This dissertation examines how the literature of early U.S. citizenship reinvents the terms, sentiments, and limits of political membership. I argue that “negative civic exemplars”—expatriates, slaves, traitors, and dispossessed subjects—dominated the imagination of citizenship from the ratification of the Constitution until the passage of the Fourteenth Amendment. Amid fractious controversies over borders and loyalties, authors such as Washington Irving, Edward Everett Hale, Nathaniel Hawthorne, Frederick Douglass, and Harriet Beecher Stowe set aside the figure of the “body politic,” with its ideal of organic incorporation, to explore the ardent pathos of disenfranchised subjects and alienated citizens. Reading fiction alongside legal debates, political philosophy, and sermons, I suggest that we misunderstand early U.S. citizenship if we take it as either self-evident or reducible to any single legislative act. The uneven development of citizenship requires a hybrid method that attends as much to the discordant fantasies of affiliation as to the empirical conditions within which they arose.

_Alienable Rights_ offers an alternative genealogy of citizenship that takes discontinuous modes of allegiance, not geopolitical borders, as the principal measure of
politics. By considering the formative crises of affiliation in the early republic, the project seeks to recover a more historically nuanced understanding of the politics of literature, while also foregrounding the unstable rhetorical constitution of civic categories that are too often taken as self-evident facts. In the literature I consider, political identities are subject to precipitous reversals and wayward attachments. From Hale’s story of an exiled traitor turned patriot (“The Man Without a Country”) to Hawthorne’s tale of a Loyalist storyteller rendered obsolete by an unwanted Revolution (“Old Esther Dudley”), and from Douglass’s novella of insurrectionary slaves who restage the liberatory drama of the nation they renounce (“The Heroic Slave”) to Stowe’s novel of estranged Christians who await their return to an otherworldly home (Dred)—the dissertation examines characters who reside in a land that is manifestly not their own, and whose affective dissonance placed unresolved claims on republican readers.
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Introduction

The Involuntary Citizen

It was some time before he could get into the regular track of gossip, or could be made to comprehend the strange events that had taken place during his torpor. How that there had been a revolutionary war—that the country had thrown off the yoke of old England—and that, instead of being a subject of his Majesty, George III., he was now a free citizen of the United States. Rip, in fact, was no politician; the changes of states and empires made but little impression on him; but there was one species of despotism under which he had long groaned, and that was petticoat government.

—Washington Irving, “Rip Van Winkle” (1819)

“Rip Van Winkle” is a peculiar allegory of political independence. Rip falls asleep a British subject and wakes up, twenty years later, a U.S. citizen. He plays no part in the Revolution and is indifferent to its effects. Ultimately, only one development matters for Rip: the “tyranny of Dame Van Winkle” has come to an end with her death.1 Rip’s domestic triumph obtains rhetorical force from its kinship with the Revolution, but, narratively speaking, it is the political transformation that proves strangely incidental. “Rip Van Winkle” is the tale of an uneventful Revolution, and one, moreover, bereft of civic voluntarism.2 Rip’s “deep sleep” stands as a comic rejoinder to the fiction of republican consent (SB, 33). A far cry from the mythos of the Lockean social contract,

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2 The inessential character of the Revolution’s impact is suggestively captured in the sign depicting George Washington, which is but a slightly repainted version of an old sign of King George. Rip “recognized…the ruby face of King George,” but “the red coat was changed for one of blue and buff; a sword was held in the hand instead of a scepter; the head was decorated with a cocked hat, and underneath was printed in large characters GENERAL WASHINGTON” (SB, 35). The name, clothing, and artifacts may have changed, but the face remains the same.
Irving’s story portrays an involuntary citizen, who is not the originator of the republic but its unwitting subject. 3

In the world of “Rip Van Winkle,” legal history and political experience are conspicuously out of sync. Being a citizen does not translate into feeling like a citizen; political affects lag behind the abstract happenings of the law. We usually think of citizenship as synonymous with civic virtue—and so best modeled in acts of participation, affirmation, and positive emulation. But, as Rip’s story reminds us, becoming a citizen does not preclude alienation; for Rip, it actually precipitates it. Rip’s experiential predicament may be fantastic in its origin and extreme in degree, but it also registers very real ambiguities about the nature of early U.S. citizenship. In a republic founded in revolt, citizenship itself entailed a certain species of disinheriance. It sacrificed tradition for possibility, remembrance for anticipation. In this respect, moments of lapse, belatedness, and political expectation are part and parcel with the problem of citizenship. Citizenship is everywhere idealized and yet, for this very reason, also never fully present.

_Alienable Rights_ examines how the literature of early U.S. citizenship reinvents the terms, sentiments, and limits of political membership. It argues that “negative civic exemplars”—expatriates, slaves, traitors, and dispossessed subjects—dominated the imagination of citizenship from the ratification of the Constitution until the passage of the Fourteenth Amendment. Amid fractious controversies over borders and loyalties, authors such as Edward Everett Hale, Nathaniel Hawthorne, Frederick Douglass, and Harriet

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3 The independence of the U.S. nation may find a corollary in Rip’s newfound domestic freedom, but the Revolution does not guarantee his political autonomy. Indeed, when Rip awakens and avows himself a “loyal subject of the King” he is accused of being “a spy! a refugee!” (SB, 36).
Beecher Stowe set aside the figure of the body politic, with its ideal of organic incorporation, to explore the ardent pathos of disenfranchised subjects and alienated citizens. Reading fiction alongside legal debates, political philosophy, and sermons, I suggest that we misunderstand early U.S. citizenship if we take it as either self-evident or reducible to any single legislative act. The uneven development of citizenship requires a hybrid method that attends as much to the discordant fantasies of affiliation as to the empirical conditions within which they arose.

The word “citizen” evokes a constellation of meanings, both practical and emotive. In its etymology and early use, the term principally describes the fact of residence (an inhabitant of a city), but over time it was increasingly used with special reference to the privileges conferred by virtue of such residence. The rise of natural rights philosophy was instrumental to this reconceptualization. But the escalated recourse to the language of citizenship in the American Revolution and its aftermath did little to clarify its precise meaning. In the Constitution, for example, the designation “citizen” appears eleven times, but it is never explicitly defined. Traditionally, Article 4, Section 2 is understood as the most definitive of these Constitutional elaborations, but its description of the relation between state and federal membership is unaccompanied by an enumeration of the entitlements of citizenship. The passage reads, “The Citizens of each State shall be entitled to all Privileges and Immunities of Citizens in the several States.”

As historian James Kettner remarks in the most comprehensive history of citizenship to date, “the comity clause placed a constitutional obligation on the states to confer ‘all

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4 U.S. Const. art. IV, § 2.
Privileges and Immunities of Citizens’ upon the ‘Citizens of each State’—but who was to determine what those privileges and immunities were?”

The requirements for being a citizen, and the protections it guaranteed, were ill-defined and varied from state to state, and year to year. Although citizenship is almost invariably gendered through the use of masculine pronouns in the period, it was not always explicitly restricted to white men. In several cases, racial constraints for suffrage were only introduced to state constitutions in their later amendments. In Tennessee, for example, the 1796 Constitution declared that “Every free man of the age of twenty-one years and upwards, possessing a freehold in the county…shall be entitled to vote,” but in 1835 the language was changed to “every free white man.” Similarly, in 1821 New York passed property qualifications for blacks but abolished them for whites, thus limiting black suffrage in practice. By 1855 only five states admitted black suffrage. Overall, the

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6 Due to the shifting definitions of citizenship, there is no simple answer to the question of whether women were deemed citizens in the period. “The enigma,” as Nancy Isenberg puts it, is that “freeborn women had the appearance of citizenship but lacked the basic rights to be real citizens.” As Linda Kerber writes, “If a citizen had to possess civic rights, then women were not citizens, for they did not vote except briefly in New Jersey.” In addition to variations in state policy, the rights of women were directly influenced by their marital status. Thus, in New Jersey, even during the brief period of female suffrage the right was restricted to single propertied women. In this sense, the binaries of gender, like those of race, often are of limited use in making sense of complex political histories. Nancy Isenberg, *Sex and Citizenship in Antebellum America* (Chapel Hill: The University of North Carolina Press, 1998), esp. xii, 24. Linda Kerber, “‘May all our Citizens be Soldiers, and all our Soldiers Citizens’: The Ambiguities of Female Citizenship in the New Nation,” in *Arms at Rest: Peacemaking and Peacekeeping in American History*, ed. J. R. Challinor and R. L. Beisner (New York: Greenwood Press, 1987), 5.


9 By 1855, only Massachusetts, Vermont, New Hampshire, Maine, and Rhode Island did not exclude or restrict black suffrage.
trend was not towards increasingly inclusive definitions of membership but towards further restriction; and, in this sense, the conceit that the historical \textit{practice} of rights gradually caught up to the founding \textit{rhetoric} of liberty is particularly misleading. In some respects, the meaning of citizenship was actually more capacious in the early post-Revolutionary period—precisely because its limits had not yet been clearly established.

The history of suffrage helps to illuminate these inconsistencies, but it is itself an imperfect measure of the meaning of citizenship. Citizenship and suffrage were often linked, but it was not clear in every case that suffrage was an \textit{essential} right of citizens. Indeed, in Attorney General Edwards Bates’s exhaustive 1862 opinion on citizenship, he observed that it is a “common error” to think that “the right to vote for public officers is one of the constituent elements of American citizenship.”\textsuperscript{10} Bates’s absolute disarticulation of citizenship and suffrage may have been prompted, in part, by the politically charged question to which the piece responds: “whether or not \textit{colored men} can be citizens.”\textsuperscript{11} That is, precisely because Bates admits that “free m[e]n of color” \textit{can} be citizens, he may have been hesitant to concede that citizenship, in itself, was sufficient to guarantee full political rights. Certainly, some politicians remained committed to the idea that citizenship encompassed multiple and unequal classes of persons.\textsuperscript{12} But, if such discriminatory calculations occurred to Bates, the opinion itself is far too open-ended to have lent support to any pragmatic agenda. What makes Bates’s opinion illustrative,

\textsuperscript{10} The uncertain link between citizenship and suffrage is suggested by the very existence of the Fifteenth Amendment. If voting had been practically recognized as an incontrovertible right of all citizens, the Fourteenth Amendment should have been sufficient to guarantee black suffrage. Edward Bates, \textit{Opinion of Attorney General Bates on Citizenship} (Washington: Government Printing Office, 1862), 4.

\textsuperscript{11} Bates, \textit{Opinion}, 3, emphasis original.

\textsuperscript{12} Kettner, \textit{Development}, 215-216.
instead, is its insistent enumeration of the basic ambiguities that attended early U.S. citizenship—ambiguities, moreover, that persisted well into the 1860s. Bates’s answer to the question of black citizenship is thus another set of questions:

Who is a citizen? What constitutes a citizen of the United States? I have been often pained by the fruitless search in our law books and the records of our courts, for a satisfactory definition of the phrase *citizen of the United States*. I find no such definition, no authoritative establishment of the meaning of the phrase, neither by a course of judicial decisions in our courts, nor by the continued and consentaneous action of the different branches of our political government. For aught I see to the contrary, the subject is now as little understood in its details and elements, and the question as open to argument and to speculative criticism, as it was in the beginning of the government. Eighty years of practical enjoyment of citizenship, under the Constitution, have not sufficed to teach us either the exact meaning of the word, or the constituent elements of the thing we prize so highly.\(^{13}\)

Bates dramatizes the difficulties endemic to any comprehensive examination of early U.S. citizenship: the “fruitless search” for its definition in law books, the inconstant course of judicial decisions, its conceptual pliancy to “speculative criticism.” And yet, as the final line of the passage makes clear, the uncertain legal character of citizenship did not diminish its significance; it only made its benefits more inestimable. Citizenship, as such, is not reducible to a set of concrete legal protections, or to the experience of actual citizens. It is a thing that is yearned for but never perfectly embodied.

The problem of early U.S. citizenship, as it has been conceptualized from the vantage point of historiography, is one of scope: were women deemed citizens? Free blacks? Native Americans? And if so, under what conditions? Thus, the question, as Kettner succinctly puts it, is “Who are ‘the people’?”\(^{14}\) *Alienable Rights* addresses this question, but in somewhat different terms. It does not recount the identitarian parameters of politics, but explores instead the residual ambivalence of its terms. To the question

\(^{13}\) Bates, *Opinion*, 3-4.

'who is a citizen?' it further asks ‘what did citizenship mean?’ These questions, I suggest, have very different answers, in part, because those denied political protections were, for this very reason, all the more attuned to its reparative promise.

Politically repudiated and yet the focus of excessive rhetorical regard, estranged persons offered uniquely potent figures for the dilemmas of republican affiliation. But their cultural significance was not merely oppositional. It also bespoke the conceptual muddiness of antebellum citizenship. For example, although individuals could become citizens—if they met the narrow qualifications for naturalization—they could not voluntarily relinquish national membership; legally speaking its obligations were perpetual.\(^\text{15}\) It was not until the passage of “An Act Concerning the Rights of American Citizens in Foreign States” on July 27, 1868, the day before the ratification of the Fourteenth Amendment, that expatriation was officially recognized as a “natural and inherent right of all people.”\(^\text{16}\) As the coincidence of these pieces of legislation underscores, the difficulty of resolving the question of expatriation was, in part, a consequence of the disagreement about the primary basis of citizenship—whether state or federal—which the Fourteenth Amendment helped to clarify by making state citizenship subsidiary to national citizenship. However, by taking 1868 as its endpoint, this project does not assume that these legal reformations answered all of the questions that preceded them. They did not resolve these problems, but they did mark a decisive shift in the

\(^{15}\) As I discuss in Chapter Two, Kentucky and Virginia both explicitly recognized the right of expatriation, but there was no explicit provision for national expatriation until 1868. For two exceptionally thorough studies of the legal history of expatriation, see: I-Mien Tsiang, *The Question of Expatriation in America Prior to 1907* (Baltimore: The Johns Hopkins Press, 1942). John P. Roche, “Loss of American Nationality: The Years of Confusion,” *The Western Political Quarterly* 4 no. 2 (Jun 1951), 268-294.

\(^{16}\) Act of July 27, 1868. 15 Stat. 223.
hermeneutics of citizenship. With the ratification of the Fourteenth Amendment, the problem was no longer the absence of a definitive legal precedent, but instead how it was to be interpreted.

