



Constituting Americans

Cultural Anxiety and Narrative Form

Priscilla Wald

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New Americanists

A Series Edited by Donald E. Pease

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Priscilla Wald

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For Audrey and Stanley, Evan and Nathaniel

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Abbreviations



- AA Anthony Appiah, "The Uncompleted Argument: Du Bois and the Illusion of Race"
- ABT Gertrude Stein, *The Autobiography of Alice B. Toklas*
- AL *Abraham Lincoln: His Speeches and Writings*
- BC William Blackstone, *Commentaries on the Laws of England*
- BG Anzia Yezierska, *Bread Givers*
- BS Frantz Fanon, *Black Skin, White Masks*
- BW Barbara A. White, "'Our Nig' and the She-Devil: New Information about Harriet Wilson and the 'Belmont' Family"
- CAL Evert A. and George L. Duyckinck, *Cyclopaedia of American Literature*
- CMA Gertrude Stein, "Cultivated Motor Automatism"
- CN *Cherokee Nation v. The State of Georgia*
- COR W. E. B. Du Bois, "The Conservation of Races"
- CR William Gilpin, *The Cosmopolitan Railway*
- D Theresa Hak Kyung Cha, *Dictée*
- DB *Downes v. Bidwell*
- DD W. E. B. Du Bois, *Dusk of Dawn: An Essay Toward an Autobiography of a Race Concept*
- DLL David Levering Lewis, *W. E. B. Du Bois: Biography of a Race, 1868–1919*
- DM Deborah E. McDowell, "In the First Place: Making Frederick Douglass and the Afro-American Narrative Tradition"
- DMP Horace Kallen, "Democracy versus the Melting-Pot"
- DR *Democratic Review*
- DS *Scott v. Sandford*
- EA Gertrude Stein, *Everybody's Autobiography*

- EAP *The Works of the Late Edgar Allan Poe*
- EH Emil G. Hirsch, "The American University"
- ER Ernest Renan, "What Is a Nation?"
- ES Eric J. Sundquist, *To Wake the Nations: Race in the Making of American Literature*
- F Ralph Waldo Emerson, "Fate"
- FB W. E. B. Du Bois, "The Freedmen's Bureau"
- FDP *Frederick Douglass Papers*, series 1 (cited FDP, vol.: pp.)
- FG Franklin Giddings, *The Elements of Society*
- FHU Edgar Allan Poe, "The Fall of the House of Usher"
- FM Leon Katz, "The First Making of *The Making of Americans*"
- FQ Leon Katz, Introduction to *Fernhurst, Q.E.D.*
- GM Gertrude Stein, "The Gradual Making of *The Making of Americans*"
- GS Walter Benn Michaels, *The Gold Standard and the Logic of Naturalism*
- GWFA *Washington's Farewell Address*
- HHM Herman Melville, "Hawthorne and His Mosses"
- HJ Harriet A. Jacobs, *Incidents in the Life of a Slave Girl*
- HOB Lydia Maria Child, *Hobomok and Other Writings on Indians*
- IA Garry Wills, *Inventing America: Jefferson's Declaration of Independence*
- IC Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism*
- JB Houston Baker, *The Journey Back: Issues in Black Literature and Criticism*
- JD Janice Doane, *Silence and Narrative: The Early Novels of Gertrude Stein*
- JM *Johnson v. McIntosh*
- JR Jacob Riis, *The Making of an American*
- JWJ James Weldon Johnson, *The Autobiography of an Ex-Coloured Man, Three Negro Classics*
- LDD *Lincoln-Douglas Debates*
- LG Garry Wills, *Lincoln at Gettysburg*
- LHA Barrett Wendell, *A Literary History of America*
- LR Lisa Ruddick, *Reading Gertrude Stein: Body, Text, Gnosis*
- LW *Literary World*
- MA Gertrude Stein, *The Making of Americans*
- MB Frederick Douglass, *My Bondage and My Freedom*
- MBV Nathaniel Hawthorne, "The Minister's Black Veil"
- MK Nathaniel Hawthorne, "My Kinsman, Major Molineux"
- ML Jay Leyda, *The Melville Log*

- MM Homi Bhabha, "Of Mimicry and Man"
- MN Woodrow Wilson, "The Making of the Nation"
- M-P* Israel Zangwill, *The Melting-Pot*
- N Ralph Waldo Emerson, "Nature"
- NFD* Frederick Douglass, *Narrative of the Life of Frederick Douglass, an American Slave*
- NMA Gertrude Stein and Leon M. Solomons, "Normal Motor Automatism"
- NS N. S. Shaler, "European Peasants as Immigrants"
- NSV* Thomas Jefferson, *Notes on the State of Virginia*
- NWL* *Letters of Noah Webster*
- NWS Noah Webster Speller
- ON* Harriet E. Wilson, *Our Nig, or Sketches from the Life of a Free Black*
- OO Otto H. Olsen, ed., *The Thin Disguise*
- P* Herman Melville, *Pierre*
- PF* *Plessy v. Ferguson*
- PH W. E. B. Du Bois, "The Propaganda of History" (in *Black Reconstruction*)
- PL* Mary Antin, *The Promised Land*
- PP* William James, *The Principles of Psychology*
- PR Gertrude Stein, "Portraits and Repetition"
- RC* John W. Burgess, *Reconstruction and the Constitution*
- RPE* William Archibald Dunning, *Reconstruction: Political and Economic, 1865–1877*
- RW* Perry Miller, *The Raven and the Whale*
- S* W. E. B. Du Bois, *The Souls of Black Folk*
- SAH Woodrow Wilson, "The Significance of American History"
- SC* Otto Weininger, *Sex and Character*
- SH* Emmet Starr, *Starr's History of the Cherokee Nation*
- SLI* Arnold Rampersad, *Slavery and the Literary Imagination*
- T Ralph Waldo Emerson, "The Transcendentalist"
- TA Theodore Roosevelt, "True Americanism"
- TJ Thomas Jefferson, *Autobiography*
- TP Theodore Parker, "The American Scholar"
- TR Edmund Burke, "The Thirteen Resolutions"
- U Sigmund Freud, "The 'Uncanny' "
- WA William L. Andrews, *To Tell a Free Story: The First Century of Afro-American Autobiography, 1760–1865*
- WAM* Gertrude Stein, *What Are Masterpieces*
- WB Walter Bagehot, *Physics and Politics*

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- WG *Worcester v. Georgia*
- WL Wilson Lumpkin, *The Removal of the Cherokee Indians from Georgia, 1827–1841*
- WM William S. McFeely, *Frederick Douglass*
- WW Edgar Allan Poe, “William Wilson”
- Y Abraham Cahan, *Yekl and the Imported Bridegroom and Other Stories of the New York Ghetto*
- YA Ralph Waldo Emerson, “The Young American: A Lecture Read before the Mercantile Library Association, Boston, February 7, 1844”

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Until the missing story of ourselves is told, nothing besides told can suffice us: we shall go on quietly craving it . . . in the missing story of ourselves can be found all other missing stories.

