understands how this form of interpretation works. Brautigan understands this, and his sparse poetic verses and ambiguous style suggest that he wants the novel to break apart for various interpretation. In this sense, this novel has a fecundity that the texts in my first two chapters, written more linearly and with clearly identifiable interpretations, did not. In this way, it could be argued that Brautigan’s text is more artistically valuable than either *Blithedale* or *Drop City*, despite these novels’ respective critical and popular acclaim. Kakoliris states that Derrida treats the text, during its first reading, as if only one interpretation of authorial intention were possible – never examining the possibility that other interpretations of authorial intention are also possible (289). In this case, if multiple meanings or interpretations are allowed, then deconstruction falls apart and loses its integrity. Derrida faced this dilemma because if he had conceded the possibility of the existence of other plausible interpretations, metaphysical or not, then the deconstruction of merely one interpretation out of this potential plethora of plausible interpretations would have only a limited significance and effectiveness (289). According to this, interpretivism would negate meaning, decentering – and not merely restructuring – the very systems of knowledge we have built ourselves up from.

 The inability to make a unilaterally good interpretation makes all interpretation dispensable, and this is Brautigan’s realization in the novel as well. The critic Newton Smith called the novel “a parable for survival in the 20th century” and Brautigan was acclaimed for achieving a desirable success in passing no judgement about the way of life he presents (Hernlund, 5). Though Brautigan does not present a good way of life, *In Watermelon Sugar* actually poses the question, existential as it is, of how to live in a society in which there is no meaning. The inability to affirm any value as higher than any other value gives iDEATH a zen-like atmosphere, and Brautigan describes his narrator as drifting through spaces without forming attachments, saying things like “I could hear the river above me, flowing out of the living-room. The river sounded fine” (21). Brautigan’s novel almost presupposes Dworkin’s possibility of interpretive resignation[[5]](#footnote-5), and in an attempt to banish any attempt to procure meaning, iDEATH banishes all the remnants of its culture to the Forgotten Works. The narrator tells us that “nobody knows how old the Forgotten Works are, reaching as they do into distances that we cannot travel nor want to” and then that “the Forgotten Works just go on and on and on and on and on and on and on and on and on…it’s a big place, much bigger than we are” (73). In her article “Author’s Intent: *In Watermelon Sugar*” Patricia Hernlund argues that Brautigan uses repetition to create an air of boredom, citing the example of when the waitress asks Doc Edwards and the narrator if they would like some meat loaf, and the word “meat loaf” is repeated six times during a short conversation (107). The repetition also signals sameness however. Brautigan’s belief is that whatever number of options there are is not important, because ultimately, it is all the same. For Brautigan, it doesn’t matter whether there is one option, the daily special, or mountains of options that make up the Forgotten Works, it is all the same and it is endless; he would rather the society ban all options to the Forgotten Works to ensure a unilateral interpretation of life as nothingness.

 This is equally evidenced in the narrator’s role as a writer. He does not write, but makes up his mind to write and then “decides not to” (115). Moreover, in deciding the topic of his book, he wonders if he should write about the weather, at the school teacher’s suggestion, but decides he does not want to write about the weather when he tells Fred this, and Fred responds that he would want to read a book about the clouds before he would read one about weather (114). Again, the mundane topic of the narrator’s novel suggests that it does not matter if the book is good or bad; it is another activity that is done without any real purpose. Horvath explains that “self-reliance for these characters is achieved not by expanding the sphere of their competence but by reducing life’s scope and possibility (the less-is-more approach) … These characters typically spin illusions enhancing numbness by camouflaging its underlying anxiety” (440). The sense that there is a void at the heart of this novel reveals what is at stake when Brautigan scatters his interpretive claim, maintaining that all interpretation is equally bad.

 *In Watermelon Sugar* is very much about confronting the social need for interpretation and then categorizing that same commitment to interpretation. The title refers to that which is constructed from a very unreal substance, and Brautigan’s language – through the use of metaphor and symbolism – makes it hard for the reader to pin down the exact meaning of the novel. Hernlund again suggests that at iDEATH, people stay busy to stay out of trouble – revealing a Victorian and Puritan work ethic (10). We see its utilitarianism as inherently geared towards ensuring safety and security, yet iDEATH is not inherently gentle; the twenty-two suicides suggest a depth of violence that is far from *Walden’s* Victorian and Puritan frugal perseverance. Characters like Margaret are sacrificed to maintain the commune’s calm exterior, and the relationships between characters lack any actual human emotion. For example, the narrator’s relationship to Pauline is not especially romantic, and he compares her to a patch of grass that a lamb sat down in (41). It is strangely emotionless and cold. The question I want to answer is two-fold; can Brautigan’s conception of a negative community maintain integrity, and how can we interpret this negative claim in terms of the relationships at play among the narrator, characters, author and critical interpreter(s)?