The history of early U.S. citizenship, I argue, cannot be told solely from the perspective of the law; it needs to be understood in relationship to the cultural forms—fiction, philosophy, and political ephemera—that expressed its most ardent possibilities. Fiction and other non-instrumental discourses allow us see something about citizenship that we might otherwise miss. They illuminate the exigent ideals that galvanized political debates, but which were quickly forgotten in the remote and impassive dicta of the law. In contradistinction to Richard Posner’s influential, if notorious, claim that “the study of literature has little to contribute to the interpretation of statutes and constitutions,” this project proceeds from the assumption that law and literature can best be understood as interrelated, and even supplemental, discourses. Indeed, it was precisely the contested status of early U.S. citizenship that gave its literary representations such force. These works did not simply reflect already agreed upon political practices (whether at the level of the state, the nation, or the globe), but actively theorized something that was still essentially up for grabs. By considering the formative crises of affiliation in the early republic, *Alienable Rights* seeks to recover a more historically nuanced understanding of the politics of literature, while also foregrounding the unstable rhetorical constitution of civic categories that are too often taken as self-evident facts.

To recognize the unique historicity of literature in this way is also to reconceptualize its political character. By documenting the reciprocity between law and

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literature, this project thus revisits the longstanding debate about the politics of American fiction. According to the “Cold War consensus,” as Donald Pease observes, “all of America and all of America’s culture were defined as freedom from an oppressive structure.”\textsuperscript{18} This preoccupation with negative freedom is prominent in the scholarship of Leslie Fiedler, Lionel Trilling, and Richard Poirier—in which the exilic tendencies of characters like Huck Finn, Rip Van Winkle, and Hester Prynne are taken to epitomize the essentially asocial character of American literature.\textsuperscript{19} Pease and many other critics have since reoriented readers in the political investments of antebellum fiction, but in some cases ideological criticism seems to have exchanged one extreme for another: such that we have moved full circle from the categorical negation of politics to an autopsy of its unequivocal symptoms. In seeking to move “beyond transcendence” (to recall the introductory title to Ideology and Classic American Literature), this more affirmative brand of ideological criticism lends inadvertent support to the conceit that, taken in and of itself, “literary transcendence” is inherently apolitical.\textsuperscript{20}

The fact that the principal literary movements in the period (transcendentalism and romance) evince basic antipathy towards everyday forms of politics, I argue, does not attest to their apolitical character, or, alternately, to their merely reactionary revisionism.

\textsuperscript{18} Donald Pease, Visionary Compacts: American Renaissance Writings in Cultural Context (Madison: University of Wisconsin Press, 1987), 24-5.
\textsuperscript{20} Jehlen argues that “precisely by taking us to the limits of ideology, literature may offer a way to look a little beyond. The ideological analysis of literature would then be particularly perceptive even of literary ‘transcendence.’” Myra Jehlen, “Introduction: Beyond Transcendence,” in Ideology and Classic American Literature, ed. Sacvan Bercovitch and Myra Jehlen (New York, Cambridge University Press, 1986), 1-18.
“real” and distant from the worldly and political—need to be understood as specialized expressions of the discourse of alienation that organized antebellum debates about state sovereignty, secession, as well as the right of expatriation. By drawing on the legal history of disaffiliation, *Alienable Rights* identifies a range of political postures—between withdrawal and participation, protest and consent. The ambivalent models of citizenship that I discuss are not always politically effectual or properly utopian, but they offered a grammar though which writers lamented the experiential unavailability of the ideals that citizenship promised.

This study joins scholarship by Michael Warner, Lauren Berlant, and Russ Castronovo in assessing the modes of civic identity that literature both fostered and foreclosed. As all three critics differently stress, the “abstraction of the public” did not guarantee its universal scope; it tacitly reinforced the representative character of propertied white men.\(^{21}\) Castronovo thus argues that “by routing all political and social experience under an abstract category—that is, by holding citizenship as the singular teleology of a variegated cultural life—bodies encumbered by history and particularity were denied rights.”\(^{22}\) For Castronovo, the imagination of citizenship inevitably restages its exclusionary histories because political abstraction is itself violent, reducing “living bodies” to “dead citizens.”\(^{23}\) For Berlant, however, the limits of the public are contingent on acts of performance and consent. In her discussion of what she terms “Diva Citizenship,” she identifies opportunities for political renewal in moments “of risky

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dramatic persuasion.”“Diva Citizenship occurs when a person stages a dramatic coup in the public sphere in which she does not have privilege. Flashing up and startling the public, she puts the dominant story into suspended animation… calling on people to change the social and institutional practices of citizenship.” “Diva Citizenship” describes moments of narrative insurgency, strident demands that counter the norms of citizenship and transform the public in the process. But civic counter-possibilities are not always neatly tied to recognizable categories of historical outsiderness, nor are they always linked to assertive modes of protest. Often enough, characters whose social status presumptively guarantees their political satisfaction prove affectively resistant to the equanimity they otherwise seem destined to claim. And, in many cases, this discontent is not channeled into willful performances of political defiance, but persists, instead, as a fitful malaise.

This, after all, is what the tale of Rip’s involuntary citizenship dramatizes; the bare legal fact of citizenship is often unaccompanied by a corresponding sense of political attachment. In early U.S. fiction, this discrepancy is insistent: characters continually take on affects that seem incommensurate with their political situations—citizens express estrangement, while expatriates and slaves evince mournful patriotism. In the literature I consider, political identities are subject to precipitous reversals and wayward attachments. From Hale’s story of an exiled traitor turned patriot (“The Man Without a Country”) to Hawthorne’s tale of a Loyalist storyteller rendered obsolete by an unwanted Revolution (“Old Esther Dudley”), and from Douglass’s novella of

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25 Berlant, Queen, 223.
insurrectionary slaves who restage the liberatory drama of the nation they renounce (“The Heroic Slave”) to Stowe’s novel of estranged Christians who await their return to an otherworldly home (Dred)—the project examines characters who reside in a land that is manifestly not their own, and whose affective dissonance placed unresolved claims on republican readers. In these narratives, political affects are alienable: they do not inhere in a self-evident ‘citizen;’ they are made transferable in moments of felicitous misidentification. It is perhaps this capacity to narrate the affective convergences between apparently dissimilar persons that most distinguishes the political possibilities of fiction. By presenting dispossession as a common plight of political life, antebellum literature attests to the disparity between affect and identity, allegiance and rights, longing and belonging.

Alienable Rights offers an alternative genealogy of citizenship that takes discontinuous modes of allegiance, not geopolitical borders, as the principal measure of politics. The project identifies four discourses that shaped the rhetorical preoccupation

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26 The legal distinction between alienable and inalienable rights refers to whether or not they are considered transferable. Thus property is alienable, while life and liberty are typically seen as inalienable. In Noah Webster’s 1828 dictionary, he defines each as follows: Inalienable: “Unalienable; that cannot be legally or justly alienated or transferred to another.” Alienable: “That may be sold, or transferred to another; as, land is alienable according to the laws of the State.” Despite its rhetorical force, the notion of the inalienability of rights tended to reinforce existing political relations, by presuming that they were natural and preordained. But this understanding of rights was not unchallenged. According to William Paley, “The right to civil liberty is alienable; though in the vehemence of man’s zeal for it, and the language of some political remonstrances, it has often been pronounced to be an unalienable right. The true reason why mankind hold in detestation the memory of those who have sold their liberty to a tyrant, is, that, together with their own, they sold commonly, or endangered the liberty of others; which certainly they had no right to dispose of.” William Paley, *The Principles of Moral and Political Philosophy* (1785; repr., Indianapolis: Liberty Fund Incorporated, 2002), 53. Noah Webster, *Dictionary*, http://www.1828-dictionary.com

27 Transatlantic scholarship has sought to theorize the routes of culture, commerce, and power outside of the static and univocal conceit of nationalism. However, by privileging the disruptive effects of transnational crossings critics often inadvertently reinforce the assumption that nations, taken in themselves, are coherent ideological formations. This study draws on the insights of transatlantic
with disaffiliation: didactic literature, aesthetic detachment, natural law, and Christian theology. Chapter One examines negative (non-imitative) models of civic instruction, which inspire patriotism by representing the pathos of political exclusion. I read Edward Everett Hale’s patriotic tale “The Man Without a Country” (1863) as a paradigmatic example of negative instruction and the ambiguities it entails. Instead of illustrating the heroism of an imitable citizen, Hale’s story follows Philip Nolan, who is “seduced” by Aaron Burr, tried for treason, and sentenced to unending dislocation onboard a series of ships—where he becomes a belated but ardent patriot. I argue that, despite the story’s reputation for political dogmatism, it evinces extraordinary ambivalence about both the culpability of its treacherous protagonist and the justness of the government that refuses his pardon. Nolan may become patriotic enough to detest his initial treachery, but the balance between patriotism and treason (and the disparate readerly identifications they cultivate) is precarious throughout the story. This tension, I argue, is endemic to the didactic strategies popularized in seduction novels, such as Charlotte Temple, which entreat the reader to be virtuous by depicting the errors of sympathetic protagonists. Drawing on a pivotal passage in which Nolan translates the lamentations of a group of newly freed slaves, who fear that they will never see their homes and families again, I discuss how the exiled protagonist doubles as a figure for the dispossession institutionalized by slavery. By prioritizing negative examples of citizenship, “The Man Without a Country” unsettles the exclusions that organize civic belonging, expanding readerly sympathy to the nation’s outcasts as well as its heroes.

criticism to address the conflictual demands of a political climate in which distinctions between the foreign and the domestic, traitors and patriots, aliens and citizens were constantly being redrawn.
While “The Man Without a Country” represents the involuntary exile of a traitor, Chapter Two traces how early national arguments about the right to choose not to belong—expatriation, nullification, secession—worked to denaturalize nativity (jus soli—right of the soil) as the basis of citizenship. Taking Nathaniel Hawthorne’s formulation of “romance” as the site of unexpected political discernment, I argue that his fiction appropriates the pervasive rhetoric of voluntary defection in order to dramatize its perils. To be “a citizen of somewhere else,” as Hawthorne famously writes, may be an expressly liberatory endeavor, but by conceiving of agency only negatively this paradigm also reduces citizenship to an essentially fatalistic enterprise. The chapter draws on a wide range of materials—including contemporary legal debates over the right of expatriation, as well as Hawthorne’s reconceptualization of romance in “Chiefly About War-Matters” (1862)—but it centers on Hawthorne’s magazine tale, “Old Esther Dudley” (1839), in which a British Loyalist and storyteller, along with an imagined companionate slave, struggle to recover the now renounced colonial history of the new republic. Hawthorne’s allegory dramatizes that an allegiance to a “by-gone” time exchanges the possible and the probable of the present for a form of tragic identification that idealizes community through its failure. Attending to the analogy in the tale between Esther’s restrictive loyalty to the past and the unnamed slave who performs the labor of historical recollection in the language of conjuring, I argue that Hawthorne conceives of citizenship as an involuntary condition, akin to the forms it presumably opposes: (British) subjecthood and slavery.

Chapter Three reassesses the relationship between natural and civic rights by analyzing the legal and fictional narratives surrounding the 1841 slave revolt aboard the
Creole, in which 135 slaves obtained freedom by redirecting a U.S. ship to the British territory of Nassau, Bahamas. Reading Frederick Douglass’s fictional reconstruction of the revolt in “The Heroic Slave” (1853) in conjunction with the diplomatic letters it revises, I show how the notion of natural law allowed writers to portray national statutes as mere “local fictions.” Whereas Secretary of State Daniel Webster symptomatically invoked the rhetoric of weather and natural disaster to negate the agency of the slaves on the Creole, Douglass uses natural phenomena (a season of clouds, a wildfire, and a tempest at sea) to portray emancipation as a force of nature that controverts the geopolitical partitioning of freedom. Douglass’s objective, however, is not ultimately post-national or cosmopolitan, as critics have suggested. Instead, “The Heroic Slave” uses the universalizing rhetoric of natural law to denaturalize exclusionary laws within the U.S., even as it attempts to salvage the potential of U.S. democracy. Douglass never forfeits the idea that rights ought to be inalienable by nature, but by recognizing that rights are alienable in practice—not simply that they are often divested and withheld, but that they can be transferred to those who do not already possess them—he narrates the extralegal drama of political legitimation.

Like natural law, theology provided a uniquely decisive language for national validation and critique. The final chapter argues that the longstanding trope of Christian estrangement assumed newly politicized significance in the antebellum U.S. The surge of revised translations of Philippians 3:20 as “citizenship in heaven” (previously “conversation in heaven”), suggestively fused Christian and republican thought, even as it imparted to politics a distinctly post-civic trajectory. By identifying heaven rather than the nation as the supreme home to which one owed allegiance, “citizenship in heaven”
trumped political distinctions between slaves and citizens, providing a qualified grammar for the common entitlements of Christians. After offering a brief history of post-Revolutionary translations of Phil. 3:20, and the concerns that motivated them, the chapter pursues the political consequences of theological expectation in a reading of Harriet Beecher Stowe’s second anti-slavery novel, *Dred* (1856). Drawing on a passage in which Stowe invokes Phil. 3:20 as the promise of post-political consolation for those who suffer unjustly in this world, I reassess Stowe’s iconic commitment to both reform and domesticity by attending to the “unhomely” calculations of heavenly citizenship. The chapter concludes *Alienable Rights* by suggesting that even redemption cannot resolve the experiential malaise of republican citizenship. It only restages its disappointments in an extended durée—deferring the promise of citizenship onto an unspecified future.
Chapter One

**Outcast Patriotism:**
The Dilemma Of Negative Instruction in “The Man Without a Country”

Youngster, let that show you what it is to be without a family, without a home, and without a country. . . . Think of your home boy. . . . Let it be nearer and nearer to your thought, the farther you have to travel from it; and rush back to it, when you are free, as that poor black slave is doing now.