—Laura (Riding) Jackson,

The Telling

Introduction



Strangers in Their Work

“How curious a land is this,” wrote W. E. B. Du Bois of the Black Belt of Georgia, “how full of untold story, of tragedy and laughter, and the rich legacy of human life.”¹ Du Bois, like the other four writers in this study, identified and tried to tell untold stories. In so doing, these authors came to understand why the stories they wanted to tell had remained so long untold. They confronted the limits of storytelling. In their different ways, these writers all discovered, as the modernist poet Laura Riding puts it, that the storytelling “self is implicated in the totality as a speaking self of it, owing it words that will put the seal of the Whole upon it.”² Riding describes a debt: the conventions that enable the self to speak in turn require reinforcement. The storyteller confirms the terms of the story. My inquiries begin with the creative responses to that debt offered by Frederick Douglass, Herman Melville, Harriet Wilson, W. E. B. Du Bois, and Gertrude Stein, all of whom turned the limitations of their own stories into analyses of the limitations and possibilities of storytelling.

Social unacceptability and political censorship, personal prohibitions and cultural conventions, the literary market and language itself all contribute to the shaping of stories. Yet untold stories press for a hearing. My readings attend to disruptions in literary narratives caused by unexpected words, awkward grammatical constructions, rhetorical or thematic dissonances that mark the pressure of untold stories. The authors I consider arrived at their understanding of untold stories in response to the imperatives each experienced—in his or her way—to tell the story of the nation. My study explores how inquiries into the limitations of their stories be-

came, in their works, analyses of the official stories through which a nation—"a people"—spoke itself into existence.

Official stories are narratives that surface in the rhetoric of nationalist movements and initiatives—legal, political, and literary—such as John Marshall’s legislation of Indian Removal, Abraham Lincoln’s program for a consolidated Union, and the efforts of literary Young America and the *Democratic Review* to shape an American literature. Official stories constitute Americans. I use the term “official” because of the authority they command, articulated, as they are, in relation to the rights and privileges of individuals. They determine the status of an individual in the community. Neither static nor monolithic, they change in response to competing narratives of the nation that must be engaged, absorbed, and retold: the fashioning and endless refashioning of “a people.” Nation-builders in the nineteenth-century United States understood the importance of those stories to the project of nation-building. In the early- to mid-nineteenth century, jurists, politicians, and journalists all, in their fashion, competed to forge narratives that would instantiate their visions of the Union and define what the United States Constitution called “We the People.” With the emergence of the United States as a world power at the turn of the twentieth century, educators and legislators evolved national narratives that could channel the challenge posed by the variously unassimilated people of the nation and its overseas territories into a rallying point for a self-conscious and exportable Americanism.

Their narratives reflect the different political and cultural visions and the different social and political roles of the nation-builders in this study, as well as the different historical periods in which they lived. Yet despite their differences, Supreme Court Justices like John Marshall and Roger Taney, politicians including Abraham Lincoln and Woodrow Wilson, critics and journalists such as John L. O’Sullivan, Evert Duyckinck, and Jacob Riis meet in my book because of their efforts to articulate a cultural identity, their passionate appeals for a recognizable America, and the stories they helped to tell about the nation. *Constituting Americans* studies the stories through which they sought to create memories of forgotten origins, to transform contestable geopolitical boundaries and plural ethnic and racial peoples into a community with origins that predate those contests. An allegedly latent cultural identity would legitimate the political entity of a United States nation, and an identifiably American literature would attest to an identifiably American culture. The nation-builders who

appear in this study were especially aggressive in their efforts to tell an official story of America and in their attempts to press the nation's literati into service to that story.

In different ways, Douglass, Melville, Wilson, Du Bois, and Stein felt and recorded that pressure. They wrote many of their most challenging and self-reflexive works during, and in engagement with, debates about the constituting of America and Americans.³ The works I consider manifest their writers' unsettling sense of not enjoying full authorial liberty in their texts, their uneasy awareness of a larger story controlling their stories. But these works also convey their authors' understanding that those larger stories constituted them as authors; they could not tell their stories without the conventions those larger stories provide. The works included in this study dramatize this dilemma by depicting narrators or characters who must choose between conforming to cultural prescriptions and refusing comprehensibility. For these authors, either option represented limits on the stories they could tell. Meditating on those limits, they refused the idea of a "free story" and the individualism implied by that idea. Instead, the oscillation between conformity and incomprehensibility proved strangely productive for them.⁴ These authors used evidence of their own authorial struggles to reflect—and to reflect on—the relationship between literary production and cultural identity in the United States.

My investigation of literary responses to nationalist initiatives has led me to a grouping of writers that does not conform to the classifications of more familiar literary historical narratives, classifications according to historical period, genre, race, gender, or class. Those distinctions are important to my story, since they affect the access each writer had to the means of literary production, and therefore the writer's experience of authorship. Yet the resonances among these works have made clear to me that these concerns reached across historical and sociological boundaries—as well as genre classifications—through which current narratives of literary history have influenced not only what we read, but how we read, shaping our readings of individual literary works and of "American literature." The story of how and why these texts belong together is part of the story of *Constituting Americans*. These authors sought neither to reject, nor to flee from their culture, but, on the contrary, to engage it.⁵ Through their literary narratives, they participated in the imagining of a community and transformed that imagining into a contemplation of the consequences and ambiguities of their own participation.

Anxiety and the Reformulation of Personhood

I am interested, in this study, in the anxiety surrounding the conceptualization of personhood that these authors confronted as they sought to tell, represent, and analyze untold stories: what had been suppressed and repressed by official stories of *We the People*. In describing that anxiety, I have applied, extended, and sometimes contested the concepts and terminology of contemporary theorists of the nation who address the relationship between personal and national narratives of identity, especially Benedict Anderson and Etienne Balibar.

My point of departure is the analogy Anderson posits between such narratives, both of which begin with “profound changes of consciousness.” Experienced as “estrangement,” these changes generate “a conception of personhood, *identity* . . . which, because it can not be ‘remembered,’ must be narrated.”⁶ For Anderson, the recognition of a discontinuity between past and present and the desire to make them continuous give rise to a narrative of identity, which in turn imparts the way people know, understand, and experience themselves—or, their selves. Yet an analogy between personal and national narratives can obscure their dynamic interaction. National narratives actually shape personal narratives by delineating the cultural practices through which personhood is defined. The role of married women or the rights of indigenous peoples are examples of how a culture, through its institutions and its conventions, defines individuals’ existence—defines, that is, how they will experience and understand themselves as people and as part of a people.