 The narrator’s self-identification creates further ambiguity in the novel. He tells us that he is one of those who do not have a regular name, “my name depends on you. Just call me whatever is in your mind” (10). Again, his lack of a name signals an open-ended act of interpretation that refuses any determined signifier. Moreover, he adds a series of abstractions in place of a name, explaining that his name is perhaps “something that happened a long time ago: somebody asked you a question and you did not know the answer…perhaps it was a game that you played when you were a child…or you heard someone calling from a great distance. Their voice was almost an echo” (10-11). By referring to memory, touch, taste, voice and sight as his name, the narrator opens up the realm of signification as expanding beyond the signified. In this way, he refuses to be controlled by language itself. This is a kind of “play” or “relative indetermination” that is characterized by Derridian *différance*, in which Derrida refers to words that have double meanings – except that Brautigan, unlike Derrida, bases the very idea of language on unstable signification. Derrida refers to this as indeterminancy, stating “I do not believe I have ever spoken of ‘indeterminancy,’ whether in regard to ‘meaning’ or anything else…Différance is not indeterminancy…that was possible only if a non-self-identity, a difference and a relative indeterminancy opened up the space for this violent history” (Derrida qtd. in Kakoliris, 288). This quotation, referencing “indeterminancy,” is the other half of a linguistic binary and opposes the formalized, repetitive speech style of the conversations between characters. This is the other side of the novel’s depiction of language, and it is specifically tied to the narrator’s private monologues – perhaps suggesting the interiority that counterbalances the exteriority of the characters’ interactions. It is quite disconcerting to expand into this possibility of language-less expression. The possibility of the dissemination of stable determination lies at the edge of Derrida’s thought, and according to Kakoliris, it is something he does not fully confront. Yet Brautigan does suggest that meaning can be dispersed to the point that it cannot be contained by language. In this situation, Brautigan tries to construct a translucently metaphorical story about narrative construction and meaning-making itself*.* This is exemplified by the narrator’s explanation of how the community grows its watermelons: “it is really very simple. The colours of the days and the watermelons go like this – Monday: red watermelons. Tuesday: golden watermelons…” (42). The chapter “The Watermelon Sun” does not resonate with a stable interpretation of watermelon sugar – that is, how things come to be. Kakoliris explains that “Derrida is obliged to use classical interpretive norms and practices and, at the same time, to negate their power to ‘control’ a text, to construe thoroughly a text as something determinate, and to ‘disseminate’ the text into a series of ‘undecidable’ meanings” (284). Derrida’s “undecidable” meanings rest on stable interpretive practices, and there can only be interplay between meanings if the text contains a singular, controlled meaning. *In Watermelon Sugar* does not have a stable meaning to begin with, so it is not clear how we can apply a “classical interpretation” onto it – which further problematizes the interpretation of such a text. Derrida relies on a stable meaning of authorial intention in order to destabilize a text through interpretation, and yet Brautigan’s relationship to language in this novel is one that challenges this Derridean “legal” language, choosing instead to occupy an “indeterminate” realm of language that destabilizes not just classical interpretation, but the very idea of language as a mode of interpretation. Brautigan’s dissolution of language into totally scattered signification produces a text that is volatile in its inconsistency.

 Aside from the chaotic relationship with language that the text produces, the narrator portrays an entirely negative lifestyle in *In Watermelon Sugar*. Life in the novel – perhaps best described by the narrator as “my life in watermelon sugar. (There must be worse lives)” (15) – is boring at best. In “Author’s Intent*: In Watermelon Sugar*” Patricia Hernlund suggests that Brautigan shows negative intent in this novel, that he intends to produce a critical statement about society. Hernlund explains that the narrator’s negative characteristics do not make him an anomaly, but rather a typical member of his society with an exaggeration of certain traits (11). This argument of negative intent permeates multiple layers of the novel, and as the narrator is characterized by moral cowardice, Hernlund’s argument asks the reader to consider a society whose only emotional states are anger and hatred (14). She writes that the society’s delusion is that “they can maintain a neutral position disjunct from violence and death without also cutting themselves off from life’s fullness” (16). This basic error, she adds, results in boredom, ritual and sterility devoid not only of pleasure but of all feeling and thus all real curiosity, vitality and reason for existence. The conclusion is that life in watermelon sugar is literally the same as dying. This plays into my argument about the death of the subject, as Hernlund portrays the characters of iDEATH as merely going through the motions of existence.

 This idea of existing in negative affect, or of negative reinforcement is interesting to me, however, as it mirrors the institutional redundancy that we find ourselves living in today. This novel reflects a strange relationship to existence and meaning that emerges from a deeply entrenched separation from creativity and value that is characteristic of a typical bureaucracy. *In Watermelon Sugar* problematizes this relationship in several ways, including through its use of language as a direct form of transcending (through dissolving proper signifiers) and simultaneously giving way (by favouring mechanical, formulaic conversations) to this legal, rationalistic order. Though iDEATH represents a communal alternative, it falls prey to the same problem of standardization that characterizes the city in *Blithedale*, or governing state forces in *Drop City*, or any kind of environment where people cannot express their main goals with personal integrity. In Brautigan’s description, what is left after the death of the tigers is just an empty existence. The tigers are a recurring trauma in the narrator’s life, as he explains how the tigers ate his parents (38). As the narrator calmly describes how a tiger killed and “started eating my mother. He bit her arm off and started chewing on it,” asking “‘what kind of story would you like to hear?” (37), the sense of passive acceptance and lack of reaction signals a disturbing complicity with what is depicted as regulated violence. The narrator further states that “the tigers are so nice. Why do they have to go and do things like that?” to which Fred answers “They’re very nice and have a good way of stating things, but we’re going to have to get rid of them. Soon” (39). The tigers’ good way of stating things represents a legal language that disguises its violence. This is exemplified by the tigers’ statement that “we’re just like you. We speak the same language you do. We think the same thoughts, but we’re tigers” (38). Perhaps the characters in the novel internalize the violence and thus what is described as a “delicate balance [of life] in iDEATH” actually refers to a reaction suppressed to the point of a morbid disavowal and perpetuated by an infatuation with hollowed out performativity. The narrator describes life in iDEATH as a delicate balance because the characters must constantly guard themselves against any emotions or personality that conflict with this imposed “gentle life” (7).