—Edward Everett Hale, “The Man Without a Country” (1863)

Portraits of patriots abound in republican literature. From the archetypal writings of founders and statesmen to the fabled political heroes of primers, tales and elegies, there is no shortage of citizens “fit to be imitated,” to quote Benjamin Franklin.¹ The exemplary patriot was not, however, the only model for citizenship in the early U.S., nor was it arguably the most compelling one. Amid the several trials of uncertain and divided loyalties that mark the period—the Alien and Sedition Acts in 1798, the War of 1812, the Nullification crisis, and Confederate secession—citizens also found instructive, if negative, analogs in representations of traitors, expatriates, and slaves.² Whereas imitative models move seamlessly from concrete actions to the ideals they embody, in negative instruction the ideals of conduct (what ought to be done) are inversely related to

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the events of the narrative (what actually transpires). In its simplest formulation, negative instruction represents what not to do, or, as in theological narratives of captivity and conversion in which providential misfortunes are taken as an index of moral character, who not to be.

Negative instruction takes many forms in early U.S. literature—plots of seduction, treachery, inebriation, exile, and captivity, to name a few. This chapter does not seek to offer a comprehensive catalog of either the themes or range of such narratives. Instead, it examines how the basic structural tension that organizes negative instruction—its separation of narrative into a diachronic drama of error and an abstract moral of virtue— informs the discordant political logic of Edward Everett Hale’s ostensibly reconciliatory national tale “The Man Without a Country.” By generating sympathy for negative figures of citizenship, I argue, Hale’s story enables identifications that counter its explicit attempt to prescribe a conservative model of national loyalty.

Hale, a Boston writer and Unitarian pastor, published “The Man Without a Country” in The Atlantic Monthly at the height of the Civil War to encourage patriotic support for the Union by showing “young Americans of to-day what it to be A MAN

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3 Hale distinguishes between negative and positive modes of civic instruction in a preface to “The Man Without a Country.” Hale notes that “any lesson was well perceived by persons of conscience and patriotism, which showed either positively or negatively what the word ‘Patriotism’ means,—or what one’s country is” (The Man Without a Country and its History [Boston: J. Stilman Smith & Company, 1897], 4, my emphasis). Hereafter abbreviated History. “Its History” refers to Hale’s most comprehensive prefatory note on “The Man Without a Country.” It is one of several prefaces written after the tale’s original publication in The Atlantic Monthly.

4 Edward Everett Hale (1822-1909), the grandnephew of Revolutionary War hero Nathan Hale—who famously declared, “I only regret that I have but one life to lose for my country”—was a prolific writer. In addition to “The Man Without a Country,” his most well known writings include: “My Double and How He Undid Me” (1859); “The Children of the Public” (1863); his collection of stories If, Yes, and Perhaps (1868), which reprints these and other stories; and his peculiar sequel to “The Man Without a Country,” Philip Nolan and his Friends (1877). For more on Hale’s biography, see John R. Adams, Edward Everett Hale, Twayne’s United States Authors Series (Boston: Twayne Publishers, 1977).
WITHOUT A COUNTRY,” as he notes at the opening. To add force to his lesson, Hale presents the story as a forgotten history, pieced together by a Naval officer, Captain Ingham. When the tale proper opens, it is 1805 and Philip Nolan, a young officer, has fallen under the fascination of Aaron Burr. Burr, “a disguised conqueror,” “seduce[s]” Nolan, who is subsequently tried for treason (“M,” 666). During the trial, Nolan exclaims in a “fit of frenzy,” “D—in the United States! I wish I may never hear of the United States again!” (“M,” 666-7). The officers of the court, many of whom “served through the Revolution,” decide, in a gesture of poetic justice, that Nolan’s punishment will be just that: he is sentenced “never [to] hear the name of the United States again” and never again to “see the country which he has disowned” (“M,” 668). To carry the sentence out, Nolan, ever so aptly named as it turns out (no-land), is kept in a state of perpetual dislocation, confined onboard a series of ships. In the piecemeal reconstruction of Nolan’s imprisonment that follows, Ingham presents scenes of Nolan’s education into the meaning of patriotism. During a battle in the War of 1812, for example, Nolan throws himself into the line of fire to save the ship on which he is a prisoner from destruction. Despite Nolan’s repentance and fervent patriotism, however, the captain and Ingham fail

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6 Hale went to great lengths to reinforce the narrative’s historiographic premise. He spent an entire summer doing daily research at the American Antiquarian Society in preparation for the piece, pouring over the details of Aaron Burr’s two voyages down the Mississippi, the proceedings of Burr’s treason trial, Wilkinson’s *Memoirs*, and newspapers from the period. See preface to *History*, ix-xii. With the assistance of the staff at the American Antiquarian Society, I retraced some of Hale’s initial research—using AAS’s historical archival records and Hale’s several accounts of his reading.

7 In an essay on the literature of conspiracy, Ursula Brumm also notes this echo with “no land,” but emphasizes that Nolan’s name also suggests “rejection (from Latin nolo, nolui, nolle).” See Ursula Brumm “Consensus and Conspiracy in American Literature,” *Yearbook of Research in English and American Literature* 11 (1995): 29-43, 34.
to obtain his pardon from the government. Nolan dies at sea in 1863, ardent in his love for a country from which he has long been an outcast.

Though “The Man Without a Country” has generally been relegated to little more than a footnote in literary criticism, it has been widely reprinted since its first appearance in *The Atlantic Monthly* in 1863, has inspired plays and films, and most notably served for years as a standard text in secondary education. Even before the appearance of school editions of “The Man Without a Country” in the 1890s, the tale had already attained an almost mythical pedagogical status. One reviewer in 1868, remarking on the story’s “strange power to bring [patriotism] to the light of consciousness,” recalls transformative classroom readings of the 1863 edition of the story: “We have known that story, when read in school from the pages of the *Atlantic Monthly*, to draw tears from the eyes of young men who but a few months later answered the call for ‘three hundred thousand more’ [soldiers].” This fabled conviction in the tale’s power to transform

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9 Although previous editions of the story were likely used in schools, educational journals began reviewing schoolroom editions of the tale in the 1890s. See “Books Received,” *The School Review* (April 1893): 261-2. Also see “Advertisement 46--No Title,” *Outlook* (19 August 1893): 328.

10 “Book Table: If, Yes, and Perhaps,” *The Independent . . . Devoted to the Consideration of Politics, Social and Econ. . . .* (19 November 1868), 6. The call for three hundred thousand more troops came on 1 July 1862, a year and a half before the publication of the story (“A Call for More Troops—Three Hundred Thousand More Men Wanted,” *Philadelphia Inquirer* [7 July 1862]).
readerly pathos into patriotic enthusiasm secured a place for “The Man Without a Country” in the classroom well into the 1970s, when it gradually fell out of the curriculum.¹¹

Like several previous tales of treachery, the story evokes the example of Aaron Burr as “a beacon to warn all young men that the way of virtue is the only way to honor.”¹² Burr, as Robert Ferguson observes, “provided the object lesson in how not to behave—a lesson that brought new urgency and definition to westward expansion.”¹³ In the context of the Civil War, Burr’s defection no longer appeared exceptional; it offered a convenient figure for secession. Hale, who seems to have been quick to equate national critique with disloyalty, wrote the tale following announcements that Ohio Copperhead Clement Vallandigham was running as a candidate for governor. Earlier that year, Vallandigham was convicted by a military tribunal for publicly “declaring disloyal sentiments” and banished to the Confederacy by Lincoln.¹⁴ Hale hoped the story would provide his “‘testimony’ to the principles involved” in the “autumn elections.”¹⁵ Vallandigham is only mentioned once in the story itself, but in subsequent prefaces to

¹¹ As Thomas observes, the tale “began to disappear from the literary canon around the time of the Vietnam War” (CM, 89). School editions of “The Man Without a Country” were produced and marketed until at least the late 1970s, but regular notices and order forms for the tale drop off in 1978. After a few advertisements for its inclusion in two new media collections (Prentice Hall and Master Story Tellers), for example, it ceases to appear in The English Journal.
¹² Cutter, 174.
¹³ Ferguson, 99.
¹⁴ The Trial of Hon. Clement L. Vallandigham, By a Military Commission... (Cincinnati: Rickey and Carroll, 1863), 11, 34.
¹⁵ Despite Hale’s intentions, the story did not appear until two months after the Ohio election, though it was of little consequence since Vallandigham was defeated. For a discussion of Lincoln’s motivations in commuting Vallandigham’s sentence from imprisonment to banishment, see James M. McPherson, ““As Commander-in-Chief I Have a Right to Take Any Measure Which May Best Subdue the Enemy,”” in This Mighty Scourge: Perspectives on the Civil War (New York: Oxford University Press, 2007), 215-16. Hale’s discussion of Vallandigham’s election appear in subsequent prefaces. See Edward Everett Hale, “From the Ingham Papers,” in The Man Without a Country, and Other Tales (Boston: Roberts Brothers, 1886), 3.
“The Man Without a Country” Hale invokes Vallandigham to explain the urgency of the tale’s patriotic lesson to postbellum readers “who hardly understan[d] that such a lesson was ever needed.” Hale evinces little sympathy for Vallandigham’s predicament; instead, as in William Newman’s expressive 1863 political cartoon [see figure 2], he uses Vallandigham’s plight as a cautionary against rash disloyalty.

Figure 2. William Nash's “A Hard Case—Vallandigham’s Reception By His Friend Jeff” (1863). Courtesy of the American Antiquarian Society.

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16 “The Civil War has taught its lesson so well that the average American of the year 1896 hardly understands that such a lesson was ever needed” (Hale, preface to The Man Without a Country [New York: H. M. Caldwell Co., Publishers, 1897], iii). The prefaces vary, but in each Hale suggests that he does not expect his readers to remember Vallandigham.

17 “Caricatures of War,” Box 3, Folder 2. Based on the cartoonist and layout, this likely first appeared in Frank Leslie’s Budget of Fun, probably the July 1863 edition. Gary Bunker reaches a similar conclusion in From Rail-Splitter to Icon: Lincoln's Image in Illustrated Periodicals, 1860-1865 (Kent: Kent State University Press, 2001), 147.
In one of the few comprehensive accounts of “The Man Without a Country,” Brook Thomas places the story in the context of the Vallandigham/Lincoln controversy. Thomas argues that by inaccurately portraying Vallandigham as “having denounced his country” and by misattributing the order for his deportment to General Burnside, Hale’s prefaces “helped Lincoln win the historical spin on how to interpret the Vallandigham affair”—implicitly justifying Lincoln’s policies for detaining political prisoners under martial law during the War (CM, 84). For Thomas, this tacit legitimation of Lincoln exemplifies the political tenor of “The Man Without a Country,” which he suggests models an “unqualified love of country” that threatens to blind citizens to violations of “civil liberties” (CM, 89, 57). But, while Hale’s unsympathetic depiction of Vallandigham allows him to reduce the affair to a dogmatic illustration of patriotism, the story itself, I argue, expresses unexpected sympathy for Nolan’s similar plight. Despite Hale’s doctrinarian intentions, his story provides scant evidence for the benefits of patriotism. Nolan, indeed, appears relatively innocent, while the government—which refuses to grant him pardon despite his ardent reform—appears strangely unworthy of the impassioned love that he belatedly confers upon it. This tension, I will suggest, is endemic to the tale’s formal reliance on the relatively unstable didactic conventions of

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18 While I think that Thomas is right to suggest that “Nolan's redemption turns his fall into a felix culpa”—in which he at least theoretically serves both “as a warning to those who might be tempted to commit a similar youthful indiscretion” and as a “model for those who have strayed”—the story, I would emphasize, is nonetheless poorly equipped for the latter objective (CM, 67). Given Hale’s notably unflattering representation of the government in the story (which I discuss later in the essay), it seems unlikely that the story would be able to convert readers not already at least nominally inclined to Unionist sympathies. In fact, even after the Civil War the story seems to have been less amenable to at least some southern audiences. As late as 1899, a Boston newspaper contemptuously reports that, “The veterans of the Confederate Army in Dallas, Tex. have discovered that the presence of Edward Everett Hale’s story, The Man Without a Country, in the library of the city high school is not be tolerated longer. It is another manifestation of the spirit almost universal in the South to exclude from the schools of that section all books which treat of the Civil War in a way not flattering to the cause of the Confederacy” (“In Brief,” Congregationalist [10 August 1899]: 173).
negative instruction—and despite its reputation for patriotic indoctrination, not all readers of “The Man Without a Country” have found its moral either convincing or successful.¹⁹

My concern in what follows is to examine the tropes, both literary and cultural, that enable Hale to represent the ideal meaning of citizenship through those persons deprived of it: the traitor, the exile, and the slave. The first half of this chapter situates the tale’s didactic premise in relationship to the model of negative instruction popularized in seduction novels. Drawing parallels with Susanna Rowson’s *Charlotte Temple* (1791) and Burr’s treason trial in 1807, “The Man Without a Country” depicts Nolan as an innocent victim, not a guilty agent. By minimizing the scene and extent of Nolan’s culpability, the story attempts to facilitate readerly identification without inviting readers to imitate Nolan’s example. The efficacy of negative instruction, I suggest, hinges on balancing identification and censure, but even directed sympathy is potentially perilous within this paradigm because it establishes affinities that controvert the prescribed lesson. The second half of the chapter examines how these formal tensions shape the unexpectedly equivocal political identifications modeled in Hale’s story. By prioritizing negative exemplars of citizenship, “The Man Without a Country” makes the pathos of dispossession a precondition for the patriotism of the protagonist and reader alike. As a result, Hale’s seemingly simple allegory of loyalty interrogates the categories of political belonging—expanding readerly sympathy to the nation’s outcasts as well as its heroes.

¹⁹ I discuss this countercurrent in the story’s reception history at greater length later in the chapter to suggest that the story’s disappearance is not a sudden development so much as an extension of tensions within it that simply became more apparent after World War II.
‘The Traitor’s Kiss’

The downfall of Philip Nolan, like so many other characters in sentimental literature, is seduction. Hale adopts the tropes of the seduction plot to narrate Nolan’s defection, without disclosing the exact nature of Nolan’s treachery. Nolan, we are told, meets Aaron Burr in 1805 and is immediately “fascinated” (“M,” 666). He writes Burr “[l]ong, high-worded, stilted letters,” but receives no response “from the gay deceiver.”