For Balibar, any newly-formed community depends “on the projection of individual existence into the weft of a collective narrative, on the recognition of a common name and on traditions lived as the trace of an immemorial past (even when they have been fabricated and inculcated in the recent past).”⁷ Since the idea of individual existence cannot preexist a group identity, Balibar suggests that the formation of a new community entails a deconstitution of the old: “individual existence” must first be dissociated from one collective identity (a tribe or region, for example) and then reimagined within another collective narrative. National narratives, for example, do not supply missing conceptions of personhood; rather, they forge one conception out of another to constitute an “individual” as a national subject with a new cultural identity.⁸ They may not entirely replace, but they certainly reconstruct, regional, tribal, or other

affiliations. At the same time, they obscure the reformulation of personhood that accompanies the constitution of a new community, which they present as a continuity rather than a disruption. In the official stories that concern me, for example, the discontinuity in government marked by the American Revolution was counterposed to a putatively universal conception of personhood that legitimated the Revolution as the necessary means to safeguard (and restore) the rights to which people and a people were inherently entitled.

Neither Anderson nor Balibar seems primarily interested in addressing the cultural anxiety generated by the reformulation of personhood. Such inquiries, as the work of Frantz Fanon suggests, are conventionally seen as the province of psychoanalysis, and Anderson and Balibar seem reluctant to introduce psychoanalytic concepts or even vocabulary directly into the study of the nation. Yet psychoanalytic formulations—in particular, the type of anxiety described by Sigmund Freud in the concept of the uncanny—hover as felt presences in their language: the “estrangement” that Anderson marks as the result of “profound changes of consciousness,” for example, or Balibar’s “trace of an immemorial past,” the continuity with a forgotten moment (the stranger as self) and the sense of having forgotten (the self estranged). The uncanny helps us understand what inaugurates narratives of identity and what haunts them.

The uncanny is therefore central to my analysis of official stories of the nation. I have taken the term from Freud’s own study of estrangement in his 1919 essay, “The Uncanny,” written while the national boundaries of Europe were being redrawn. Freud sets out to explain the anxiety designated by the German *unheimlich* (literally, not homely or homelike).⁹ That anxiety, he observes, grows out of the transmutation of something “known of old and long familiar” into something frightening (U, 220). Freud accounts for the change by turning to the process of repression, which alienates the familiar and returns any affect as anxiety. Linguistically, he tracks the “ambivalence” of the German word *heimlich* (homely)—and the related *heimisch* (native)—to its coincidence with its opposite, *unheimlich* (U, 226). Two definitions converge in *heimlich*, the familiar and the concealed, to produce the unsettling experience that results from the resurfacing of what is supposed to remain hidden, an experience named by *unheimlich*. Something reminiscent of “home” turns the unfamiliar into the disturbing. He develops his analysis through a reading of E. T. A. Hoffmann’s *The Sandman*, and he locates the most prevalent causes of

uncanniness in repressed castration anxieties and in disavowed beliefs in animism and the omnipotence of thoughts (the incursion of one system of beliefs into another).

A disjunctive moment in Freud's essay extends—or perhaps clarifies—the concept. The disjunction lies in a misalliance between a claim he makes in the essay and a footnote he uses to illustrate the claim. The note offers examples ostensibly supporting his assertion that anyone who has genuinely relinquished “primitive” beliefs in animism will prove impervious to experiences arising from that source, which include eerie encounters with one's double. In support of that observation, Freud summons several encounters with doubles that did not produce fear. Those encounters instead marked a failure of recognition. He offers first the account of German scientist Ernst Mach, who reports being startled to confront a presumed stranger of whom he had “formed a very unfavourable opinion” only to discover that the “stranger” was in fact his own mirror image. Following this account, Freud reports having been amused and dismayed to discover himself in “an elderly gentleman in a dressing-gown and a travelling cap” whom he had thought an accidental intruder in his railway compartment. And he remembers that he “thoroughly disliked [the intruder's] appearance.” He ends the note by attributing his own and Mach's dislike of their mirror images to the possibility of “a vestigial trace of the archaic reaction which feels the ‘double’ to be something uncanny” (U, 248n).

The note is perplexing both in its contradictory claims and in its odd deployment of the uncanny. The example with which he intends to illustrate his and Mach's imperviousness to the experience of the uncanny becomes instead a depiction of their susceptibility (“vestigial traces”). But the deeper confusion lies in his use of their unrecognized mirror images to illustrate the uncanny: both he and Mach experience their unrecognized reflections as strangers rather than doubles. This note is important precisely because it does not fit, because it disrupts Freud's narrative of the uncanny: it is itself unsettling, and it signals an untold story.¹⁰

The story narrated in the note is about discovering the (inevitable) inaccuracy of one's experience of self. In the mirror image, the men confront reflections that do not correspond to their internalized ideas about themselves, which is to say they confront their own faulty images of themselves. They see themselves as though through the eyes of another.

The “intruder,” for example, forces Freud simultaneously to recognize the stranger, whose appearance he dislikes, as himself and to mark the distance between a mirrored image and his experience and understanding of himself. Freud’s *uncanny* recognition, in other words, turns on the discovery that the unfamiliar is really familiar (the stranger as self) but also that the familiar is unfamiliar (the self as stranger). The note locates uncanniness—identified through *discomfort*—in the experience of an altered self that calls the fundamental assumptions of what the self is and whence it derives into question.¹¹ Ultimately, as in Anderson’s and Balibar’s uses of estrangement, the uncanny sends us home to the discovery that “home” is not what or where we think it is and that we, by extension, are not who or what we think we are.

The changes in the consciousness of a group that, as Anderson notes, result in the reconceptualization of personhood broadly affect individuals’ experiences of self and make them more susceptible to that disturbing sense of estrangement. That sense is registered, for example, in the words of Barrett Wendell, a prominent cultural commentator at the turn of the twentieth century, who, witnessing the emergence of the United States as a world power, worried that the corresponding demographic changes would make “the very name of us mean something not ourselves.”¹² Wendell expresses the characteristic anxiety that accompanies challenges to the name “American”—to the nation’s familiar (and dominant) narratives of identity and the conception of personhood they express. He articulates the fears of a dominant group that wants to protect its property, its own terms of inheritance, and, generally, its power. But the challenge to self-recognition that Wendell describes has a psychological dimension as well.