The difficulty of sustaining this balance is not just in salvaging the performance of an appropriate subjectivity, but is something that also affects the core of who the characters are. In her article “Richard Brautigan’s Search for Control Over Death” Brooke Horvath writes that iDEATH is comprised of characters that seek not greater freedom, but greater control over their lives: over their creatureliness, their thoughts, and their emotions (434). Horvath uses the example of the community’s art, which is always made by anonymous artists who typically favour harmless objects, like statues of vegetables and books about innocuous topics (444). Furthermore, the Forgotten Works have all of the old society’s books, but inBOIL’s gang burns them, along with other forgotten things, to make whisky (65). Pauline explains how “we used to burn those books for fuel. There were so many of them. They burned for a long time, but there aren’t many now” (25). The community, despite presenting an alternative way of life, does not offer its members any space for diverse co-existence – not that this is necessarily the ideal – but there is no productive complexity. Horvath conflates this with Ernest Becker’s idea that life itself causes anxiety over death, so the irony of humanity’s condition is that our deepest need, to be free of anxiety about death, can only be relieved by shirking away from life itself. Horvath explains that in order to safeguard iDEATH’s emotional and intellectual deep sleep, virtues conducive to placidity must be cultivated so that things such as consideration and politeness are fetishized and small, unsophisticated pleasures prevail (444). Eating becomes the only real pleasure in the novel, and in the chapter entitled “Strawberries,” the narrator describes how “Charley must have eaten a dozen hot cakes himself. I have never seen him eat so many hot cakes, and Fred ate a few more than Charley. It was quite a sight” (46). The chapter ends with the narrator and Fred each taking another hot cake (47). Food is a recurring theme in the novel, and other instances of food fixations include the narrator’s description of a “big platter of bacon and lots of fresh milk and a big pot of strong coffee, and there was a bowl of fresh strawberries, too” (46) for breakfast, and later, he could “smell bread baking in the bakery” (54), and “a big scoop of mashed potatoes to soak up the rest of the gravy” (67), “a mess of carrots mixed with honey and spices” (83), and finally “apple pie that tastes really good” (112). The many references to food signal that it is the only acceptable pleasure that the community permits, giving the narrator’s descriptions of food a sensual quality. Food therefore becomes a hedonistic outlet that the characters are free to indulge in without becoming too excessive.

Yet Horvath’s categorical imperatives are important. She distinguishes three kinds of deaths that are meant by iDEATH: the death of the ego (Ideath), of the id (IDeath) and of thought (IDEAth). Though these categories appear over-the-top at first glance, they actually resonate well with what happens in the plot. In “The Big Fight” inBOIL tells the members of iDEATH that they “wouldn’t know iDEATH if it walked up and bit you…To hell with your iDEATH, I’ve forgotten more iDEATH than you guys will ever know. I’m going down to the Forgotten Works to live” (68), and inboil eventually kills himself to reveal iDEATh’s true meaning (97). What is real or beneath the surface does not exist here and this is the point of iDEATH. Brautigan is clearly satirizing modernity and its attempts to distance itself from life through false subjectivity, but the message for how to get past this is not readily apparent, as all the characters, prompted by the narrator, are steeped in perpetual hatred. Moreover, the novel is divided into three chapters, and each chapter is punctuated by a significant death. In “Book One,” the narrator describes the death of the tigers, representing the end of systematic order (35) and, simultaneously, the death of new ideas as the commune immerses itself in a regulated lifestyle after they kill off the tigers. “Book Two” depicts the death of inBoil and his gang (98), representing the death of any emotions representing the subconscious id. The elimination of emotion is symbolized by the expulsion of cultural artefacts to the Forgotten Works, because these could arouse feelings opposite of the prescribed communal “gentleness.” “Book Three” portrays the death of Margaret (120), representing both the death of anyone who opposes the communal values and the death of the ego. Life in iDEATH becomes a disciplined waltz, and this is precisely how the commune celebrates its funerals (142). Brautigan points to this intensified and sublimated misanthropy as providing no way out, and perhaps unsurprisingly, Richard Brautigan committed suicide fourteen years after this book’s publication.

The interpretive question and Dworkin’s model of community can, however, lead us further than this line of thought, asking us to consider not the hatred per se, or why iDEATH depicts such a shallow lifestyle, but the narrator’s role in interpreting this community and the critical interpretations that are layered on top of Brautigan’s narrative. Brautigan depicts a community centered around nihilism. The novel begins with the narrator’s invocation, “wherever you are, we must do the best we can. It is so far to travel, and we have nothing here to travel, except watermelon sugar. I hope this works out” (Brautigan, 7). The counter-idealism asks the reader to try despite any hope of getting beyond where he is. Watermelon sugar is the commune’s largest resource, and the narrator tells us, “our lives we have carefully constructed from watermelon sugar and then traveled to the length of our dreams” (7). Watermelon sugar is both a literal and metaphorical substance, since most objects at iDEATH are made from watermelon sugar, but it also signals the intangible, dream-like time/space paradigm that the commune occupies. Nothing is quite real at iDEATH and thus the commune does not properly adopt any life-affirming value. It is indeed “iDEATH” – the name itself representing the quality of non-existence that permeates life based on the narrator’s empty signifiers. The novel is an attempt to subdue the self to simulated representation, which Brautigan depicts as a nihilistic project. Since the self cannot be reduced to such vacant expression, symbolized by the attempt to foster a community where all conversation among members is formulaic and founded on proper etiquette, *In Watermelon Sugar* reveals how such a containment of life and human personality cultivates a desolate existence based on arbitrary values. The narrator describes how he has nine things, listing them as follows: a child’s ball, a present given to me nine years ago by Fred, my essay on weather, some numbers (1-24), an extra pair of overalls, a piece of blue metal, something from the Forgotten Works, a lock of hair that needs washing (61). The list of random objects symbolizes how the narrator attempts to construe his life out of an assemblage of disparate and miscellaneous items from which the reader can assemble no unified or coherent meaning. Moreover, certain items like “some numbers” are not even tangible. In fact, many of the narrator’s items refer to specified objects that are abstractions or parts of a larger whole – his list beginning to resemble some made up thing that cannot offer any true insight into life in watermelon sugar. This seems to be the point, in fact, as the narrator cannot determine for sure what, if anything, should be his true value. Consequently, he moves through the novel deciding that all values are equally bad. Whether this grouping of assorted objects, comprising a life of form without essence, can sustain a valid lifestyle for the narrator remains to be determined, but *In Watermelon Sugar* poses a serious problem for interpretation, as it is difficult to interpret a text that does not propose any positive value. By presenting only a negative statement about the commune in the novel, Brautigan challenges Dworkin’s interpretive claim, since interpretation is by nature the report of a purpose.