The other boys in the garrison sneered at him, because he sacrificed in this unrequited affection for a politician the time which they devoted to Monongahela, hazard, and high-low-jack. . . . But one day Nolan had his revenge. . . . Burr had not been at the fort an hour before he sent for him. That evening he asked Nolan to take him out in his skiff, to show him a canebrake or a cotton-wood tree, as he said,—really to seduce him; and by the time the sail was over, Nolan was enlisted body and soul. From that time, though he did not yet know it, he lived as A MAN WITHOUT A COUNTRY. (“M,” 666, my emphasis)

Cast in the sentimental tropes of “unrequited affection” and innocent deceit, the language of seduction here conjures up more than rhetorical persuasion. However, the tension between rhetorical and physical seduction remains unresolved. The scene of Nolan’s transgression, in fact, is absent: the narrative jumps abruptly from the disclosure of Burr’s future intentions to the aftermath (“by the time the sail was over”). By neglecting to narrate what happens—and indeed by stating that Nolan himself is unaware of the consequences of whatever happened (“though he did not yet know it . . .”)—the story fails to provide the very narrative evidence necessary to the tale’s didactic import: Nolan’s guilt.

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20 This phrase comes from the title of an exegetical essay on proverb 27:6, published in The Christian Intelligencer in 1834. The article primarily expounds on the argument of the proverb—that “Faithful are the wounds of a friend; but the kisses of an enemy are deceitful”—but it does so throughout in a language that exemplifies the conflation of seduction and treachery that extends back to the tropology of the Fall. C.F.L.F. “The Traitor’s Kiss,” The Christian Intelligencer and Eastern Chronicle, May 9, 1834, 76. APS online, 17 April 2008 <http://proquest.umi.com>
Nolan’s seduction can signal his denationalization because seduction and
treachery implicitly operate as synonymous terms for the loss of civic virtue within the
genre that Hale invokes. In Harriet Beecher Stowe’s *The Minister’s Wooing* (1859), for
example, Aaron Burr appears as the seducer of a married French aristocratic woman,
whose “feelings” he uses “to carry his plans” of “founding a state.”

Burr’s reputation as a traitor and seducer made explicit one of the seduction novel’s central premises: that the
distribution of erotic attachments doubles for the structure of civic affiliations more
generally. To be seduced, as Jan Lewis argues, “is to surrender republican virtue and to flirt is to commit an act of treason.”

But, while seduction narratives helped to establish virtue as a defining characteristic of republican citizenship, they also denigrated the more promiscuous forms of affiliation associated with democracy. For, if, as John Adams remarked, “Democracy is Lovelace and the people are Clarissa,” part of the implicit
lesson of the seduction novel in the early republic was to apprise citizens of the perils of

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21 Burr accompanies Madame de Frontignac’s “husband to explore the regions of the Ohio, where he had some splendid schemes of founding a state.” When Madame de Frontignac realizes that Burr is “using [her] feelings to carry his plans,” she leaves her life of cosmopolitan intrigue to stay with Mary Scudder—the devout and virtuous protagonist—in rural New England (Harriet Beecher Stowe, *The Minister’s Wooing* [New York: Penguin Books, 1999], 225-26).

22 Burr was a peripheral figure in sentimental writing. Leonora Sansay’s epistolary novel, *Secret History: or the Horrors of St. Domingo* (1808), for example, consists of a series of letters addressed to “Colonel Burr,” who is the protagonist’s intimate confidante. Sansay herself, in fact, is commonly thought to have been Burr’s lover, and was reputed to be a coquette. Burr was also suspected, among others, of being the unnamed seducer of Elizabeth Whitman, whose fall and death served as the basis of *The Coquette*. For more on Sansay’s reputation and relation to Burr, see Michael Drexler’s introduction to *Secret History: or, The Horror of St. Domingo; and, Laura*, by Leonora Sansay (Ontario, Canada: Broadview, 2007), 10-37. Though Burr was among those suspected of the seduction, Pierrepont Edwards was the primary suspect and model for Major Sanford. See Cathy Davidson, *Revolution and the Word: The Rise of the Novel in America*, expanded ed. (New York: Oxford University Press, 2004), 222.

A representative democracy might confer power on the people, but it does not ensure the discerning exercise of this power. The lesson of the seduction narrative was at once to cultivate a virtuous citizenry and to foster skepticism toward the rhetorical wiles of aspiring demagogues. Seduction narratives, in this way, address the basic volatility of democratic citizenship: by censuring licentious expressions of sociability, they seek to curtail the transgressive potential of democracy.

The prolific literature of seduction in the early republic—shaped so intimately by conservative, if not explicitly monarchic, models of virtue—tended in consequence to give way to deeply ambivalent political identifications. In Charlotte Temple, the most popular of these novels, Montraville’s seduction of Charlotte separates her not only from her previous virtue but her native country (as she follows Montraville from England to America). The pathos of seduction in Rowson’s novel thus becomes a trope for colonial nostalgia—in which England doubles for a virtue now lost, and America for seduction and homelessness. Hale remaps the conflation of virtue and nationality that structures Charlotte Temple in more strictly national terms in “The Man Without a Country,” where U.S. nationality and exile are the only options. In both narratives, the effects of unwise affiliations, with Burr and Montraville, are never merely personal or local, but map

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24 John Adams to William Cunningham, 15 March 1804, in Correspondence between the Hon. John Adams, Late President of the United States, and the Late Wm. Cunningham, Esq. (Boston: True and Greene, 1823), 19.
25 As Cathy Davidson argues, “Rowson's tale of a fifteen-year-old girl misled by a conniving French schoolmistress, seduced by a British soldier, and abandoned in a strange new country, and ocean away from beloved (but perhaps paternalistic) parents” itself offers a compelling “allegory of changing political and social conditions in early America” (Introduction to Charlotte Temple, by Susanna Rowson [New York: Oxford University Press, 1986], xi-xii).
26 As Nina Baym points out, even after the turn away from Richardsonian fiction in woman’s writing, “Seduction continued to be a staple of sensational men's fiction” (Woman’s Fiction: A Guide to Novels by and about Women in America, 1820-70, 2nd ed. [Urbana: University of Illinois Press, 1993], 52).
instead into a concurrent dislocation from home and homeland. Though the homeland is associated with different territories in each narrative (Britain and America), it is an essentially nostalgic construction in both cases. “The Man Without a Country,” indeed, establishes nostalgia—which in its initial conceptualization in the seventeenth century described “pathological homesickness”—as the representative standard of patriotism, rather than its aberration.27

Although Rowson’s and Hale’s narratives both caution against developing personal attachments that depart from broader communal loyalties, whether familial or national, “The Man Without a Country” more symptomatically associates the threat of social alienation with Nolan’s ambiguously narrated homoerotic alliance with Burr. Nolan’s frenzied denunciation of the state during his trial—“‘Damn the United States! I wish I may never hear of the United States again!’” (“M,” 667)—may provide the rationale for his sentence, but his affiliation with Burr constitutes the fundamental treachery in the narrative. Even when Nolan is tried as a conspirator to treason, we are told little more than that “there was evidence enough—that he was sick of the service, had been willing to be false to it, and would have obeyed any order to march any-whither with anyone . . . had the order been signed, ‘By command of his Exc. A. Burr’” (“M,” 666, my emphasis). Nolan’s real treachery is an excessive loyalty to Burr. The tale’s apparent success at figuring Nolan’s loyalty as a form of treachery may derive, in part, from the heteronormative assumptions that underwrite the common analogy between marriage and the social contract, and, in turn, political legitimacy. But if so, this remains

unspoken in the story, which makes more of the structure of seduction than of gender itself. Seduction becomes a form of criminality in “The Man Without a Country” foremost because it draws Nolan away from his duties to the nation as an army officer. In this respect, the court’s decision to sentence Nolan to confinement at sea merely literalizes, in spatial terms, the affective distance instantiated in the barely narrated scene of seduction—which itself occurs on a boat. Nolan forfeits his nationality as soon as he leaves the country’s _terra firma_, but, and this proves pivotal, he is not a fully cognizant or autonomous actor in this forfeiture.

Nolan may be naïve and rash, but his guilt is secondary; he is an unwitting victim of Burr’s machinations—not a prototypical figure of defiant masculinity. This dynamic replays one of the most rhetorically fraught aspects of Burr’s trial for treason in 1807. During Burr’s trial, as Nancy Isenberg argues, the prosecution employed Burr’s infamous reputation as a seductive libertine to compensate for insufficient material evidence. Since Burr was hundreds of miles away from the alleged scene of treason—Blennerhassett’s island—his guilt could only be imputed by making treasonous influence, rather than actions, the principle offense. Burr’s real crime, the prosecution implied, is seduction: Burr, it was said, “attempted the seduction of the officers and men, at the several forts and garrisons . . . which . . . were too weak to have resisted with effect,” and more crucially seduced Harmon Blennerhassett, drawing him into the center of the

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conspiracy. In a famous speech in the trial, reproduced in primers and guides to
rhetoric, William Wirt, a lawyer for the prosecution, vividly renders Blennerhassett’s
seduction as the fall from “the state of Eden when the serpent [Burr] entered its bowers.”

This unfortunate man . . . thus seduced from the paths of innocence and peace . . .
this man, thus ruined and undone and made to play a subordinate part in this
grand drama of guilt and treason, this man is to be called the principle offender,
while he by whom he was thus plunged into misery is comparatively innocent, a
mere accessory!.... Sir, neither the human heart nor the human understanding will
bear a perversion so monstrous and absurd!  

Despite his physical removal from the alleged scene of treason, Burr, according to the
prosecution, remains the primary agent of treason. By privileging influence over actions,
Blennerhassett, though “ruined,” appears “comparatively innocent.”

In both the trial and its reconfiguration in “The Man Without a Country,” the
language of seduction is employed to collapse the distinction between actions and
rhetorical influence. By replacing the field of action with the referentially unstable figure
of seduction, Hale represents treachery as a relatively passive event. The seduction
tradition, as Nina Baym remarks, reinforces a “spectacle of victimized innocence,” which
denies “that innocence was compatible with agency.” Despite its limitations, however,
the suggestion of passivity is precisely what allows seduction narratives to mitigate the
culpability of their heroes/heroines and, in turn, to make their protagonists sympathetic.
The protagonist in a seduction narrative must be both guilty and innocent to support the
divided identification requisite to negative instruction. Protagonists, in this paradigm,

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29 Reports of the trials of Colonel Aaron Burr, (late vice president of the United States) for treason, and for a misdemeanor . . . Taken in shorthand by David Robertson, Counsellor at Law; in Two volumes (Philadelphia: Hopkins and Earle, Fry and Kammerer, 1808), 2:100.
30 Reports, 97-98, my emphasis. As Ferguson argues, “The image of Aaron Burr in ‘The Man Without a Country’ flows from the one that William Wirt created” (101).
31 Baym, xxix.
need to be sympathetic enough to sustain readerly identification, but not so sympathetic that they inspire imitation. The trope of seduction addresses this concern by modeling a form of hybrid agency—between autonomy and susceptibility, guilt and innocence. Nolan, who is “guilty enough” on “evidence enough,” is exemplary in this respect (“M,” 666). “Poor Nolan,” as the narrator often refers to him, is both fallen and virtuous, traitor and patriot, but the balance between these positions is precarious in the story. For if Nolan appears too innocent, his punishment is unjust—and the state unworthy of devotion—but, alternately, if his treachery is unredeemable, he is neither instructive nor worthy of sympathy. Seduction, then, does not resolve the problem of identification in the narrative. Rather, the ambiguity inherent in the rhetoric of seduction forestalls any decisive judgment of Nolan’s character, allowing the tale to cultivate patriotic sentiments through a compromised protagonist, who, despite his ardent reform, can only exemplify the love of a country that he has already lost.

**Negative Instruction and the Drift of Sympathy**

In a preface written after the first school book editions, in which Hale explicitly rededicates the story to the “the boys and girls who also are citizens of the United States,” he remarks that he wrote “The Man Without a Country” with the “single purpose of teaching young Americans what it is to have a country.” This comment establishes an apparently perfect inverse relationship between the moral of the tale and the basic situation of the narrative, as encapsulated in the title. “The Man Without a Country,” that is, promises a myth of national possession (“hav[ing] a country”), but offers instead a

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32 Hale, Preface to *The Man Without a Country*, The Young of Heart Series (Boston: Dana Estes & Co. 1899), vi, my emphasis.
narrative of dispossession. Hale uses Nolan’s peculiar exile from the nation—which is nonetheless enforced on ships of state—to conceive of patriotism as a form of national longing. In “The Man Without a Country” patriotism becomes a substitute for having a country, rather than the fulfillment of active national citizenship.

This tension between the narrative drama of “The Man Without a Country” and its moral teleology illustrates the sort of didactic equivocations that made contemporaries wary of the effects that tales of negative instruction might have on readers. As Lydia Maria Child cautions in “Advice Concerning Books” (1831), a moral that comes only at the end of a book can hardly overturn the main force of the narrative:

The morality should be in the books, not tacked upon the end of it. Vices the juvenile reader never heard of, are introduced, dressed up in alluring characters, which excite their admiration, their love, their deepest pity; and they are told that these heroes and heroines were very naughty, and that in the end they were certain to die despised and neglected.

What is the result? The generous bosom of youth pities the sinners, and thinks the world was a cruel world to despise and neglect them. Charlotte Temple has a nice good moral at the end, and I dare say was written with the best intention, yet I believe few works do so much harm to girls of fourteen or fifteen. I doubt whether books which represent vice, in any way, are suitable to be put into the hands of those whose principles are not formed. It is better to paint virtue to be imitated, than vice to be shunned.

For Child, imitative instruction is preferable to negative modes because young readers, insufficiently versed in social codes, sympathize with the protagonist and blame the society that failed them.

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33 Nolan’s nostalgia, indeed, is shared by the sailors as well. As Ingham explains, “no mess liked to have him [Nolan] permanently, because his presence cut off all talk of home or of the prospect of return . . . cut off more than half the talk men like to have at sea” (“M,” 668).
34 Lydia Maria Child, “Advice Concerning Books,” in The Mother’s Book (Boston: Carther and Hendez, 1832), 90-91. Charlotte Temple anticipates critiques such as Child’s in asides that defend the propriety of sympathizing with Charlotte’s fallen state. Nonetheless, as the novel’s subtitle, “A Tale of Truth,” and its preface attest, the medium of fiction—its content aside—is seen as a threat to the text’s didactic project.
The loyalties of the impressionable reader, Child assumes, form in direct imitation of the sentiments modeled in a work of literature—in part, because sympathy itself is a form of affinity. Within the terms of imitation, the negative portrayal of vice will always be a less efficacious means of instructing virtue, not only because the very knowledge of it is seen as potentially dangerous, but because narration is recognized as a force of readerly seduction. Child articulates the danger inherent to negative instruction—that readers will sympathize too much with the plights of unprincipled protagonists and so imitate their actions—but she superimposes the assumptions of imitative instruction onto a genre that proceeds from very different premises. In negative instruction, the lesson appended to the main drama does not finally address the protagonist, who inevitably learns it too late, but the reader, imagined as the text’s moral afterlife or embodied sequel.