Constituting Americans attends to the anxiety evident in the language of legal, political, and social debates concerning personhood and national identity. There is a strikingly ontological cast to that language, as in Theodore Roosevelt’s claim that “the man who does not become Americanized nevertheless fails to remain a European, and becomes nothing at all.”¹³ Roosevelt’s assertion is more than a rhetorical flourish; the articulation of personhood through the language of being is a legal convention. The eighteenth-century English legal theorist Sir William Blackstone, whose *Commentaries on the Laws of England* formed the basis for legal education in the colonies while the revolutionary generation was setting the legal structure of the consolidated government in place, offers a vivid example of that deployment when he explains the law of *feme-covert*: “by

marriage, the husband and wife are one person in law: that is, the very being or legal existence of the woman is suspended during the marriage, or at least is incorporated and consolidated into that of the husband: under whose wing, protection, and *cover*, she performs everything; and is therefore called in our law—french a *feme-covert*. . . . [A] man cannot grant any thing to his wife, or enter into covenant with her: for the grant would be to suppose her separate existence; and to covenant with her, would be only to covenant with himself.”¹⁴ The exclusion of the married (covered) woman from the terms of full personhood exemplifies the conventionality of personhood and the potential exclusion of other subject groups as well. Legal being—and I will develop this point at length in my analyses of the Supreme Court cases I discuss in Chapter 1—determines social being, and identity is experienced as essence. The ontological terms in which prominent spokespeople like Wendell and Roosevelt framed their political, social, and economic concerns, in other words, show that they experienced—or at least expressed—those concerns in terms of their very being. At stake, it seems, was their sense of their own meaningful existence.

No one better explains how national culture defines and disseminates a concept of personhood, and the anxiety generated by that process, than Frantz Fanon, the Antillean psychiatrist whose involvement in decolonization efforts led to his renovation of psychoanalysis. Revising Freud, Fanon shows that a psychoanalytic understanding of culture includes a rethinking of psychoanalytic assumptions. In his investigations, a psychoanalytic narrative of individual development is itself a national narrative. Fanon points to the structural similarities between the white European family, which is the basis for psychoanalytic inquiry, and the nation. The traditional Freudian psychoanalytic narrative normalizes a (white) self that makes “a normal Negro child . . . abnormal on the slightest contact with the white world”—not only in the eyes of the white analyst or the white world, but in his or her own eyes as a result of an internalized definition of personhood derived from national culture.¹⁵ For Fanon, analysis of the black man or woman can disrupt the psychoanalytic narrative, and that disruption in turn enables an analysis of the relationship between culture and the unconscious (and between national and personal narratives of identity). The analyst’s task is to explain how a cultural language of personhood shapes a personal experience of self.

Fanon’s analysis yields a black self economically and socially at odds with the language of personhood disseminated by cultural forms. He offers

by way of example French compositions written by Antillean schoolchildren in which “they reacted like real little Parisians,” as in their descriptions of themselves during their summer vacations romping through the fields and coming home “with *rosy* cheeks.” Fanon’s black Antilleans experience their bodies through the language of French personhood, which is to say that they do “not altogether apprehend the fact of . . . being . . . Negro[es]” (*BS*, 162n). These children, in other words, have learned to think of themselves as French and to equate Frenchness with personhood and both with whiteness. Their understanding of blackness also comes through a prescribed narrative of identity, which shapes rather than reflects their experiences. When they confront the white world, which mirrors them as black, they experience themselves through that understanding of blackness. The confrontation, for Fanon, leaves “a Negro . . . forever in combat with his own image,” excluded from full and equal personhood (*BS*, 194).

Conversely, the discrepancy between the “black skin” and “white masks” of Fanon’s title explains the haunting presence of colonized black subjects within the French narrative of identity; they embody the possibility of exposing the normalizing use of whiteness in the definition of French personhood and the experience of French selfhood. Fanon makes use of that possibility, showing how whiteness is constituted and naturalized in relation to blackness: “The real Other for the white man is and will continue to be the black man. And conversely. Only for the white man The Other is perceived on the level of the body image, absolutely as the not-self—that is, the unidentifiable, the unassimilable” (*BS*, 161).¹⁶ Fanon’s analysis of the fear of black corporeality—in particular of black (male) sexuality—implicitly demonstrates how French personhood is gendered as well: the mischaracterization of Antillean men is accompanied by the erasure of Antillean women. (Of “the woman of color” he writes, “I know nothing about her” [*BS*, 180].) Personhood is white, and whiteness is gendered and sexualized according to the relationships of the naturalized white family which is Fanon’s point of departure. Black subjects embody a disjunction in their experience of French personhood marked by the discrepancy between their language of selfhood and the cultural representations of their bodies (“rosy cheeks,” for example). That disjunction signals the return of a cultural repressed—the return, that is, to the reformulation (in language) of personhood according to cultural practices specific to French nationalism. This return transforms the memory of a *forgetting*

that, in Anderson's terms, motivates a narrative of identity into a memory of *what has been forgotten* (the reformulation of personhood); the disturbance signaled by the uncanny, in other words, can generate or disrupt the narrative.

National narratives of identity seek to harness the anxiety surrounding questions of personhood, but what they leave out resurfaces when the experiences of individuals conspicuously fail to conform to the definition of personhood offered in the narrative. The untold stories that concern me represent such disruptions. They must therefore be reabsorbed by the official stories they challenge. Yet the extra work required by that reabsorption threatens to expose the discontinuity it is supposed to obscure. Thus the uncanny continues to haunt the narrative, drawing attention to its obscured origin in the reformulation (hence to the conventionality) of personhood. Intrinsic to the narrative of identity is the ongoing possibility of a return to its own genesis in the uncanny (the unrecognized self)—in its efforts, that is, to establish continuity where there has been a rupture. In the following chapters, I explore the sense of estrangement expressed as ill-fitting selfhood by individuals excluded from the terms of full and equal personhood and the uncanniness they represented within the official stories.

Uncannily American

The authors I consider in this study encounter, experience, and depict cultural anxieties that inform their meditations on their authorship, anxieties generated by the reformulation of personhood first as the United States struggled to define itself as a nation in the mid-nineteenth century and later as it contended with the difficulties of its emergence as a world power at the turn of the twentieth century. Of course the nature of those conflicts varied among these writers, and the contexts in which I read their works in each chapter reflect the different aspects of their encounters with cultural anxiety and the different arenas in which those encounters took place. Although their struggles resonate with each other, they were not identical. These writers understood and used their crafts differently and struggled with different narrative genres, each with its attendant conflicts and prescriptions. Yet from among these many differences, authorship—

the process of writing—emerges consistently as a means of exploring the internalized frontiers that constituted them as Americans.