 How can we interpret something that proposes only negative value? Several interpretations of the novel do in fact pick up on its negativistic core, but none of them really go any further.[[6]](#footnote-6) This is where the surrealist stance, with its combination of multiple interpretations, becomes interesting. The idea that multiple interpretations can somehow produce a collective myth that registers outside of a space/time continuum hints at a realm of interpretation beyond that which is readily visible. In other words, it is not what is seen, but what is not seen, that matters in this text, and Brautigan seems to be leaving a lot out. In this sense, it is not what is represented, but what lies outside of representation – returning to my initial argument about Derridean “indeterminate” language – that matters. While representation becomes nihilistic, it is always an act that separates itself from what lies outside the textual border. The text only represents that which lies within its (textual) borders, but the surrealist interpretation looks beyond this in order to determine the real meaning of the text. In “Multicolored Loin Cloths, Glass, Trinkets of Words: Surrealism in *In Watermelon Sugar*,” Mary Rohrberger and Peggy Gardner argue, citing Ihan Hassan’s thesis, that the novel is a surrealist text, that “beneath the surface of happy love and naïve humour, the reader feels the lurking presence of loss, madness, death” (61), and they conflate this with Andre Breton’s comparison of the surrealist state to one “which can only be fairly compared to one of madness” (61). The surrealist interpretation, however, allows readers to see how the contradictory is not really contradictory at all, explain Rohrberger and Gardner, because there can be opposing critical interpretations that exist about the novel as a whole. The surrealist stance insists that contradictions arise out of a unified similarity or collective mythology – the collective mythology simultaneously enables a flow of animated interpretations that intersect one another at different points of a deconstructed reality. The effect is supposed to produce a crystalized vision of unity out of multiplicity.

 If a surrealist interpretation allows for layers of meaning, suggesting a complexity to the novel which is belied by its deceptively simple surface (Rohrberger & Gardner, 61), the presence of multiple interpretations becomes a symbol of what lies beneath the surface. Brautigan’s obsession with surfaces therefore simply affirms that there is an interiority to the characters that collides with the multiple interpretations that co-exist about the text. This nuance is exemplified by characters like the girl with the lantern who takes long walks at night (88) and the ambiguous presence of the grand trout that watches the narrator (56). I will not go so far as to say that the characters lead Lynchean double lives, but there is a sharp divide between outward persona and actual reality. Conversely, the surrealist perspective makes reality more visible. Rohrberger and Gardner interpret the tigers as a symbol of the destruction of the aesthetic drive. I argue that this destruction of the aesthetic drive is synonymous with the death of the self and is depicted as a way to achieve a changeless utopia, assuming that the death of creativity represents the end of change. However, Brautigan disagrees with this as well, and the narrator explains that “iDEATH’s like that: always changing. It’s for the best” (21). Again, there is a pronouncement of change at the same time as there is an oppressively surface-based culture. For Brautigan, the two things seem to go together. Despite being open to multiple interpretations, the tigers reveal a similar point about iDEATH – that its aim, regardless of which interpretation is applied, is to regulate subjectivity. Thus, we can see a unity arising out of the various interpretations. If this unity out of multiplicity proves anything, it is that interpretivism requires careful attention to overlap as well as difference. Patterns of overlap are more important because they do not try to contain the text by focusing on a singular interpretation; rather, they emerge spontaneously and gain momentum when they crash. The only overlaps in *In* *Watermelon Sugar* are the forms of regulated subjectivity that Brautigan presents and this seems to be, perhaps not an indication of a lack of essence, but the opposite – a predication for a change that we cannot see. For example, following Margaret’s suicide, Margaret’s brother joins iDEATH for dinner. The narrator states that “about halfway through dinner, Fred started to say something that looked as if it were important, but then he changed his mind and went back to eating carrots” (127). The members of iDEATH do not discuss Margaret’s death and, instead, return to performing subjectivities that Brautigan represents as nihilistic. If we accept Brautigan’s own authorial intention as negative, that is, if he really did write this novel to portray a society that he saw as pointless, can we interpret it in any other way – as giving way to something beyond what the text portrays, for example? And what do the multiple interpretations contribute to the overall aesthetic aim of the novel?

For the remainder of this chapter, I will be discussing the implications of Colin Dayan’s concept of “legal death” as it relates to *In Watermelon Sugar*. Brautigan’s vague and open-ended textual signifiers give the text a ghostly presence. Furthermore, when the narrator becomes upset with Margaret, he says that “her performance at dinner had really disgusted me” (85). The narrator’s word choice affirms that he views the established, upstanding society of iDEATH as a lie, a “performance,” something that only exists as an illusion in place of what is actually real. These “performances” are essentially ineffective as they are not based on anything real. In this sense, they have no power. Ineffective language is why the characters in iDEATH seem to favour innocuous conversations; pointless conversations symbolize the characters’ deadness. In *The Law Is A White Dog*, Colin Dayan discusses the concept of legal death as something that turns living beings into zombies that survive as the remnants of loss and dispossession (21). A legal death occurs when the institutions that make up the bureaucracy no longer recognize someone as a subject. This is the position the members of iDEATH find themselves in after the death of the tigers. Dayan further adds that these “macabre, depersonalized entities are left to wander alone or forced to work together, shorn of tenderness, comradeship, consciousness” (21). This describes the relationships that take place in the novel, as the narrator depicts himself as strolling through iDEATH, without any real sense of purpose or identity or even satisfaction, yet trying to maintain an outward sense of communal containment. Why?