Through the virtual experience attained through fiction, a reader can be educated in the vices and deceptions practiced by others, without ever acquiring such knowledge through infelicitous actions. In an argument about the educative nature of novels in William Hill Brown’s *The Power of Sympathy* (1789) that doubles as a defense of the text’s own seduction plot, Mr. Holmes argues that books that record the “faithfulness of friendship—the constancy of true love, and even that honesty is the best policy” lead readers to place undeserved “confidence in the virtue of others.” “Unsuspicous of deceit, she [the reader] is easily deceived—from the purity of her own thoughts, she trusts the faith of mankind, until experience convinces her of errour.”

Literature that represents vice educates the reader in the necessity of skepticism. Readers can preserve civic virtue precisely through exposure to characters that err in their stead. Negative instruction

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enlists the reader to translate the world of fiction (rendered as tragedy), into an ideal but civic-minded hermeneutics.

While Child omits to consider negative instruction in its own terms, her concern that the clarity of its lesson depends on unpredictable reading practices—whether the imperatives of imitation or excessive sympathy—is suggestively born out in the uneven reception history of Hale’s tale. In 1864 the London Observer invoked the story as an “illustration” of their belief that “Democracy, too, has its abuses, and the representatives of the free states are found to be guilty of acts as tyrannical as those committed by irresponsible despots.” Shortly thereafter, the New York Observer denounced Hale’s story “as contra bonos mores [against good morals], inasmuch as it professed to be a truthful record of a passage in American history, and was fitted to cast odium upon the government.” The central term of the New York Observer’s critique, contra bonos mores, extends beyond an accusation that the story engenders antipathy for the government; in its legal definition, contra bonos mores entails the “incentive to crime.”

The New York Observer’s critique presumes that the relationship between fiction and reality is fundamentally imitative: Not only will readers imitate the work, but the work itself ought to be based on reality, or in the very least it should not substitute verisimilitude for truth by “profess[ing] to be a truthful record of a passage in American history.” This articulation of the proper relation of fiction to history presumes that representational fidelity (to American history) determines a story’s political loyalty. The

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37 This is how the New York Observer summarizes their initial critique of the story in a subsequent review of Hale’s If, Yes, and Perhaps. “Literary,” New York Observer and Chronicle (22 October 1868): 341.
New York Observer’s suggestion is less that all fiction should be restricted to the domain of historical record, than that patriotic tales should both adhere to American history and reflect favorably on the government.

In Hale’s several responses to the Observer in subsequent prefaces and articles, he invokes the political character of historical writing to very different ends. Drawing on the homonym between writes and rights, Hale variously defends the “rights of the writer of fiction” and contends that he has “taken no liberties with history other than such as every writer of fiction is privileged to take.” By championing the liberties of fiction, Hale relinquishes the tradition-bound conception of literary nationalism (with its concrete historical allusions and reassuring continuities) in lieu of a form of writing that epitomizes republicanism by rejecting the representational constraints of history. Within these terms, the disregard for historical detail is itself a recognizably national trait.

Still, for Hale, the “rights of the writer of fiction” are not absolute. In a letter published in The Critic in 1898 as a formulation of the “ethical standard” for historical fiction, Hale pivots between defending the “rights of the writer of fiction” and acknowledging the writer’s “duty” to provide clues to a story’s fictional status—a duty which he contends he discharged more than adequately in “The Man Without a Country”:

40 “Ingham Papers,” 5.
41 Hale’s formulation of the “rights of the writer of fiction” captures the ambivalently political character of transcendentalism and romance—which recoil from history, but, in so doing, also restage the renunciatory tendencies of antebellum politics.
42 The article, which is subtitled “Fact and Fiction in Historical Novels, and the Relation of Ethics to Book-Making,” includes letters from Hale and Paul Leicester Ford, written at the Critic’s request following “interesting remarks at the dinner given to Dr. Hale by the Aldine Club of New York.” In Ford’s accompanying letter in the article he remarks that Hale has set “so high an ethical standard to our guild to book-makers.” “Echoes,” 27.
The editors [of the Observer] called me a forger and a counterfeiter because, when they read the story of ‘The Man Without a Country,’ they thought it was true.

Now, I say that it is the business of a writer of fiction to make it seem like the truth, and I say that writers of parables have very high authority for writing them so that people do not know how much hard fact there is, and how much is the play of the imagination. But I also say that the duty of the writer of fiction is to put his earmark—or if you please his ‘totem,’ on the narrative, which shall say to him who can understand, ‘This is fiction.’ I took the pains to do that in the story of ‘The Man Without a Country’…

I tried to draw the line—and I do not think I succeeded very well—as to the rights of the writer of fiction. First, as to his characters, he may of course make them say what he pleases and do what he pleases. Then, second, as to historical characters, he may introduce any of their real sayings and, if hard pressed, put words into their mouths, as I have put words into Aaron Burr’s mouth in that story….Third—but here also is one of the difficulties of the writer of historical fiction—he must write history itself with its hard facts.  

To write ethically, a writer should blur the line between fact and fiction, while still signaling to the fictional character of a work. Hale proceeds to explain that the detailed announcement that opens the story provides clues to its fictional status: the ship that Nolan dies on, the US corvette Levant, “had gone to the bottom of the sea…before the period of the story,” and the latitude and longitude of this ship refer to a location on top of the Andes Mountains. It is unclear, however, whether Hale really intended this latter detail to be an “earmark” of the story’s fictionality. He maintains that the “latitude and longitude are intentionally taken from the top of the Andes Mountains,” but in a subsequent article in National Geographic Hale says that the coordinates were an “error”

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43. “Echoes,” 27.
44. “The Man Without a Country” opens with a (fictional) citation that reinforces the story’s documentary claims: “I suppose that very few casual readers of New York Herald of 13 August observed, in an obscure corner of the ‘Deaths,’ the announcement—Nolan. Died upon US corvette Levant, Lat. 2° 11’ S., Long. 131° W., on the 11th of May, Philip Nolan.”
“Man Without a Country,” 665.
that he only became acquainted with through a friend years later.\textsuperscript{45} Contradictory details such as this are frequent in Hale’s numerous prefatory and explanatory accounts of the story, in which the history of the story’s composition is itself subject to fictionalization.\textsuperscript{46} The story and Hale’s profuse accounts of it fuse fiction and history so fundamentally that the two registers cease to operate autonomously. This indeed is the objective of historical fiction, as Hale conceives it. Historical fiction is divided between a fidelity to the factual, and the unbounded liberties of fiction.

Despite his adamant defense, Hale withholds the most readily identified “earmark”—authorial attribution. To deepen the impression of the authenticity of “The Man Without a Country,” Hale arranged for the story to appear “with no author’s name, other than that of Captain Ingham U.S.N.”\textsuperscript{47} Thus presented, Hale hoped the tale would appear to be the narrative of a naval officer, instead of the production of a known writer of fiction.\textsuperscript{48} Hale’s name does not appear anywhere in the first edition, but his attempt at anonymity was compromised when a diligent printer at the \textit{Atlantic Monthly} recognized Hale’s handwriting and added his name to the journal’s annual index.\textsuperscript{49} Despite this, many readers believed the story to be factual, and some even claimed to remember Nolan’s sentencing—a development that Hale disclaimed any responsibility for:

\textsuperscript{46} In his prefaces, Hale privileges the ‘history’ of the story’s composition over its historical basis. The term history is thus appropriated to nominate a fictional, rather than factual, sequence. This is explicit in the title to Hale’s most extended account of the process of composition: “The Man Without a Country and its History.”
\textsuperscript{47} “Ingham Papers,” 5.
\textsuperscript{48} Hale’s anonymity, as well as the pseudonymous authorial persona it enforces, functions as what Michael Warner has called a “tactic of depersonalization,” facilitating the impersonal public authority of print discourse. Michael Warner, \textit{Letters of the Republic: Publication and the Public Sphere in Eighteenth-Century America} (Cambridge, MA: Harvard University Press, 1990), 42-9.
\textsuperscript{49} \textit{History}, xii-xiii.
The story having been once published, it passed out of my hands. From that moment it gradually acquired different *accessories*, for which I am not responsible. Thus I have heard it said, that at one bureau of the Navy Department they say that Nolan was pardoned, in fact, and returned home to die. At another bureau, I am told, the answer to questions is, that, though it is true that an officer was kept abroad all his life, his name was not Nolan. A venerable friend of mine in Boston, who discredits all tradition, still recollects this ‘Nolan court-martial.’

The word “accessories” is telling. Hale minimizes his authorial accountability by representing the fancies of readers as additions to the story proper, rather than its effects. However, as the legal connotation of “accessory” suggests, fiction making is a potentially criminal activity, and one in which the reader is complicit.

If reading “The Man Without a Country” engendered fallacious memories—which collapse the distinction between imaginative and sensorial memory—it was, in part, because Hale had come closer to history than he intended when he choose the name of his protagonist. Hale maintains that he took the name Nolan for his hero after reading about a notorious “Mr. Nolan” in Wilkinson’s *Memoirs*, but did not realize that this Texan had the same name as his character: Philip Nolan. In a bizarre explanation of his error, Hale later explained:

I had the impression that Wilkinson’s partner was named Stephen, and as Philip and Stephen were both evangelists in the Bible, as indeed I once heard a distinguished Episcopal divine preach a sermon about Philip on St. Steven’s day by accident, I named my man Philip Nolan. We had, therefore, two Philip Nolans, one a living historical character, who was shot by the Spaniards on the 21st of March, 1801, at Waco in Texas; the other a purely imaginary character invented by myself, who appears for the first time on the 23rd of September 1807, at a court-martial at Fort Adams.  

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50 “Ingham Papers,” 5-6, emphasis added.

51 The distinction between imagination and sensorial memory is already a tenuous one. Hobbes for example, argues that: “imagination is...nothing but decaying sense.” For Hobbes, however, this means that all thoughts originate in external impressions, not that imaginative productions can assume the semblance of real perceptions. Thomas Hobbes, *Leviathan*, Cambridge Texts in the History of Political Thought, ed. Richard Tuck (New York: Cambridge University Press, 1999), 13-15.

52 *History*, xv-xvi.
To amend for his mistake, Hale wrote a novel about the real Philip Nolan in 1876 entitled *Philip Nolan and His Friends*. Yet, what is striking here is that Hale’s misremembering of these facts results in accidental verisimilitude. Hale’s attempt at fictionalization brings him closer to history, even as it forfeits localized historical fidelity. As one reviewer of “The Man Without a Country” argues, “It is not merely truthfulness to nature that marks Mr. Hale’s works; that is too tame an expression; he absolutely takes you out of the domain of fancy, and compels you to believe that you are not only reading a record of what actually occurred, but a part of which you saw, or heard of, or read at that time.” The reviewer attests to being “divided between admiration for the author and chagrin at the mystification in which he has left us by his artful pretences at matter-of-fact explanations and annotations to his stories.” The tale’s verisimilitude makes it difficult to distinguish between history and fiction, but this is precisely Hale’s objective.

Historical fiction is itself a hybrid form; it is both faithful and “treacherous.” The distinction between fidelity and treachery never ossifies in “The Man Without a Country”—either in the narrated event of Nolan’s seduction or in the formal terms of the story’s fictionality.

The ambiguities inherent in the imagination of patriotism in “The Man Without a Country” appeared even more pronounced after World War II. In a fervent critique of

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53 In his preface to the novel, Hale explains, “I felt that I owed something to the memory of Philip Nolan whose name I once took unguardedly for the name of a hero of my own creation, who was supposed to live at another time. Hale, *Philip Nolan and His Friends*, 4. The novel first appeared in serial installments in *Scribners* in 1876.

54 The story’s local deceptions and general truth, it might said, are inseparable—Hale’s forgeries deepen the tale’s verisimilitude.


56 Ibid. 583.
Hale’s story published in 1949 in *The English Journal*, the publication of the National Council of Teachers in English, Beatrice Oxley controverts the prevalent myth of “the historicity of Philip Nolan,” and urges the story’s anti-democratic character. Alluding to Nolan’s unending confinement at sea, she contends that “if a reader will only disengage his mind from the idea that this is history, it will appear at once that such a sentence and such circumstances can occur only in a dictator state, and that the whole tale does not accord with our theses of justice and democracy.” Here, the objection to the story’s carefully constructed verisimilitude is not simply that it disguises fiction as fact but that the factual premise obscures the tale’s ideological tensions. The article is meant to “set [teachers] right” about Hale’s famous story, both as to its fictional character and more importantly to suggest that “The Man Without a Country” is not patriotic but a tale of an unforgiving government that banishes a man whose “voyage seems actually to ache with his regret.” In a nation newly defined against the inhumanities of totalitarianism, the story’s didactic ambiguities were all the more evident. Indeed, it is tempting to suggest that the story’s gradual disappearance from the curriculum in the 1970s proceeded from an increased emphasis on citizenship as a category of human rights, rather than a condition of allegiance. However, given the similarity between this 1949 critique and these earlier reviews, it might be more fitting to say that even at the height of the story’s popularity its legibility as a patriotic tale was unstable, contingent on the identifications of its readers.

In a response to the 1949 critique, published the following year, a high school teacher from Brooklyn concedes that Nolan’s punishment is “unconstitutional” because it

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violates the eighth amendment protection against “cruel and unusual punishments,” but maintains that it is important nonetheless: “[T]he story demonstrates that man is not a rootless creature but one that needs a home and a sense of belonging. It suggests to our generation the unintended conclusion that we should do all in our power to help the vast number of ‘displaced persons,’ who have been sentenced without guilt to become men without a country.” Sympathy for “displaced persons” is certainly not the intended lesson of Hale’s tale, but the comment highlights an already existent tension in the story: the discordance between Nolan’s heartfelt repentance and the government’s manifest indifference toward his newfound patriotism.