Frederick Douglass wrote *Narrative of the Life of Frederick Douglass, an American Slave* (1845) and *My Bondage and My Freedom* (1855) as personal accounts of a political figure. His concern with the implications of a black man's assumption of a public American self found expression in the constraints placed on the stories he could tell about this experience, constraints placed explicitly by abolitionist sponsors and less obviously by the conventions of American personhood. In Chapter 1, I read Douglass's narratives in the context of the uncanniness of nonwhite subjects depicted in the Supreme Court cases of *Cherokee Nation v. Georgia* (1831) and *Scott v. Sandford* (1857) and in the speeches of Abraham Lincoln.

Fiction writers, as Herman Melville and Harriet Wilson knew, were not immune from the imperatives that circumscribed Douglass's stories. In Melville's *Pierre; or, the Ambiguities* (1852) and Wilson's *Our Nig; or Sketches from the Life of a Free Black* (1859), the censorship imposed by an editorial establishment and the less conspicuous arbitrations of a literary market attest to the anxieties generated by an author who attempts to tell a culturally unauthorized story. In both works, characters' internalization of cultural conventions and imperatives further limit the tales they can tell as it conspicuously structures their sense of being. I begin Chapter 2 with a discussion of how the tensions evident in the legal and political documents discussed in Chapter 1 shaped the calls for a national literature issued by the literary nationalists known as the Young Americans and shaped as well the doctrine of Manifest Destiny espoused by their colleagues at John L. O'Sullivan's *Democratic Review*. While Melville's work responds directly to the Young Americans, with whom he was well-acquainted, Wilson's work addressed a more abstract northern white editorial establishment. Yet both works show authors determinedly working to understand and represent the precepts of literary acceptability.

Official revisions of *We the People* following the Civil War mandated a national citizenship and universal male suffrage. With those changes, and with the emergence of the nation as a world power and the arrival of immigrants in unprecedented numbers, came the need for new (and renewed) stories of American identity. For the statesman historian, a role valorized and exemplified by Woodrow Wilson at the turn of the century, telling the proper story about the nation constituted a political triumph.

For W. E. B. Du Bois, deconstituting the dominant turn-of-the-century narrative of American history and American identity was a political necessity. Chapter 3 considers Du Bois's representations of his authorial struggles in *The Souls of Black Folk* (1903), a narrative comprised of chapters representing different genres and different efforts to tell the story of being black in America. The "sense of always looking at one's self through the eyes of others" that Du Bois calls "double-consciousness" finds literary expression as the sense of always telling one's story through the narratives of others.¹⁷ Such is the price, he suggests, of being comprehensible, but "the price of culture is a Lie" (S, 504).

No one explores the consequences of refusing comprehensibility more dramatically than Gertrude Stein in *The Making of Americans* (completed 1911, published 1925), a work legendary for its unreadability and therefore a fitting subject for my concluding consideration, in Chapter 4, of what and how we read. My inquiry begins with why this "Curie / of the laboratory / of vocabulary," as the modernist poet Mina Loy called her, has been read in all kinds of aesthetic contexts but almost never in a cultural context, almost never in terms of her own relentless efforts to tell a story in and about America.¹⁸ Illustrating how the aesthetic experimentation of *The Making of Americans* grows out of Stein's interest in representing the untold story of the making of Americans and in applying insights garnered from her training in psychology to an analysis of the cultural prescriptions manifested in immigrant narratives, I offer a context in which Stein's work may be read as the magnum opus she thought she was writing and not the botched precursor of later and greater (and shorter) masterpieces.

Although I have made personhood rather than race the central term of my investigation, my project has benefited greatly from recent work in the study of American literature that has stressed conversations among black and white authors and shown the structural importance of race both to individual texts not typically thought to be about race and to the constitution of "American literature." As Fanon's theories so clearly demonstrate, the ambiguous and fluctuating meanings of race are central aspects of the formulation of personhood during the periods that concern me. And Toni Morrison's provocative claim that "American literature," like American identity, derives its coherence from an Africanist presence, an "unsettled and unsettling population," in particular makes it impossible not to think about how as well as what we read.¹⁹ Recent work on race and

literature has helped me understand not only the terms in which personhood is constituted in the United States but also the indirect ways through which a variety of departures from a normative “American” personhood find expression. Such work has accordingly helped me shape my method of inquiring into the structural importance of those departures to literary works.

The power of the five principal literary works I consider derives in part from the risky, complicated, and engaging strategies through which they confronted cultural anxieties: in order to be psychologically unsettling, they had to be formally unsettled. In the pages that follow, I explore how the uncanny structured writers’ experiences of their authorship and led them to both literary innovations and analyses of *We the People*. In the relationships among their experiences, their innovations, and their analyses lies a story of the overlapping and sometimes contradictory cultural practices through which personhood is formulated.

Neither Citizen nor Alien

National Narratives, Frederick Douglass, and the Politics of Self-Definition

From the vantage point of his 1855 autobiography, *My Bondage and My Freedom*, Frederick Douglass expressed resentment toward his former associates, the abolitionist William Lloyd Garrison and his colleagues, who had commissioned Douglass's first written account of his enslavement, *Narrative of the Life of Frederick Douglass, an American Slave* (1845). The abolitionists needed Douglass, and they knew it, although a number of them privately lamented their dependence on the articulate, dashing fugitive slave who, to their minds, manifested a dangerous intractability.¹ The impassioned and ambitious Douglass was reluctant to circumscribe his account of his experiences as a slave in accordance with the story his associates wanted him to tell. They wished to use his testimony to win converts to a political cause that they defined; he wanted the liberty to interpret and condemn as well as to represent the anguish of a man in chains. "It did not entirely satisfy me to *narrate* wrongs," he recalled in 1855; "I felt like *denouncing* them."² Eager to offer his oratorical gifts to the abolitionist cause, he was nonetheless troubled by the constraints imposed upon his authorship by white abolitionists.

Ironically, the abolitionists were troubled by Douglass's gifts. By all accounts a man on fire, Douglass gave speeches alive to the nuances of words and timing. They are tactile, gripping. Yet the dazzling speaker was hard to reconcile with the degraded protagonist he was forced to portray. Douglass reports in *My Bondage and My Freedom* that, at the behest of his associates, he put aside his frustration and wrote the 1845 *Narrative* in order to demonstrate how Frederick Douglass, lowly slave, became Frederick Douglass, commanding orator, thereby establishing his authenticity for a doubting public.

The *Narrative*, however, does not entirely confirm the description of the author's obedience and acquiescence offered in *My Bondage and My Freedom*. Despite his commitment to his cause and his admiration and affection for his white antislavery brethren, Douglass could not suppress his discomfort with the curtailments of his story, nor with the conception of a dependent black self that this account required. Douglass, in other words, never fully acceded to the prescribed abolitionist narrative. His discomfort surfaces, as I shall demonstrate, in textual disruptions: a revealing word, a surprising juxtaposition, an awkward sentence through which the repressed—or the suppressed—returns. These disruptions shape his narrative, as they tell an alternative story about his enslavement and his authorship.