Dayan states that ghosts exist in the law, explaining that “the legal, acting as the spectral, leads us into paths of thought so uncertain that we should be very afraid of such places” (9). These ghosts in law are the superstitious elements that should be excluded from a rationalistic system but that, according to Dayan, still find their way into the law and become the “prelogical,” “irrational,” “primitive,” free-floating, and easily manipulative facets of law that invade the precincts of the normal (9). In other words, ghosts, despite their exclusion from a bureaucratic system, still – by lingering at the edges of the system – demonstrate the effects of legal order and simultaneously play a subversive role in its functioning. For Dayan, the hoard of precedent in law’s language and iteration reveals that modernity and civilization are but a myth (9). Requiring a legal precedent establishes an ordered hierarchal system that does not exist outside of the law’s imagination. *In Watermelon Sugar* is also just such a “collective myth” – established as such in my previous paragraphs – in which the characters are depicted as following prescribed roles that have no correlation to their own essence or what actually goes on in the commune. The novel presents an illusion of civility, even though it is just a cover for something darker at the centre. iDEATH’s illusion of civilized gentility is demonstrated by its inhabitants’ fascination with innocent pleasures like eating and polite conversation.

 Dayan, however, argues that within the precincts of legal precedent, anything can happen: the residues of human materials, forgotten, are dredged up when necessary. This is much like the Forgotten Works, which function as a dumping ground for the social excess that iDEATH outright rejects. The narrator describes the Forgotten Works as “towering above us until the big piles of forgotten things were mountains that went on for at least a million miles” (*IWS*, 74). He further depicts them as inhospitable to life, as there were no plants growing, no animals living there, and no birds flying over the place (75). Dayan explains that once inside these legal vortexes, where law opens its doors to historical fragments, legal fictions and spiritual beliefs, “we see humans turned into things, ghosts into persons, and corpses into spirits” (10), and sure enough, when Margaret starts visiting the Forgotten Works, the narrator says “that really disgusted me: a decent woman smiling at inBoil. I could not help but wonder, what next?” (77). The narrator is not an innocent bystander in this novel, but his disgust with Margaret smiling at inBoil represents the society’s discomposure, or a general feeling of apprehension about any correspondence or exchange with these “ghostly” encounters. When such encounters occur however, unexplainable and disconcerting as they are, they are dealt with in an intriguingly matter-of-fact way in law, diffusing the event to a random experience in time. This matter-of-fact approach is evident in the narrator’s response that he had “looked at [the forgotten things] but they didn’t show me anything. They were kind of ugly, if you want the truth” (77). The easy renunciation of forgotten things shows an attempt to easily dismiss the cultural excess the community tries to repress. Moreover, on their way back from the Forgotten Works, Margaret asks the narrator “what’s wrong” to which he responds “nothing’s wrong.” Margaret’s second question of “then why are you mad at me?” is responded to in a similarly impersonal manner, with the narrator simply stating “I’m not mad at you” (78). They are unable to address and resolve any conflicts, especially when they arise in relation to the perplexing and volatile area of the Forgotten Works. This unaffected, pragmatic behaviour is further demonstrated by Pauline’s calm reaction to the suicides of inBoil’s gang, as she “started mopping up the blood and wringing it out into a bucket. When the bucket was full of blood, inBoil died. ‘I am iDEATH’ he said” (98). Dayan explains that in law individuals who are legally dead are “disfigured, reduced to organs that can fail and legally be put at the threshold of life and death” (33). inBoil’s gang commit suicide by cutting off their thumbs, noses, and ears and bleeding to death (97). This reflects the law’s willingness to dehumanize its victims through disfiguration, and much like a smear campaign, the law aims to distort the presence of alien bodies, except this time, it is the victims’ bodies that are disfigured to portray the law’s ease in displacing and misrepresenting alterity.

Hernlund proposes an interesting interpretation of this disfiguration of bodies in *In Watermelon Sugar* as inBOIL and his men systematically mutilate their senses; the message is clear that the people of iDEATH have cut themselves off from every reality to avoid being bothered by life (Hernlund, 12). Similarly, the law symbolically distances its citizens from a connection to reality, choosing to portray an image of itself as correct instead. The mutilation of the senses represents a numbness of feeling or understanding. The narrator explains how “it had taken years to get over the tigers and the terrible things they had done to us. Why would anyone want to do something else? I don’t know” (79). The fact that the members of iDEATH did not try to understand what changed after the death of the tigers signifies that, in this society, law works to encourage forgetting or limited understanding as opposed to a fully integrated system of knowledge in accordance with Dworkin’s interpretive model of law. Yet Dayan explains that bodily mutilation is also a symbol of the way that life and death, possession and demonism, are, to a surprising extent, left out of the normal forms and regular course of law, but still accepted as a looming expectation of legitimate punishment, necessary pain, and reasonable violence (Dayan, 33). Thus, though there is an expectation that these forms of archaic and out-dated punishment are left out of the modern legal system, they actually persist in these symbolic punishments. Similarly, the death of inBoil’s gang is regarded as legitimate by the commune. In the novel, the communitarians are not overtly violent, but find themselves complicit with acts of violence as they occur. There is a morbid fascination with death beneath the pretence of concern, evidenced by the narrator’s cool description of Margaret’s hanging body as “blowing in the wind” (124) and her family’s relief at the decision to bury her at The Forgotten Works (124). There is an acquittal of responsibility at the same time as there is an objectification laid against the dead. In this sense, death is never quite understood for what it ultimately reveals about the society. Furthermore, the deaths by mutilation symbolize what needs to be sacrificed for the commune to be able to achieve what the narrator refers to as his “gentle life” (7) – the façade of quietude that covers the characters in *In Watermelon* *Sugar*, projecting an appearance of gentle affability that masks the inner personalities, characters and drives that make up iDEATH. Perhaps this is why inboil calls iDEATH a masquerade party (92), because of the division between the characters’ personas and their actual value as members of the community or their integrity. Or perhaps, it is because they do not take their performativity to its ultimate conclusion. The separation of performance and true essence could in fact be for the best, and that is what this chapter will conclusively determine.