**Ungovernable Loyalties**

The narrative, in fact, provides an absolution of Nolan that the government withholds through apparent negligence, when, in the middle of the story, Nolan heroically throws himself in the line of fire during a battle in the War of 1812 to regain control of the Navy’s artillery. The captain presents Nolan with “his own sword of ceremony” and writes “a special letter to the Secretary of War” asking for Nolan’s pardon. “But nothing ever came of it. As I said, that was about the time when they began to ignore the whole transaction at Washington, and when Nolan’s imprisonment began to carry itself on because there was nobody to stop it without any new orders from home” (“M,” 672). Hale emphasizes the negligence of the national government. Nolan’s

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imprisonment is upheld by neither reason nor justice. Once issued, his sentence is carried out automatically by an unaccountable government without intention or memory.

Thus, when Ingham (who is both the narrator and a character in the story) later tries to obtain Nolan’s pardon, he finds “it was like getting a ghost out of prison. They pretended that there was no such man, and never was such a man. They will say so at the Department now. Perhaps they do not know. It will not be first thing in the service of which the Department appears to know nothing” (“M,” 675). The government fails to properly adjudicate Nolan’s punishment, not only because it does not grant a pardon seen by all immediately concerned as well deserved, but also because on an institutional level it has ceased to acknowledge his very existence. By “pretending” that Nolan does not exist, the government reduces Nolan to a mere fiction, a “ghost,” for whom they need not account. The fiction, in fact, is Hale’s, but he reverses the respective agents of fiction and history, portraying Ingham, who doubles as the story’s author, as the defender of truth, and the government as at best ignorant, and more probably a purveyor of unsubstantiated fictions. It is, thus, the government that authors deceitful fictions, and the story that rectifies the truth of Nolan’s forgotten history.59 The government, further, lacks the very

59 The claim that the government has always denied Nolan’s existence strengthens the historical premise of the tale by discrediting ahead of time any disclaimers the government might make about Philip Nolan. If Hale had openly acknowledged Nolan’s fictionality, the government’s claim in the story to nothing about him would have appeared simply as a statement of the facts—the government knows nothing of Nolan because he does not exist. As Hale coyly observed of the ‘announcement’ of Nolan’s death that opens the story, he “had full right to say that very few readers observed [the announcement] because nobody observed it. The story was a fiction, and with the right of an author of fiction I made this statement, which is unequivocally true.” Brook Thomas also notes the paradoxical truth of the government’s claim that “there was no such man.” Hale, “Philip Nolan and the ‘Levant’,” 115, my emphasis. Civic Myths, 68.

59 “Literary,” 341.
thing that the narrative generates: sympathy for Nolan.\textsuperscript{60} At best ignorant and at worst deceitful, the government neglects its subjects in the story, betraying the ideal of impassioned fellowship with which Nolan belatedly invests it.

Hale’s representation of the government’s unyielding impersonality is perplexing given the patriotic ambitions of the story, but it accords with his earlier reflections in a gubernatorial election sermon in 1859. Invoking the Pauline distinction between the letter and the spirit of the law to describe the respective functions of the church and the state, Hale remarks that while the government must legislate for an “average of manhood” that no one “precisely conforms to,” the church has a duty to redress the injustice of such impartial law—whether by disregarding the Fugitive Slave Act, or by aiding, rather than deporting, “the pauper exile.” “The exceptions which the law must not account for, are always occurring in fact, in the case of every man. . . . Humanity, in the abstract, may require one thing; but the claim of each individual man is, to the Christ-trained ear, louder than the claim of humanity.”\textsuperscript{61}

Hale’s skepticism of the government—and his emphasis on the inevitable injustice of impartial law—does not, however, preclude the love of country. The government and the country are not equivalent objects. Country, as Brook Thomas observes, “comes from ‘contrary’ and implies a spatial relation” (\textit{CM}, 85). Part of the peculiarity of Hale’s portrayal of patriotism in the story, I would suggest, arises from how thoroughly he disentangles the idea of country from both the government that regulates it and even its geographical limits. In keeping with its etymology, “country” is truly a

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\textsuperscript{60} As Pearce notes, “the conduct of the government in his own case would appear to justify to some extent the young Nolan’s initial attitude of contempt for the United States” (“Wisdom of Exile,” 92).

\textsuperscript{61} Hale, \textit{A Sermon Delivered before His Excellency Nathaniel P. Banks, Governor. . . .} (Boston: William White, 1859), 30, 33.
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negative phenomenon in Hale’s story, where patriotism is forged in the comparative grammar of exile.

Within the tale, Nolan’s own reading practices bear out the contradictions of nationalism, as conceived under the model of negative instruction. Nolan becomes increasingly patriotic not by reading about the United States, but by experiencing its discursive and sensorial loss. To ensure that Nolan’s sentence—“never [to] hear the name of the United States again”—is carried out in full, the naval officers are only “permitted to lend him books, if they were not published in America and made no allusion to it” (“M,” 669). Despite this injunction, however, the story does not limit the “national” character of a work to the content of its allusions, or the locale of its publication. In a pivotal scene that triggers Nolan’s patriotic reform during his sentence, he reads aloud passages from Walter Scott’s nationalist poem, *Lay of the Last Minstrel* (1805), which impart to him, for the first time, the full pathos of his exile:

> “Breathes there the man, with soul so dead,  
> Who never to himself hath said,”

. . . Poor Nolan himself went on, still unconsciously or mechanically,—
> “This is my own, my native land!”

Then they all saw something was to pay; but he expected to get through, I suppose, turned a little pale, but plunged on,—
> “Whose heart hath ne’er within him burned  
> As home his footsteps he hath turned  
> From wandering on a foreign strand?  
> If such there breathe, go, mark him well.”

. . . “For him no minstrel raptures swell;  
> High though his titles proud his name,  
> Boundless his wealth as wish can claim,  
> Despite these titles, power and pelf,  
> The wretch concentrated all in self,”

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62 As Pearce similarly points out, “Nolan becomes a better citizen despite or because of the fact that the rule of his reeducation was that it be free from all content appertaining to his country” (“Wisdom of Exile,” 101).
and here the poor fellow choked, could not go on, but started up, swung the book into the sea. ("M," 669-670)

The minstrel’s eloquent patriotism stands in stark contrast to Nolan’s rash denunciation of his country, and it is the import of this forfeiture that Nolan realizes as he chokes out these lines.

Still, Nolan and the minstrel inspire patriotism in a similar manner. In Scott’s poem, the minstrel, though patriotic, is fundamentally alienated from the Scottish nationalism he nostalgically idealizes. He is “the last of the race . . . supposed to have survived the Revolution.”63 Even the minstrel’s impassioned verse here—which in the poem constitutes his response to the suggestion that his skills would be better rewarded in “the more generous southern land” (England) than in the “poor and thankless soil” of Scotland—works according to a negative model of patriotism.64 Scott’s lines draw their fervency from the hypothetical figure of a soulless “wretch” devoid of national attachment. Indeed, patriotism is supposed to grow in direct accordance with geographical distance from one’s country, such that nothing is more abject than a person “’Whose heart hath ne’er within him burned/ As home his footsteps he hath turned/ From wandering on a foreign strand.’”

Considering Scott’s frequent use of the generic nominations “northern” and “southern” to refer to Scotland and England respectively, it is not difficult to see how the paradigm of Scottish nationalism lent itself to the topography of patriotism mobilized by Northern Unionists during the Civil War. The flexibility of patriotic rhetoric, which enables Hale to seamlessly adapt Scottish references for the Union cause, underscores

64 Scott, Lay, 156.
that patriotism, in the story, has an unstable relation to the United States, whose borders in the period were both expanding and contested. Indeed, in the narrator’s explanation of the mistake through which *The Lay* came into Nolan’s hands, it becomes clear that Scott’s poem is “national” in the sense restricted by Nolan’s sentence. Ingham explains, “Well, nobody thought that there could be any risk of anything national in that *The Lay*, though Phillips swore old Shaw had cut out the ‘Tempest’ from Shakespeare before he let Nolan have it, because he said ‘the Bermudas ought to be ours, and, by Jove, should be one day’ (“M,” 669). The plan adopted for Nolan’s reading presumes that foreign literature is safely free of “national” content, as it consists in American references, but in the sensitive situation of Nolan’s discursive deprivation, the sentiment of patriotism itself becomes an allusion to the country Nolan denounced. The reference to the Bermudas, if somewhat playful, suggests another reason for this. Within the logic of manifest destiny, foreign territories appear as prospective extensions of the nation. The “anarchy of empire,” to use Amy Kaplan’s phrase, consists indeed in the essential non-consanguinity of the imperial nation, in which the line between the domestic and foreign is continually rewritten.  

In a story whose didactic lesson pivots on the distinction between treachery and nationalism, the extra-national machinations of imperial appropriation jeopardize the very integrity of patriotism. The appropriation of new territories undermines the coherence of the nation’s present boundaries, but within the framework of manifest destiny the rationale for any extension preexists the action, such that the nation is simply realizing territories that were already properly its own. This instability is particularly pronounced

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in Hale’s representation of the annexation of Texas — the target of Burr’s alleged attempt to raise his own empire:

[W]hen Texas was annexed, there was a careful discussion among the officers, whether they should get hold of Nolan’s handsome set of maps and cut Texas out of it,—from the map of the world and the map of Mexico. The United States had been cut out when the atlas was bought for him. But it was voted, rightly enough, that to do this would be virtually to reveal to him what had happened, or, as Harry Cole said, to make him think Old Burr had succeeded. (“M,” 676)

Despite the officer’s decision, Nolan becomes curious at the sudden absence of any references to Texas, which were all “painfully cut out of his newspapers,” and finally asks “what has become of Texas.” An officer bluntly responds, “Texas is out of the map, Mr. Nolan” (“M,” 676). The acquisition of Texas thus registers as a loss for Nolan, another discursive gap. The legal change retroactively confers a national character to maps and representations of Texas printed before its annexation. Burr’s scheme too appears in a different light—the failed plan of Burr, when actualized, becomes demonstrative of national glory. Indeed, when the Republic of Texas was declared in 1836, Burr himself reportedly remarked, “I was only thirty years too soon. What was treason in me thirty years ago is patriotism today!”

The flexible rationale of manifest destiny provides, on a diachronic level, an ambiguity between treachery and patriotism akin to the “hybrid agency” of seduction: what is treason while a scheme, is patriotic when realized. Just as Nolan must be both treacherous and innocent, manifest destiny institutes a principle of retroactive

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convertibility between extra-national (and strictly treacherous) impulses and national affirmation. The legality of an imperial action thus does not depend on a stable principle, but on whether or not it is successful. As the narrator notes, musing over the equivocations raised by the government’s “fail[ure] to renew the order of 1807 regarding” Nolan, “the Secretary always said, as they so often do at Washington, that there were no special orders to give, and that we must act on our own judgment. That means, ‘If you succeed, you will be sustained; if you fail, you will be disavowed’” (“M,” 677). Playing on this ambiguity, Ingham proceeds to suggest that by including a letter from Danforth—an officer who sympathetically (but perhaps treacherously) agrees to answer Nolan’s questions about America as Nolan lies on his deathbed—“I do not know but I expose myself to a criminal prosecution on the very revelation I am making” (“M,” 677). Legality has become a matter of individual “judgment”; there are no clear protocols to establish the proper action.

Such individualism, it would appear, compromises what Hale elsewhere represents as the vitality of “common life.” In an 1887 essay, “Democracy and a Liberal Education,” Hale contends that “anyone who separates himself from the race of which he is a part, at that moment death begins.”67 A good citizen cannot be “concentrated all in self,” to recall Scott’s poem, but “must live in the common life,” or not at all.68 Nolan’s reeducation through exile in “The Man Without a Country” appears to contradict this claim. As Colin Pearce observes, “Hale ends up making a very strong case for the ennobling effects on the individual of exclusion from full membership in the

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community.” However, transgressive individualism and the “common” good of the nation are only incompatible within a static and insular model of nationalism.

The allusions to Napoleon in the story are significant in this context. Napoleon only appears once within the story itself—in the example of “innocent” foreign narratives inadvertently cut in the process of excising references to America on the reverse side of the paper (“M,” 669)—but Napoleon’s detention onboard the British ship Bellerophon, previous to his detention at Saint Helena, served as the inspiration for Nolan’s maritime incarceration. After reading Sir Walter Scott’s history of Napoleon, Hale was struck with the idea that rather than forcibly removing Napoleon to Helena the British should have kept him indefinitely aboard the ship, on which he maintained he was a “guest” not a prisoner. Hale, in all likelihood, took the title of his story from Scott’s history, in which the phrase “a man without a country” appears in a line of dialogue.

By choosing the moment of Napoleon’s fall and imprisonment as the scenario for the story, Hale intends to offer a cautionary tale, a “warning to young Nolans and Vallandighams and Tatnalls of today of what it is to throw away a country” (“M,” 677). Yet, by modeling Nolan on Napoleon, Hale also foregrounds the heroic and romantic character of imperial agency. The story, in fact, portrays Nolan as a potential imperial agent. In the passage following Nolan’s heroism in the War of 1812, the narrator suggests

69 Pearce, “Wisdom of Exile,” 100.
70 The superimposition of Napoleon and America on the two sides of the paper is quite fitting. In the preface to Philip Nolan and His Friends, Hale credits the greatness of the United States to Napoleon. “The truth is, that the credit—so far as there is any to be given to one man—of this great transaction [the annexation of Louisiana], which makes the United States what it is, is to be given to Napoleon Bonaparte.” Napoleon appears not as a European rogue or tyrant, but as the diplomatic agent of the United States’ imperial expansion. Hale, Philip Nolan and Friends, 3.
71 Hale, History, v-vi.
that Nolan would be a valuable agent of American imperialism, if given the chance.

Noting Nolan’s diverse knowledge of “fortifications…and all that,” Ingham says that if Nolan had been left in charge of the Nukahiwa Islands, 73 “We should have kept the islands, and at this moment we should have one station in the Pacific Ocean” (“M,” 672). Nolan is also the natural historian onboard the naval ships, collecting “bits of plants and ribbons, shells tied on, and carved scraps of bone and wood, which he taught the men to cut” for his “scrap-books” (“M,” 673). Nolan is thus a figure of imperial knowledge, as well as expansionism, and this fact only raises him in the evaluation of the narrative. Indeed, if Nolan had been given the opportunity to retain the Nukahiwa islands, the narrator contends, “That would have settled all the question about his punishment” (“M,” 672). Imperial power, it appears, can redeem all treacheries. Nolan, of course, is a failed agent of empire, but the idealization of imperialism in the story, like that of the nation itself, is a recuperative gesture. “The Man Without a Country” does not extol the nation as it is; it uses political disappointments to engender political solidarity in the future.