Douglass's partial mischaracterization of the *Narrative* in the later work is not surprising. *My Bondage and My Freedom* also tells two stories, and his parallel struggle for authorial control in that work is evident in similar textual disruptions, some of which are produced by his use of passages from the earlier work itself. The freer and more comfortably American self to which the author of *My Bondage and My Freedom* lays claim is still struggling with a story not fully his own. In both personal narratives, the bid for authorial control corresponds to the quest to become a more integrated and accepted American. But the tale of a descendant of Africans claiming a place within the constituted body of "We the People" was an especially disturbing and perplexing one for a mid-nineteenth-century white audience. The status of the descendants of Africans—and of other nonwhite subjects—in the emerging nation was inseparable from other unresolved issues surrounding the Constitution. Debates on the status of indigenes and descendants of Africans could not avoid addressing whom the founders had intended to include in "We the People," what entity they had legislated into existence with the Constitution, and the very role of that Constitution in the ongoing governance of the United States. Douglass's *desire* to address those questions was as troubling to many antebellum audiences as the actual content of any story that he might tell. He wished to make those audiences experience the anguish not only of a man in chains, but of a man *thinking* in chains. He insisted that they recognize him for what he was: a rational human being deprived of natural rights and conventionally defined as property. In effect, Douglass embodied a human being excluded from personhood. Explicitly, he asked his audiences to recognize the incompatibility of the practice of slavery and the principles

of equality and liberty laid forth in the Declaration of Independence. Implicitly, his personal narratives addressed curtailments of liberty less visible than enslavement, curtailments made evident in his struggle to tell his story.

The story of a freer American self told in *My Bondage and My Freedom* itself emerges as part of the narrative of American personhood with which he struggles. The “freedom” of that story, and of the self to which it attests, overlooks the conventions that limit even as they enable any writer’s story (and experience of selfhood). For Douglass, the limitations of those conventions are especially significant, since they prevent in particular the story that he as a black man wishes to tell about the relationship of enslavement and racism to personhood in the United States. Douglass shows not only how the freer story is only partially available to him, but also how it contributes to his lesser status, to the subordinate black selfhood that he cannot accept.³ The cultural importance of that story, and the free selfhood that it articulated, made indirection an important part of an alternative story. Accordingly, Douglass represents his self as a story that could not be fully told.

This chapter contextualizes Douglass’s narratives within both the anxious responses to the efforts of nonwhite subjects to tell their stories in two Supreme Court cases and the use Abraham Lincoln made of a similar anxiety in his speeches. The Courts of two politically-divergent Supreme Court justices, John Marshall and Roger Taney, addressed the indeterminate status of indigenous tribes and descendants of Africans, respectively, in *Cherokee Nation v. the State of Georgia* (1831) and *Scott v. Sandford* (1857), more commonly known as *Dred Scott*. Recognizing the importance of definition as a function of the law, both Courts legislated the unrecognizability of the nonwhite claimants by labeling them “neither citizens, nor aliens.”⁴ Both the Marshall and the Taney Courts thereby adjudicated the inability of those subjects to tell their stories officially in the highest court of the land.

In the stories they sought to tell and in their desire to tell them, the Cherokee plaintiffs and Dred Scott asked for recognition by the law of the United States. Yet in both cases, the stories and the very presence of these subjects troubled “the constituted ‘we’” that James Boyd White calls “the great achievement of the law.”⁵ The law constitutes a “we” through an official story, beginning with a founding moment that generates a code of laws and principles expressive of the spirit of the “we.” The Constitution’s

“We the People,” for example, spontaneously speaks itself into existence, and the law at once articulates and performs its spirit. Radically differing versions of the official story, therefore, pose a threat to its authority. Since the new government claims to derive its authority from the consent of the governed, then anything that calls into question the nature of that consent or what is meant by the governed could seriously challenge the authority of the government. The stories and the presence of the Cherokee people and of the descendants of Africans constituted such a challenge. Neither group was unambiguously included among the people by and for whom the Constitution was framed, and such an inclusion would make the “we” altogether unrecognizable to themselves. These groups represented human beings who had not consented to the laws by which they were bound, human beings, that is, excluded not only from citizenship, but also from certain basic natural rights and thereby from the personhood defined by those rights.

Exclusions troubled the new republic from its founding moments and posed an ongoing problem in the emerging nation. Race was a significant but certainly not the only factor limiting legal representation and existence. A playful yet revealing exchange between leading political figure and future president John Adams and his wife Abigail in the spring of 1776 discloses another such exclusion and ostensible motivation for it. Anticipating a declaration of “independancy,” Abigail Adams hoped that the inevitable “new Code of Laws” would be more inclusive than its predecessor. She cautioned her husband to “Remember the Ladies, and be more generous and favourable to them than your ancestors. Do not put such unlimited Power into the hands of the Husbands,” she advised. “Remember all Men would be tyrants if they could. If perticular care and attention is not paid to the Laidies we are determined to foment a Rebellion, and will not hold ourselves bound by any Laws in which we have no voice, or Representation.”⁶ Abigail thus extended the logic of revolutionary rhetoric.

John’s response, although patronizing, speaks to the complex anxiety raised by groups to whom the full rights of personhood did not extend. John “cannot but laugh” at his wife’s “extraordinary Code of Laws,” but his words express concern. “We have been told that our Struggle has loosened the bands of Government every where. That Children and Apprentices were disobedient—that schools and Colledges were grown turbulent—that Indians slighted their Guardians and Negroes grew insolent

to their Masters. But your Letter was the first Intimation that another Tribe more numerous and powerfull than all the rest were grown discontented.”⁷ Beneath his teasing tone, he expresses a general fear of uprisings, concern over how to establish a new code of laws with authority and how to keep claims of rights violations made by British colonists leading the rebellion from extending to those groups not included among their ranks. To distinguish white women from their male counterparts, for example, Adams turns them into “another Tribe,” a phrase suggestive of the “Indians” who threaten to slight “their Guardians.” Abigail herself had concluded her letter with a declaration of dependency, asking her husband to “Regard us . . . as Beings placed by providence under your protection and in imitation of the Supream Being make use of that power only for our happiness.” Her words echo a rhetoric of guardianship deployed by the British colonists to mark at once their benevolence toward and their superiority to many excluded groups, among them white women, children, slaves, and indigenous tribes.