The problem that the commune encounters is its sharp divide between permissible exchanges and emotions that must be regulated, controlled and suppressed. Dayan states that in order for communal emotions to be acceptable they must be endowed with a rational form, and this incarnation is granted through the art of the law as it constructs subjects that are imbued with a legal performance: “Nowhere is the artifice as compelling as in the creation of legal persons, entities that have nothing to do with human personality. These persons…prove the absoluteness of law’s power,” (25) explains Dayan, and the characters in iDEATH perfectly illustrate this form of evacuated citizenship. With nothing much to do in their society (it is not a labour-intensive life), the characters are reduced to being static figures of representation. Indeed, the hardest part of living at iDEATH is diminishing oneself to its singular modes of expression. In “A Lot of Goodnights,” the members address each other “goodnight” four times, showcasing the reverence for formalized speech patterns that is held in place by the community. When Fred finds an unknown object, he and the narrator refer to this as an “it” and do not bother to figure out what “it” is (13). Similarly, Old Chuck who lights the bridges greets the narrator saying “Good evening…I’ve come to light the bridges. How are you this evening? I’ve come to light the bridges. Beautiful evening isn’t it?” (20). Life at iDEATH seems to emphasize a completely mundane existence that is punctuated by hints of absurdism, evidenced by things like the bat that Fred finds hanging upside down (52) or the narrator’s “small dream” about a moth that was balanced on an apple (64) or the giant trout that stares at the narrator throughout the text (118). The text offers no explanation for these random events; I interpret them as laying claim to the surrealist undertones that mark the text as representative of an event in which there is more than meets the eye. Thus, the bat, trout, and moth – animals that occupy a realm outside of our own, their respective habitats being water and air – symbolize perspectives that remain hidden, yet whose presence influences the narrator’s consciousness. Thus, the bat, trout and moth symbolize an intuitive undercurrent that the novel otherwise ignores, as this is the kind of stuff that is removed by the “ritual of purification, severe in its orders” (Dayan, 24) that is required to achieve the gentle balance of iDEATH.

Moreover, since the law is not a person, but lives in persons, the characters are all required to banish all their interests, and basically, their personalities, to the Forgotten Works or to channel them appropriately, such as through the construction of acceptable artistic projects. The narrator sees no problem with this – he prefers it actually – and this apathy brings up the question of interpretation again. Can we give this lacklustre personification of a community a positive interpretation; how can we respond to a community that the narrator himself presents as perpetually hateful, adverse and mean, with no capacity for enjoyment aside from prescribed, socially acceptable forms of pleasure? Though the Forgotten Works are banished, the society does not become “purer;” it just colourlessly imbues itself with a zombie-like performance that masks all the animosity that it does not expel to the Forgotten Works, making the expulsion essentially pointless. There seems to be no escape from this negative ordeal that Brautigan depicts, and any interpretations have to either address this, or pretend that it is not the case, as Harvey Leavitt[[7]](#footnote-7) does in his reading of iDEATH as an analogy for the Garden of Eden, in which knowledge is banished and the narrator functions as an Adam II – emerging out of the debris of a systematic and highly developed social order (19). The problem with this interpretation is that it romanticizes the novel, while ignoring all of its problems. Though Leavitt’s interpretation appears problematic given the other interpretations mentioned above, Dworkin states that interpretation is essentially concerned with purpose not cause, and the purposes are not those of the author, but of the interpreter (52). Interpretation is a social practice, which can only mean discerning the intentions of its members, one by one. If we trace this process of interpretation backwards in this way, looking not at the content of interpretations but the very fact that they exist, it becomes evident that many people have different interpretations of the same event. However, there are certain patterns of thinking that begin to emerge and certain ideas, like Hernlund’s depiction of Brautigan’s negative intent, Horvath’s thinking on *IWS* as trying to depict control over death, the surrealist reading’s presentation of the multiplicity of collectivism and the problematic idea that legal language may contain singular meanings or intentions, become symptomatic of conceptual overlaps. It is through combining the different interpretations that we can begin to discern a more honest interpretation that tackles questions pertaining to the importance of the text. This process of interpretation the deadlock of legal language, at once condensed with singularity yet preventing that which is left outside of representation from entering the discussion. In order for interpretation to “make sense” it needs to at once contain variety – as in, not relying on the consistency of previous interpretations – and integrity to the source of interpretation. The insistence on a Derridean legal language which requires a positivist method of understanding a text through classical modes of interpretation further resembles a “legal death” as there is no opportunity for new interpretations to arise. Brautigan’s society resembles the status of those who interpret things or events, yet also represents a society occupied by citizens that are no longer living, but continue to function. Brautigan depicts a non-community that continues to act out the proper roles of people in a community, but without any essence or true feeling. Basically, Brautigan’s characters are empty roles, and the interpretations reveal one has to be devastatingly misguided to find meaning or value in this endeavor.