Within an imperial nation, the state is continually rewritten according to the appropriation of what lies outside of its bounds. This means not only that the foreign can become the domestic, but the alien a citizen, and the traitor a patriot. The incorporative logic of imperialism wrenches these bodies from the contradictions incumbent to their local contexts, establishing commonalities amid the incongruous. For Hale, this is the effect of historical fiction itself. It is an irreverent medium that appropriates historical figures for its own purposes. Hale acknowledges this potential in his response to the Observer’s suggestion that the story was a “contra bonos mores,” when he maintains that,

73 The Nukahiwa islands are either a barely fictionalized allusion to the Nukahiva islands, or a misspelling.
“if hard pressed,” writers can “put words into the mouths” of historical characters, as he has “put words into Aaron Burr’s mouth” in “The Man Without a Country.”  

Burr in fact never speaks in the story, but Hale it might be said “speaks” through Burr nonetheless—appropriating this infamous figure of treachery as the subject for his patriotic lesson. The effect of Hale’s writing is not only to ventriloquize—to act by proxy, or influence—but to expand the empire of patriotic literature to include precisely those subjects repudiated by national history.  

Patriotic Slaves and the Pathos of Dispossession

While Hale privileges imperialism insofar as it can recast the foreign as the domestic, and treason as patriotism, he remains unequivocal about the malignance of one of its central manifestations: slavery. In an 1845 tract on Texas annexation, fittingly entitled “How to Conquer Texas, Before Texas Conquers Us,” Hale notes that “[t]he weakness of the Federal Government” becomes “more dangerous as the extent of the territory of the Union increases,” but contends that—though this particular drawback to Texas annexation is past remedy (since the passage of the annexation resolution)—the balance between free and slave states can still be restored through the principled emigration of northerners into Texas: “We ought, by acting in Texas, by our emigration in Texas, by our moral influence in Texas, by our votes in Texas, to continue there the contest of freedom, in the first skirmish of which we have been defeated.”

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74 “Echoes,” 27.
75 At one point in the story, Hale raises the possibility that Burr may in fact have been innocent, after all: “The courts dragged on. The big flies [Burr and fellow conspirators] escaped,—rightly for all I know.” “M,” 666.
76 Hale, How to Conquer Texas, Before Texas Conquers Us (Boston: Redding & Co., 1845), 4-5.
proposed amelioration of territorial acquisition is essentially more imperialism, in this case in an ideological form—Northern principles and “influence.”

This too, of course, is the fundamental project of Hale’s story, which enlists patriotic sentiments to combat secession and slavery. Hale situates the narrator’s “own acquaintance with Philip Nolan” in the midst of these two ideologically charged contexts. Ingham, we are told, met Nolan “six or eight years after the English war [1812] . . . in the first days after our Slave-Trade treaty, while the Reigning House, which was still the House of Virginia, had still a sort of sentimentalism about the suppression of the horrors of the Middle Passage, and something was sometimes done that way” (“M,” 673). Hale invokes the central objectives of the Civil War in these lines: reunification and emancipation. The latter, though not typically seen as a critical issue in the story’s reception, is central to the text’s analogical structure, which hinges on the similar affective character of different forms of dispossession: namely, exile and slavery.77

The narrator, in fact, “first came to understand anything about ‘the man without a country’ one day when we overhauled a dirty little schooner which had slaves on board” (“M,” 673). An officer takes charge of the ship, but is unable to communicate to the slaves that they are free, without the help of a translator. The captain asks if anyone can speak Portuguese, and “Nolan stepped out and said he would be glad to interpret” (“M,” 673). Most of the scenes in the story are presented as legends of Nolan that Ingham has heard from other officers, but this is one of the few passages in which the narrator

77 Since Hale only mentions slavery briefly and obliquely in subsequent prefaces, Thomas argues that “slavery never played much of a role in the reception” of the story (CM, 99). The tale only explicitly addresses the slave trade, not domestic slavery, but the “man without a country” (deprived of home and homeland), I argue, doubles as a figure for slavery more generally.
participates dramatically. Ingham accompanies Nolan to the schooner and witnesses a “scene as you seldom see, and never want to” (“M,” 674).

When Nolan translates that the slaves “are free,” “there was such a yell of delight, clinching of fists, leaping and dancing, kissing of Nolan’s feet” (“M,” 674). However, when Nolan proceeds to inform them that they will all be taken to Cape Palmas, “this did not answer so well. Cape Palmas was practically as far from the homes of most of them as New Orleans or Rio Janeiro was; that is, they would be eternally separated from home there” (“M,” 674). The parallel to Nolan’s own exile becomes painfully evident as he translates the objections of the slaves back into English. Nolan explains:

“He says, ‘Not Palmas.’ He says, ‘Take us home, take us to our own country, take us to our own house, take us to our own pickaninnies and our own women.’ He says he has an old father and mother, who will die, if they do not see him. . . . And this one says,” choked out Nolan, “that he has not heard a word from his home in six months, while he has been locked up in an infernal barracoon.” (“M,” 674)

The captain, moved to pity as “Nolan struggled through this interpretation,” declares that all the slaves will be returned to their individual homes: “Tell them yes, yes, yes; tell them they shall go to the Mountains of the Moon, if they will. If I sail the schooner through the Great White Desert, they shall go home!” The slaves rejoice at this news, but Nolan “could not stand it long” (“M,” 674-5). As Thomas notes, the “contrast between these Africans allowed to return home and Nolan never allowed to return is too great to bear” (CM, 65). Nevertheless, the pathos comes precisely from the analogy that underwrites this contrast. Nolan, it is worth emphasizing, is himself a captive exile. The scene receives coherence from the basic comparison between Nolan’s homelessness and the domestic dispossession attendant on the offer to grant the slaves freedom in Cape
Palmas, away from their homes. The analogy between Nolan and the slaves particularizes the generic promise of freedom, revealing its geographical and familial contingencies.

It is only after this emotive scene that the material consequences of Nolan’s treachery become fully evident. The passage most frequently reprinted in educational excerpts of the story follows directly from this encounter. When Nolan and Ingham return to the ship, Nolan apostrophizes the didactic lesson of the story in an address to Ingham:

“Youngster, let that [the scene on the slave schooner] show you what it is to be without a family, without a home, and without a country. And if you are ever tempted to say a word or to do a thing that shall put a bar between you and your family, your home, and your country, pray God in His mercy to take you that instant home to His own heaven. Stick by your family, boy; forget you have a self, while you do everything for them. Think of your home, boy; write and send, and talk about it. Let it be nearer and nearer to your thought, the farther you have to travel from it; and rush back to it, when you are free, as that poor black slave is doing now. . . . Oh if anybody had said so to me when I was your age!” (675)

Hale utilizes the narrative spectacle of Nolan’s anguish to deter readers from making the same mistake. The “theory” is thus, as the narrator remarks in explanation of the ameliorative effect of Nolan’s presence on the naval ships, “that the sight of his punishment does them [the officers] good” (“M,” 669).

The tale’s power, however, is not merely prohibitive. Nolan’s distance from his country, after all, only heightens his patriotism. When, toward the close of the story, Nolan points from his deathbed to a “great map of the United States, as he had drawn it from memory” and sadly exclaims, “Here, you see, I have a country!” (“M,” 677), it is clear that this imaginative possession comes at the cost of its material presence. The officer, Danforth, who witnesses this scene, comforts Nolan in these final hours by agreeing to tell him about the recent history of the U.S., despite the prohibition in Nolan’s sentence. Danforth draws the boundaries of newly incorporated states into Nolan’s map,
but he cannot bring himself to “tell him a word about this infernal Rebellion” (“M,” 678-9). Nolan thus spends his final moments elated in the knowledge of the nation’s progress, while ignorant of the Civil War that threatens it with disunity and collapse. Danforth’s selective history may be characteristic of what Lauren Berlant refers to as the “typically amnesiac American,” but for the reader the specter of the “infernal Rebellion” has been recalled. The lesson of Hale’s story is not to forget the nation’s failures, but to establish the ideal of the nation as the measure of its uneven progress.

In this respect, the scene with the slaves is pivotal. The comparison between Nolan and the slaves extends the reader’s sympathy, and patriotic identifications, to include those denied political autonomy. However, whereas Nolan is in the peculiar situation of being held captive by the nation from which he is exiled, for the Africans in the story enslavement is the product of foreign abduction, not the judgment of their native governments. The narrative’s promise that the slaves, now free, will be able to return to their homes offers the very image of reconciliatory return that Nolan’s repentant conversion has led us to expect for him. If Hale had focused on domestic slavery instead of the slave trade he would have lost this symmetry. As a condition of natal alienation domestic slavery institutes a formal separation between nativity and citizenship that confounds narratives of the nation as home. Hale uses the scene with the African slaves, then, in order to represent a possibility of political reconciliation that is unavailable within the terms of domestic slavery and, in fact, for Nolan himself.

Strangely, “The Man Without a Country” comes the closest to addressing the problem that domestic slavery posed for the definition of U.S. citizenship through its

representation of Nolan’s exile. Nolan is a captive of the nation, deprived of autonomy and without viable legal redress. So although Hale’s story does not explicitly engage with the issue of *domestic* slavery, it plays on the generic range of the designation “the man without a country” to represent different forms of dispossession.⁷⁹ Indeed, in one of the uncanny echoes so characteristic of the story, Hale later attempted to reconstruct the tale as an abolitionist fable. On receiving a “memorandum of the death of ‘Philip Nolan,’ a black man from Louisiana, to whom the *war gave a country*,” Hale suggested that this unintentional coincidence “atone[d]” for any dishonor the name of his character may have brought to the historical Philip Nolan.⁸⁰ Framed thus, the fulfillment of the story is not only the engendering of patriotism, but the extension of citizenship. Negative instruction in “The Man Without a Country” may entail ambiguities both categorical and formal, but the conflicting sympathies it facilitates unsettle the exclusions that organize civic belonging—suggesting the pathos of dispossession at the heart of patriotic fantasy.

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⁷⁹ In *Philip Nolan and His Friends*, Hale’s peculiar sequel to “The Man Without a Country,” this phrase finds a feminine corollary in “the girl without a country” (Hale, *Philip Nolan and Friends*, 41).

⁸⁰ The language of atonement appears in “The Ingham Papers,” where Hale describes “a negro from Louisiana, who died in the cause of his country in service in a colored regiment,” who, according to Hale, had “done something to atone for the imagined guilt of the imagined namesake of his unfortunate god-father” (“Ingham Papers,” 8). The phrase “to whom the war gave a country,” reflects his insight in a later preface (Hale, [Preface], “The Man Without a Country,” ed. Thomas Tapper [Boston: The Page Company Publishers, 1917], xvii, my emphasis.) The historical Philip Nolan—a horse-trader shot by the Spaniards in Texas in 1801—is the protagonist of Hale’s *Philip Nolan and His Friends*. 
Chapter Two

The Tragic Citizen: Hawthornian Romance and the Aesthetics of Defection

In “A Book of Autographs,” published in *The United States Magazine and Democratic Review* in 1844, Nathaniel Hawthorne ponders the handwriting of Revolutionary soldiers and statesman for “subtle intimations for which language has no shape.”¹ Most of the readings are relatively straightforward—Hawthorne describes John Adams’s “hasty” but “earnest” hand, Benjamin Franklin’s “free, quick style,” and Hamilton’s “graceful” autograph—but when he turns to Aaron Burr, the “hand who shed [Hamilton’s] blood,” the description is subsumed in rhetorical flourishes:²

Remembering what has been said of the power of Burr’s personal influence, his art to tempt men, his might to subdue them, and the fascination that enabled him, though cold at heart, to win the love of woman, we gaze at this production of his pen as into his own inscrutable eyes, seeking for the mystery of his nature. How singular that a character imperfect, ruined, blasted, as this man’s was, excites a stronger interest than if it had reached the highest earthly perfection of which its original elements would admit! It is by the diabolical part of Burr’s character that he produces his effect on the imagination. Had he been a better man, we doubt, after all, whether the present age would not have already have suffered him to wax dusty, and fade out of sight, among the mere respectable mediocrities of his own epoch.³

Hawthorne affirms what some readers of “The Man Without a Country” later feared: that error and crime have a disproportionate effect on the “imagination.” Burr fascinates not in spite of his imperfection but because of it; his “ruin” is what preserves him from

³ “Autographs,” 460, emphasis added.
oblivion among the “respectable mediocrities” of the past. Still, error alone does not ensure posterity, any more than respectability. It is the fusion of discrepant possibilities—the capacity for “the highest earthly perfection” alongside the “diabolical”—that conditions the narrative of Burr’s exceptionality. For Hawthorne, Burr exemplifies an essentially tragic form of politics, in which the greatness of what might be appears only in the ruins of what was.⁴ History itself, Hawthorne suggests, is the story of this ruin. One is either doomed to oblivion by mere conventionality, or memorable by virtue of intense infamy.