More than half a century after John and Abigail’s exchange, John Marshall would label indigenous tribes “domestic dependent nations” under the guardianship of the state. Although wards cannot lay equal or immediate claim to the status and rights of their guardians, they can expect to grow into independence. Not so for many of the wards of this state, however, be they white women, Indians, or any of a number of groups variously excluded. In particular, lawmakers summoned conceptual differences concerning the nature of personhood when dealing with the indigenous tribes or the descendants of Africans. Yet despite the potency of those arguments, as *Cherokee Nation* and *Dred Scott* made clear, no task put a greater strain on the fragile authority of “We the People” than the need to explain why certain groups were deprived of the natural and conventional rights that justified nineteenth-century American government. Government policies that removed tribes from their land or that enslaved Africans and their descendants challenged the language of liberty through which the colonies had sanctioned their rebellion and the Constitution founded its “more permanent Union.” The presence of people obviously excluded from the “inalienable rights” to “life, liberty and the pursuit of happiness” enumerated by the Declaration of Independence bore witness both to the conventionality of natural rights and to the vulnerability of persons subject to that conventionality. In question was the right of the government to disfranchise human beings who had committed no crime.

Their presence invoked an anxiety evident in a query posed with increasing frequency in the political oratory of the Jacksonian and antebellum periods: what keeps the government from making white men slaves?

Disfranchised human beings represented more than the Union's inadequate protection of rights. Those deprived of natural rights in particular embodied—or disembodied—a challenge to the conception of personhood articulated in the founding texts. Understanding how the presence of enslaved people represented such a challenge, Thomas Jefferson had worried about the security of liberties viewed as other than “the gift of God . . . not to be violated but with his wrath.”⁸ Those liberties were God-given because the self was a gift from God. Despite his devotion to the ideals of a rational Enlightenment ideology, Jefferson here expresses pragmatic concern for the permanence of ideas premised on reason rather than divine authority. Even when secularized, the belief in natural rights retained the fervency—and authority—of the religious conviction from which they had derived. “Being is a right inherent in us by birth,” wrote William Blackstone in the 1760s, “and one of the gifts of God to man at his creation, when he endued him with the faculty of free will.” But rights have no practical meaning independent of their enforceability, which is the role, and the sacred trust, of government. “Every man, when he enters into society,” Blackstone continues, “gives up a part of his natural liberty, as the price of so valuable a purchase” (*BC*, 121). Embodying the alienability of natural rights—and the consequent denial of the personhood defined by those rights—the disfranchised pointed to the power of government to violate its sacred trust. The bestowal of citizenship and protection of liberties that were the recognized tasks of the law seemed to collapse into a *conferral* of personhood from which even a white native-born American man might well worry that he may one day be excluded as other groups were already excluded.⁹ The decisions in *Cherokee Nation* and *Dred Scott* exhibited that process of exclusion and, as I shall argue, amplified rather than resolved the uncanniness of the litigants for a white American public.

In the triumphant Unionist narrative he shaped, Abraham Lincoln made rhetorical use of that uncanniness. His speeches presented a narrative of Union—specifically, *his* narrative of Union—as a prerequisite for social existence. Through careful rhetorical maneuvering, social existence in turn became the mark of *any* meaningful existence. Lincoln, in other words, made meaningful existence contingent upon his narrative of

Union, and he used the uncanniness of human beings excluded from personhood to demonstrate the fate of any subject excluded from that Union. But he never resolved the question of the status of descendants of Africans within that Union. They remained haunting presences, symbols of exclusion at once necessary to his narrative and threatening to disrupt it.

My discussion of Lincoln precedes my discussion of Douglass in this chapter because I want to underscore what is at stake in Douglass's efforts to tell his own story. By the time he wrote *My Bondage and My Freedom*, Douglass had begun to subscribe to a Unionist narrative similar, in general terms, to the one Lincoln later brought to the White House. As his nomination and election suggest, Lincoln's version of the Union, one less radical than Douglass's, was probably the most radical version acceptable to the voting American public, and even that version precipitated a war. Lincoln's narrative and responses to it thus make clear the strength of the forces Douglass sought to challenge. The constraints on the story that Douglass can tell even in *My Bondage and My Freedom* correspond to the limitations placed on the experiences and expressions of personhood by a Unionist narrative. Those constraints, although made most obvious by a descendant of Africans, nonetheless had more widespread implications; they bore uncanny witness not only to the shaping (and misshaping) of the selfhood available to Douglass, but to the legislating of personhood in general by a national narrative.

Legislating Personhood in the Emerging Nation

Together, *Cherokee Nation* and *Dred Scott* represent a contest of narratives each trying to legitimate a version of the official story of the nation, and each complicated by the presence of human beings who embody its unresolved contradictions. The more the Courts attempted to evade or explain those contradictions, the more apparent they made them. I am suggesting, and I shall demonstrate in what follows, that these cases made apparent how much an official story actually determines the shape of the nation and how difficult it is, therefore, to tell a markedly different version of that story. Central to each official story is a carefully circumscribed conception of personhood.

While on the bench, Marshall and Taney saw themselves first and foremost as jurists rather than politicians. Marshall advocated an inde-

pendence from the executive and legislative branches of government in keeping with the checks and balances set in place by the Constitution. So seriously did he take this separation that he refused to vote in presidential elections during his tenure. Taney, a Virginia Federalist turned Jacksonian Democrat, promised to put aside the politics through which he had received his appointment and devote himself “to the calm but high duties of the station with which [he was] honored.”¹⁰ Nevertheless, their political commitments shaped their readings of the Constitution. From his thirty-four years as Chief Justice, Marshall, appointed in 1801 by President John Adams and working especially with his revered colleague Justice Joseph Story, bequeathed a determinedly Unionist Constitution and accompanying legal precedents that the Taney Court (which included Story for its first decade) could not entirely challenge. Taney, in turn, despite his secessionist sympathies, remained on the bench during the Civil War in order to contest the constitutional legitimacy of Lincoln’s war policies.

Cherokee Nation and *Dred Scott* presented the Courts with the most divisive political issue of Jacksonian and antebellum America, the very issue that most clearly expressed Marshall’s and Taney’s political differences: the conflict between federal and state sovereignty. Fundamental to both arguments was the safeguarding of the rights, and thereby of the personal liberty, of the citizens and potential citizens of the Union. The question of how the Union could best guarantee that liberty was at the forefront of legal and political debate in its formative years. For those who believed that the Constitution affirmed a social compact among smaller units, such as legal theorist St. George Tucker and South Carolina’s most prominent political figure, John C. Calhoun, a centralized government made adequate representation of the people an impossibility and threatened the liberty that defined Enlightenment personhood. For those who believed it brought a consolidated entity into being, including Supreme Court Justice John Marshall and later, lawyer-turned-politician Abraham Lincoln, on the other hand, liberty could best be ensured by the consolidation and preservation of the Union. The primacy of the safeguarding of rights to both arguments explains why human beings deprived of natural rights challenged the consistency of each political argument and its accompanying narrative.