In order to return to the work of inquiry that persists beneath the surface of this chapter, the question of interpretation, I want to revisit Dworkin’s thoughts on interpretive concepts as he explains in *Law’s Empire* that there is a structural requirement for interpretation independent from any particular author’s “intention” for the interpretation. Dworkin adds that the structural requirement provides an “exciting challenge” (59) of determining what the point of insisting on the formal structure of purpose could be, in the way we explain texts or legal institutions, beyond the goal of retrieving some actual historical intention. Indeed, this meta-level critique of interpretation resonates with Brautigan’s novel, which proposes a similar challenge when it suggests that its commune has no intention to begin with. Brautigan reframes the question, turning it into asking “why have a formal structure if the content is useless.” Brautigan nevertheless continues to maintain the formal structure anyway. The negativity aside, what more can we say about this? Is it an aesthetic choice? Is it a narrative constructed between an author and reader? Does it provide relevant insight into the social and political consequence of art (61)? Brautigan appears to mock the very process of interpretation, on which we as critics place so much value. Dworkin explains that “critical intention is no more a mental state than artistic intention” (61), in which case Brautigan wants us to play along with his pretense. However, there is no objective value to this either. Dworkin moves on to state that interpretation is about discovering the purposes of the community that houses the practice (63). I have already established that the community of iDEATH values “a gentle life.” However, whether the commune’s gentle life comprises a performance that gives way to something greater than reality or whether it is just a masked performance meant to conceal the communitarians’ truly negative state is what the question of integrity hinges upon. As for interpretation in our society, like Brautigan, we must suspend judgement to the extent that we can make interpretations that are not predicated on certain “classical interpretive methods” yet there needs to be enough assertion of value for there to continuously be value judgements to interpret.

I will briefly explain the significance of the oppositional stance between the ideas of a performance as giving way to that which is greater than the real, versus the performance as empty and therefore masking communal deadness. These are oppositional; they cannot be easily conflated and they are not extensions of each other, occurring on a continuum. Yet, these two concepts inform the central question of this chapter – that is, can there be integrity within negative intent. Unfortunately, I do not think the commune at iDEATH is capable of transcending their negativity through a performance of a gentle life. If Brautigan’s depictions of the living dead were meant to symbolize the potential for transcending reality through performativity, then there would be no negative outer layer to the performance. The iDEATH commune’s attempt to mask its negative state reveals that the commune is not actually based on integrity. Instead, the personification of gentleness masks the commune’s actual problems, and the performance takes the place of a true reflection on what is wrong. By dismissing its problems in this way, the commune can maintain its illusion of life in iDEATH.

CONCLUSION

In this thesis, I have established what law as integrity means in matters of jurisprudence. I have separated law from jurisprudence for two specific reasons, mainly, as mentioned in the Introduction, to show how jurisprudence is not limited to positive law. However, as something that extends beyond positive law to conceive of law as a coherent whole, Dworkin’s constructive method of interpretivism also discerns another important aspect of jurisprudence, and this is its decisively social nature. Interpretivism relies on an interactive model of law that undergoes constant change (like the positivist model) but with the added benefit of following from the community’s principles of justice and fairness. Metaphysical metaphors about law are therefore not as controversial as they may appear, as they are not speaking to a teleological end of law, but simply taking a metaphysical perspective on explaining law’s progress.

This thesis has defined jurisprudence as it develops over the course of three novels based on separate intentional, utopian communities. In *The Blithedale Romance*, interpretivism ensures that different perspectives are recognized; yet as a single author, Hawthorne is unable to fully develop each character’s voice, resulting in the inclusion of Coverdale as narrator. Though Coverdale offers greater insight into the different perspectives surrounding Blithedale, Hawthorne’s ability to convey the actual communal experiment begins to falter, resulting in a failure to fairly interpret the Blithedale commune as the point of observation becomes skewed by the presence of an overseeing narrator. As a result, interpretivism fails because it is not adequately involved enough with the object that it tries to interpret, that is, it is not putting the Blithedale commune at the forefront of its interpretive project. This process is simultaneously represented in the novel by the role of the professor who performs as an “objective observer” and affects the outcome of Blithedale without taking part in the commune. This is problematic – both for interpretivism, and for the Blithedale commune which falls apart because of an “infidelity to its own spirit” (Hawthorne 246).

Interpretivism is not a theoretical practice. As such, it cannot rely on social scientists to offer rules of recognition (or social rules) about what its practice requires (*Law’s Empire*, 69). Dworkin uses the analogy of a rope to describe the limitations of institutional continuity. The rope has many strands, none of which run for its entire length or across its entire width (69). Therefore, it is only a historical fact that the present institution is the descendant, through interpretive adaptations of the sort examined, of earlier ones, and that foreign institutions are also descendants of similar earlier examples. Dworkin further critiques Hart’s attempt to base normative views of law on rules of recognition as this assumption takes the view that the content of the law of a community depends on rules of convention. As such, legal validity is prescribed by officials who use certain tests to determine valid legal rules and law is determined by the fact that these officials take a “critical reflective attitude” (Stanford Encyclopaedia). If this is the case, how can members of the community who all share the same way of recognizing their law then engage in disputes about the law that they are all familiar with? Dworkin contends that many theories of law suffer from this “semantic sting,” because theorists like Hart view questions of jurisprudence as predicated on the belief that lawyers primarily follow the same linguistic criteria for judging propositions of law. This presupposition of the relation between law and language produces the condition of internal scepticism, or the belief that people cannot have any genuine disagreements about the law due to the understanding that they all share the same definition of the law. This is why interpretivism supersedes the limitations of certain metaphysical metaphors. The metaphors about law as having a metaphysical nature do not work to indicate there is a single “true” end of law, but point to a need to address the “true” needs of law instead of hiding behind a socially prescribed notion of what law ought to be. Consequently, Dworkin is not relying on metaphysical foundations of law, but is using the experiential concept of interpretivism to question these same premises, in whichever form they may occur. If we assume a single ideological continuum extends indefinitely, then we are limited to only this one mode of thought for the duration of this ideology’s tenure – and this is exactly why Dworkin urges us to rework certain metaphysical premises. By recognizing that metaphysics is itself transient, disfigured and shifting, we can begin to undo some of the underlying pressures of applying too strict a metaphysical interpretation onto law.

In examining T.C Boyle’s *Drop City,* I link changing associative obligations to Dworkin’s interpretive idea that change does not have to occur in incremental stages, but that it can occur spontaneously as a response to present conditions. The *Drop City* communitarians relocate to Alaska, and the commune’s transgressive relationship to space enables its members to supplant Dworkin’s condition of moral acceptability for constituting associative obligations with their own version of communal responsibility. Drop City’s associative obligations do not necessarily preserve communal integrity, but they do allow the commune to survive past the point of expected derailment. Finally, Richard Brautigan’s *In Watermelon Sugar* relays the effects of the process of interpretivism when it insists on relating to institutional features of law constructed through the formation of specified signifiers. These signifiers, when solely designed to absorb an institutional framework, quickly become meaningless, as evidenced by the death of the tigers which results in all of the previous society’s cultural artefacts being banished to The Forgotten Works. By shifting its ideological position to one that perceives its own nihilistic effort to define a culture based on negativity, the iDeath commune becomes a precursor to Dworkin’s question of interpretive resignation.

Now that I have set up the connections between my primary texts and some of the larger concepts discussed in this thesis in relation to jurisprudence, I can set the topic of constructive interpretivism aside, situating it within the larger practice of jurisprudence. I want to move to a consideration of the nature of the system in order to better understand the context within which these active processes of jurisprudence take place. To do so, I will revisit Friedrich Schelling’s *Treatise on the Essence of Human Freedom*. In his discussion of Schelling, Martin Heidegger cites Friedrich Nietzsche’s work on the compatibility of freedom and the system. The classical philosophical position views the concept of freedom as generally incompatible with systems (21). This is logically explained to us as resonating with the concept of philosophy itself, which lays claim to a grounded unity and totality of essential knowledge, and in holding fast to such a claim, it must deny freedom (21). While freedom excludes the recourse to grounding, the system demands the thoroughgoing connection to grounding. Nietzsche argued this point by stating “the will of a system is a lack of uprightness” (Nietzsche qtd. in Heidegger, 23). To this discussion of the will of a system, Nietzsche adds “for a philosopher morally speaking a finer decadence, a sickness of character; – unmorally speaking his will to appear more stupid than he is – more stupid, that means: stronger, simpler, more imperious, less cultured, more commanding, more tyrannical” (24), and Nietzsche said of himself that he was not limited enough for a system.

Schelling was therefore aware that his position opposed these older views and views arising at his time regarding the “system of freedom.” Thus, by making his life’s work an argument for the system of freedom, Schelling became a philosophical anomaly. I will not get into an extensive analysis of Schelling’s Treatise: however, Schelling concluded that freedom could exist within the system, arguing that on the basis of absolute freedom, evil is metaphysically necessary (Heidegger, 160). I argue that this is where Schelling’s work on the system intersects with Dworkin’s work on jurisprudence. For the sake of simplicity, I will conflate “metaphysical evil” with the experiential aspect of Dworkin’s theory. The reason interpretivism maintains its complexity is because it brings this same challenge to the forefront of philosophical debate. That is, interpretivism embodies the metaphysical evil that Schelling contests, simply by retaining an experiential mode that can maintain fluidity by incorporating activity into the systematic structure, moving it beyond its naturally stagnant state.

Originally, I had planned on including Henry Thoreau’s *Walden* in this thesis discussion as this text would have offered an opportunity to deconstruct Schelling’s notion of the system and the subsequent discussion on the nature of good and evil. By removing himself from society and secluding himself in the woods, Thoreau hoped to realize his own transcendental freedom. This is evidenced by his statement “I desire to speak somewhere *without* bounds; like a man in a waking moment, to men in their waking moments; for I am convinced that I cannot exaggerate enough even to lay the foundation of true expression” (Thoreau, 218). Thoreau further adds that if a person lives according to their own dreams, “new universal, and more liberal laws will begin to establish themselves around and within him; or the old laws be expanded, and interpreted in his favour in a more liberal sense” (217). While Thoreau interprets human freedom as the ability to live in alignment with the life one has imagined, Schelling interprets this same “human freedom” as the capability of good and evil (Heidegger, 97). This connection to Thoreau provides a very important final link to close off my thesis. As Dworkin’s constructive interpretivism demonstrates, and more specifically, as my thesis moves to unite this interpretive theory with the projects of utopian intentional communities, it becomes increasingly evident that the interpretive claim rests on a grounding of variables, of good *and* evil; the possibility of this ambiguity and everything hidden in it, explains Heidegger, is what is decisive and what the whole concept of freedom rests on (97).

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1. See *Martin Heidegger: Schelling’s Treatise on the Essence of Human Freedom.* [↑](#footnote-ref-1)
2. See “The Concept of Jurisprudence” for a thorough discussion of this. [↑](#footnote-ref-2)
3. In “Chapter One: How to Build a Commune: Drop City’s Influence on the Southwestern Commune Movement” Elder explains the actual commune’s significance to the movement. [↑](#footnote-ref-3)
4. Erin Elder, see pages 9-15 on houses built from trash. [↑](#footnote-ref-4)
5. *Law’s Empire*, Dworkin defines the interpretive question as not an institutional

 tradition, but rather “what character of mutual concern and responsibility our political practices must express in order to justify the assumption of true community” (209). [↑](#footnote-ref-5)
6. See Patricia Hernlund, Brooke Horvath, and Mary Rohrberger and Peggy Gardner. [↑](#footnote-ref-6)
7. See “The Regained Paradise of Brautigan’s *In Watermelon Sugar.*” [↑](#footnote-ref-7)