Despite disagreements over whether federal or state sovereignty better ensured natural rights that occurred within as well as between the Marshall

and Taney Courts, the paramount importance of the stable conception of personhood rooted in natural rights is evident, and challenged, in both *Cherokee Nation* and *Dred Scott*. The antecedence of certain natural rights was as fundamental to Marshall's vision of the Constitution as to Taney's, and their narratives were never more taxed than when natural rights came into conflict with each other. Writing the opinions of the Court in *Cherokee Nation* and *Dred Scott*, each of the Chief Justices offered a tortured and even inconsistent narrative that attested to contradictions in the definitions and regulations of life, liberty, and especially property—of personhood itself, no less than sovereignty. In the name of those inalienable rights the Union had been called into existence, since the states had united for their protection. The basic rights were most vociferously invoked when the stability of the Union was in question: when political debates, increased immigration, and territorial expansion following the War of 1812 made the heterogeneity of “the people” harder to deny, or when the publication of James Madison's notes on the Constitutional Convention in 1840 replaced the story of consensus with a view into the compromises and resulting ambiguities of the Constitution. The obvious conventionality of inalienable rights would further strain the already tenuous bonds that turned a population into a people, into We the People.

The connection between a troubling cultural diversity and the Union's uncertain status comes across in both Supreme Court cases: both cases came to the Court as a result of confusion generated by the extension of the federal law into unincorporated territory. *Cherokee Nation* was brought by a group of Cherokees against the state of Georgia for violating federal treaties that recognized the sanctity and sovereignty of the Cherokee Nation. The case concerned Georgia's right to extend its legislation into Cherokee territory that lay within the state's borders, territory that federal treaties had made exempt from state law. In *Dred Scott*, the Supreme Court heard an appeal of Dred Scott's unsuccessful suit for his liberty. Scott's counsel argued that extended residence in free territory had entitled Scott to freedom under federal law. *Dred Scott* considered the claims of state and federal authority in legislating territorial government and slavery. Both cases involved a conflict between state and federal law, and both preceded federal crises—the Nullification Crisis of 1832–33 entailing South Carolina's right to nullify the federal tariff of 1832, and the secession that led to the Civil War.

The cases could almost have predicted those crises, since both cases

made plain the uncertain bases, hence the instability, of the Union, rights, and personhood. Neither case could be adequately resolved because sovereignty disputes, natural rights conflicts, and questions of personhood were at once inseparable and at odds. The source of the tension in both legal narratives was the mutual contingency of the Union and “We the People.” Presumably called into existence by We the People, the Union arose to protect the people’s natural rights. A challenge to a natural-rights-based conception of personhood, such as *Cherokee Nation* and *Dred Scott* alternatively posed, therefore, rocked the basis of the Union. Conversely, the identity of “We the People” was contingent on the stability of the Union: there could be no “Americans” without “America.” The narratives could neither ignore, nor explain the logical inconsistencies by which both were therefore troubled. What it meant to exist outside the law was made all too apparent by the subjects of the two cases, the Cherokee people and Dred Scott. And both cases disclosed the contingency of personhood on the law as they revealed the metaphysical void wherein excluded subjects dwelled: persons de jure and de facto without natural rights, human beings whom the law would not fully and equally represent.

Of utmost concern in the case that came before Marshall’s Court was the status of the Cherokee Nation. William Wirt, defense counsel for the Cherokee Nation, sought to establish the unconstitutionality of Georgia’s violation of the federal treaties between the United States and the Cherokee Nation. But in order to bring the case to the Supreme Court, Wirt had also to establish the “foreign nation” status of the Cherokee Nation since the Supreme Court lacked the jurisdiction to hear a case brought by citizens of a state against the state itself. Ironically, for the predominantly nationalist Marshall Court to find for the Cherokee Nation, and thereby to uphold federal over state sovereignty, the Court had to uphold the principle of coexistent sovereignties within common boundaries (both Cherokee and Georgia, and Cherokee and United States), a principle closer to that of the social compact theorists than to that of consolidationists like Marshall. At deeper issue, then, was just what kind of entity the “Cherokee Nation” described, and how it could be positioned in relation to We the People.

Marshall, in the end, did not find for Cherokee sovereignty. Instead, he responded with a decision that turned on the unique “condition of the Indians in relation to the United States [which] is, perhaps, unlike that of any other two people in existence.” He rejected the designation “foreign,” which characterized “nations not owing a common allegiance,” when

defining the “relation of the Indians to the United States.” Marshall bypassed the potentially conflictual sovereignty issues—between the Cherokee and Georgia, the Cherokee and the United States, and the United States and Georgia—when he domesticated indigenous tribes: “Indian territory *is admitted* to compose a part of the United States. In all our maps, geographical treatises, histories, and laws, it is so considered. In all our intercourse with foreign nations, they are considered as within the jurisdictional limits of the United States, subject to many of those restraints which are imposed upon our own citizens. . . . [I]t may well be doubted whether those tribes which reside within the acknowledged boundaries of the United States can, with strict accuracy, be denominated foreign nations.”¹¹ The representational bind herein expressed grew out of the expanding borders of the United States, an expansion that brought the Declaration’s “merciless savages” on “our frontiers” within the nation’s boundaries.¹² Once used to delineate geographic boundaries, these “savages” now threatened to define the limits of the law. In response, Marshall redefined the indigenes, removing them from the discourse of nationhood as effectively as his political and military counterparts would remove them from their homes within the Union’s expanding borders. With the passive construction of the phrase “is admitted,” Marshall elided the subject authorizing this redefinition. He assumed a consensus that had already refused representation to the tribal nations: “In all *our* maps . . . it is so considered.”

Ostensibly reading Constitutional law, he was in fact writing it. Just as the Cherokee Nation was circumscribed by Georgia’s boundaries, so too were the “Indians” comprehended within an “American” discourse. This entailed a two-step process that Marshall enacted rhetorically. With the consolidationist precepts of a collective identity and a geographic totality in mind, he translated the Cherokee Nation into something other than a sovereign entity. Marshall followed a logic common to assimilationists both in the government and among many of the Christian missionaries. Refusing to recognize the sovereignty of the Cherokee Nation, he effectively promoted the consolidation of tribes that federal treaties had previously ordained to be discrete. This implied merging was consistent with the strategy that brought forth “Indians” who, as individuals, could then (like immigrants) be assimilated into the Union.¹³ Marshall could confirm the jurisdictional authority of a Georgia state court without explicitly ruling on the question of federal sovereignty, without, that is, capitulating