Hawthorne’s reading of Burr points to a more pervasive tendency in his fiction, in which figures of political failure—the “imperfect, ruined, blasted”—serve as the generative, if fraught, occasion for literary invention. Hawthorne repeatedly depicts political life through its outcast and abject heroes—from the tar and feathered humiliation of Major Molineux, to the exile of Hester Prynne, and the expatriates of The Marble Faun. The insistent negativity that structures his portrayal of civic ideals entails a particularly impoverished conception of political agency. For in making transgression, renunciation, and even treason privileged expressions of individual agency, he also reduces citizenship to an essentially fatalistic enterprise.⁵ This problematic assumes

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⁴ In part, this fatalistic rendering of civic ideals is an effect of retrospection: with the outcome already decided, the “possible” is necessarily foreshortened.
⁵ Jonathan Arac and Sacvan Bercovitch both argue that Hawthorne’s aesthetic systematically undermines the possibility of political agency. Arac argues that indeterminacy in Hawthorne circumvents choosing sides in politics, while Bercovitch reads The Scarlet Letter as complicit in an ideology of compromise that justifies “manifest inaction” as “national destiny.” While I see political agency as a fraught concept in Hawthorne, my concern is not with what might be called Hawthorne’s quietism, but rather the extent to which the idealization of renunciation as the paramount expression of civic voluntarism (in both Hawthorne’s work and the period more broadly) is self-defeating by necessity; it makes political action and participation mutually exclusive. Jonathan Arac, “The Politics of the Scarlet Letter,” in Ideology and Classic American Literature, ed. Sacvan Bercovitch and Myra
particular gravity in Hawthorne’s only essay on the Civil War, “Chiefly About War-Matters” (1862), where he famously denounces John Brown. While John Brown’s militant raid on the federal arsenal at Harper’s Ferry made him a hero among abolitionists, according to Hawthorne, “Nobody was ever more justly hanged.”\(^6\) Despite the apparent stridency of this remark, the essay as a whole implicitly qualifies this indictment: Brown may have been found guilty of treason, but, as Hawthorne argues elsewhere in the essay, treason is not strictly voluntary; it is an inevitable product of the competing local and federal allegiances of U.S. citizenship:

> There never existed any other Government against which treason was so easy, and could defend itself by such plausible arguments as against the United States. The anomaly of two allegiances (of which that of the State comes nearest home to a man’s feelings, and includes the altar and the hearth, while the General Government claims his devotion only to an airy mode of law, and has no symbol but a flag) is exceedingly mischievous in this point of view; for it has converted crowds of honest people into traitors, who seem to themselves not merely innocent, but patriotic, and who die for a bad cause with as quiet a conscience as if it were the best (“CWM,” 48).

For Hawthorne, the “loyal” subject is always divided: between identifications with the state and the nation, the everyday and the symbolic, affect and abstraction. The nation is both experientially and symbolically impoverished (“no symbol but a flag”), while the state monopolizes the political “feelings” of its citizens. But it is the dilemma posed by the “anomaly of two allegiances” that is paramount. Within this conflicting paradigm, the citizen is either irreparably torn between multiple allegiances, or, in favoring one, suffers the loss of the other, as well as the potential allegation of treason.

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Treason, Hawthorne suggests, is not something that citizens commit, but a circumstance to which they are subject. By attributing the agency of treachery to the “anomaly of two allegiances”—“it converted crowds of honest people into traitors”—Hawthorne depicts secession as a force of nature, and the Confederates as victims rather than rebels. By portraying secession as an effect of local attachments that are so habitual as to be irresistible, Hawthorne counters the customary understanding of it as an expression of the voluntary character of political association. According to this latter view, to quote an 1883 history of U.S. politics, “Underlying all the doctrines of nullification, state sovereignty and secession, was the notion that the government of the United States was ‘one of love, not of force’; that obedience to its laws was rather voluntary than compulsory.” Yet, as “Chiefly about War Matters” suggests, even such love is not strictly voluntary; its coercive effects are merely more affective in character. Seen thus, the choice is not between political empowerment and subjection, but between two types of compulsion. The renunciation of national citizenship may have invoked the conceit of individual autonomy, but, as a reactionary gesture, it also called attention to the unchosen aspects of allegiance—the affiliatory obligations that persist regardless of personal sentiments.

In the first chapter, I show how “negative instruction” undermines exclusionary distinctions and establishes the pathos of dispossession as an organizing, if disruptive, element of civic fantasy. But whereas Philip Nolan’s adjudicated exile—and the dislocating effects of slavery that it analogizes—represents disaffiliation solely in its punitive character, this chapter reads Hawthorne’s theorization of “romance” as a formal

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meditation on contemporaneous debates about the *right* to renounce native citizenship.

Hawthorne uses the term “romance” to name the extremities of fictional license—a literature unconstrained by “the probable and ordinary course of man’s experience,” to recall his definition in the preface to *The House of the Seven Gables* (1851). But, this notion of aesthetic autonomy assumes distinctly political connotations in several of Hawthorne’s works, where he likens the hermetic tendencies of romance to several forms of civic defection: revolution, expatriation, and secession. Attending to Hawthorne’s shifting characterizations of romantic detachment—as “neutral” (“The Custom-House”) and, later, “a kind of treason” (“Chiefly About War Matters”)—as well as his little discussed tale of a Loyalist storyteller and her companionate slave (“Old Esther Dudley”), I suggest that for Hawthorne citizenship is a sort of servitude that can only be escaped at the cost of treason.10

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8 The full passage reads, “When a writer calls his work a romance, it need hardly be observed that he wishes to claim a certain latitude, both as to its fashion and material, which he would not have felt himself entitled to assume, had he professed to be writing a novel. The latter form of composition is presumed to aim at a very minute fidelity, not merely to the possible, but to the probable and ordinary course of man’s experience. The former—while, as a work of art, it must rigidly subject itself to laws, and while it sins unpardonably so far as it may swerve aside from the truth of the human heart—has fairly a right to present that truth under circumstances, to a great extent, of the writer’s own choosing or creation.” Although Hawthorne presents romance as a distinct genre in this passage, he typically uses the term more comprehensively to describe the capacities of fiction. As Michael Davitt Bell observes, in its primary connotation romance described “not one kind of fiction as opposed to another but all fiction as opposed to fact.” Hawthorne’s use of romance, I would stress, does not depart from this customary definition; it simply presumes that moments of literary invention capture the essence of fiction more fully than expressly realistic modes. Hawthorne, *The House of the Seven Gables*, The Centenary Edition of the Works of Hawthorne, vol. 2 (Columbus: Ohio State University Press, 1971), 1. Hereafter cited parenthetically as *HSG*. Michael Davitt Bell, *The Development of American Romance: The Sacrifice of Relation* (Chicago: University of Chicago Press, 1980), 9

9 The term defection is used here to describe the common structure of different forms of political renunciation (revolution, expatriation, nullification, and secession), as well as to underscore the extent to which these forms remain vulnerable to the charge of treason and, more generally, failure.

On the Politics of Neutrality

Hawthorne’s several definitions of romance have been central to assessments of the political character of his work and of American literature more generally. Much has been made, in particular, of Hawthorne’s attempt to distinguish the “latitude” of “Romance” from the “very minute fidelity” of the “novel”—“romance,” he argues in his preface to *The House of the Seven Gables*, “has fairly a right to present that truth under circumstances, to a great extent, of the writer’s own choosing” (*HSG*, 1). Drawing on this distinction, Lionel Trilling argues in *The Liberal Imagination*, “American writers of genius have not turned their minds to society…Hawthorne was acute when he insisted that he did not write novels but romances—he thus expressed his awareness of the lack of social texture in his work.” In general, Trilling insists on the social character of literature, but he tacitly preserves the traditional opposition between aesthetics and politics by remapping it in distinctly national terms: distinguishing American (asocial) romance from the British novel of manners. Trilling’s argument that the absence of “social texture” is characteristic of “great” American literature was influential to the idea

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11 Hawthorne’s writing has been central to reassessments of the politics of literature, including Lauren Berlant’s influential nationalist reading, but the dominant argument—that the ambiguities of Hawthorne’s aesthetic are antithetical to political action, as Jonathan Arac and Sacvan Bercovitch both differently argue—tends to reinforce the traditional opposition between aesthetics and politics, even as it provides a more nuanced account of it. As Donald Pease succinctly notes, “Whereas the James-Matthiessen lineage of Hawthorne critics interpreted Hawthorne’s departure from the Custom-House in terms of his assertion of literature’s emancipation from politics, Arac and Bercovitch have interpreted Hawthorne’s literary project as collaborative with the depoliticizing effects of American politics.” Arac and Bercovitch’s emphasis on inaction is convincing in many respects, but the ideological criticism they model threatens to reduce the spectrum of politics to two modes: complicity and dissent. Lauren Berlant, *The Anatomy of National Fantasy: Hawthorne, Utopia, and Everyday Life* (Chicago: The University of Chicago Press, 1991). Jonathan Arac, “Politics of the Scarlet Letter,” 247-266; Bercovitch, *Office of The Scarlet Letter*; Donald E. Pease, “Hawthorne in the Custom-House: The Metapolitics, Postpolitics of *The Scarlet Letter*,” *Boundary 2* 32, no. 1 (2005): 53-70. Lionel Trilling, *The Liberal Imagination: Essays on Literature and Society* (New York: Viking Press, 1950), 205-222.

12 This reification of the myth of romantic autonomy, is perhaps an inevitable result of restricting a discussion of U.S. politics to generalizations about liberalism.
that romance is, if not the, definitive American genre. My approach to Hawthornian romance diverges from these assumptions in at least two significant ways. First, it does not treat romance as a stable genre, but understands it as a hyperbolic term for the prerogatives of fiction. Secondly, while my reading of Hawthorne examines what Benedict Anderson refers to as the “style” in which communities are imagined, it departs from the exclusive focus on the national imaginary that has been the legacy of his work. Hawthornian romance, I argue, is not national, local, or even cosmopolitan, rather, it comes to nominate the irresolvable gap between territorially bound institutions

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13 In a representative generic survey of “American Romance,” for example, Emily Miller Budick argues, “American romance fiction…was an effort by a group of writers to produce what Noah Webster called ‘an American tongue.’” *Nineteenth-Century American Romance: Genre and the Construction of Democratic Culture* (New York: Prentice Hall International, 1996), 20.

14 As Nina Baym argues, romance does not have the type of generic stability (even in Scott) that Hawthorne’s use of the term in his prefaces seems to presuppose. See, “Concepts of the Romance in Hawthorne’s America,” *Nineteenth-Century Fiction* 38 March 1984): 426-443. In what follows, I use the term romance in Hawthorne’s peculiar sense of it, not to insist that it constitutes a consolidated genre, but rather as an exemplary formulation of the continual interplay between the renunciative impulse of fiction and the world it inhabits.

15 Anderson observes that “all communities larger than primordial villages of face-to-face contact (and perhaps even these) are imagined. Communities are to be distinguished not by their falsity/genuineness, but by the style in which they are imagined,” *Imagined Communities: Reflections on the Origin and Spread of Nationalism*, rev. and extended ed. (New York: Verso, 1991), 6.


and political ideals. The community imagined in Hawthorne, thus, is foremost one of dislocation.  

In “The Custom-House,” Hawthorne represents renunciation as a precondition for fiction. He portrays his peremptory dismissal from his position in the Salem Custom House as a “revolution,” which nonetheless enables him, its “decapitated” victim, to regain the “class of susceptibilities” necessary for imaginative composition (SL, 43, 36). In addition, Hawthorne maintains, he must withdraw from his readers in order to stand in “true relation.”

It is scarcely decorous, however, to speak all, even where we speak impersonally. But—as thoughts are frozen and utterance benumbed, unless the speaker stand in some true relation with his audience—it may be pardonable to imagine that a friend, a kind and apprehensive, though not the closest friend, is listening to our talk; and then, a native reserve being thawed by his genial consciousness, we may prate of the circumstances that lie around us, and even of ourself, but still keep the inmost Me behind its veil. To this extent and within these limits, an author, methinks, may be autobiographical, without violating either the reader’s rights or his own (SL, 4, emphasis added).

To disclose too much not only obtrudes on the respective privacy of author and reader, conceived as a right, but also compromises the impersonality necessary to the exchange. As Richard Millington argues in a somewhat different context, “Hawthorne’s veiling” purchases the “freedom” of an “interchange” that does not “stea[l] away the other’s

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17 As Edgar Dryden has argued, “homelessness… becomes the original impulse or basic theme of Hawthornian Romance, and gives the familiar metaphor of the house of fiction a special ontological dimension.” Edgar A. Dryden, “Hawthorne’s Castle in the Air: Form and Theme in The House of the Seven Gables,” ELH 38, no. 2 (1971), 295.

18 In this capacity, the rhetoric of retreat is decisively strategic. As Meredith McGill argues, “Hawthorne’s characteristic tone of repose represents not a withdrawal from the literary marketplace, but a set of careful calculations about the marketability of his fiction.” McGill, American Literature and the Culture of Reprinting, 1834-1853 (Philadelphia: University of Pennsylvania Press, 2003), 218-269, esp. 220.
The cultivation of “genial” “reserve,” that is, refrains from exercising the authoritarian potential of self-expression. If the “I” in Hawthorne is democratic, it is thus not as a grammar for embodying the people, as in Whitman, but insofar as it recognizes detachment and impersonality as the conditions of sociality.

The veil between Hawthorne and his readers offers a figure for the uncanny effects of a form of fiction that both obscures objects and preserves their outlines. Thus, the “Custom-House” of *The Scarlet Letter* is not quite identical with the Custom House in Salem, and the “Hawthorne” that occupies its pages is not quite the same as Hawthorne the person. These correspondences resist easy comparisons as much they invite them. This is the basic interpretive problematic posed by Hawthornian romance more generally. Blithedale, as Hawthorne cautions in the preface to *The Blithedale Romance* (1852), is a “not very faithful shadowing of Brook Farm,” and so on.

Romance, as a principle of intelligibility, operates according to this condition of “almost but not quite.” It is caught between the empirical and the fictive. It is for this reason that Hawthorne idealizes the spectral indeterminacy of “moonlight.” Moonlight, Hawthorne argues, is “a medium the most suitable for a romance-writer,” because objects are “so spiritualized by the unusual light, that they seem to lose their actual substance and become things of intellect” (*SL*, 35). Through its haze, common objects are “invested with a quality of strangeness and remoteness, though still almost as vividly present as by daylight” (*SL*, 35-6). Moonlight provides a partial visibility, akin to the veil. Beneath its

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diffuse glow, objects both are and are not the same; seen in the moonlight, “the floor of
our familiar room has become a neutral territory, somewhere between the real world and
fairy-land, where the Actual and Imaginary may meet, and each imbue itself with the
nature of the other” (SL, 36, emphasis added). If romance enables a convergence between
the material and the ideal, which is often taken as indicative of the reconciliatory nature
of Hawthornian romance,21 such an intersection, it is worth stressing, is made possible by
dislocating objects from their native, and too familiar, contexts. To experience the world
through the medium of romance is to relate to it on the condition of estrangement. It does
not entail an absolute abnegation of the “real world,” but instead structures identification
on the model of removal. Romance is not an autonomous realm; rather, it derives its
character from its relation to what it relinquishes.

“Neutral” thus operates primarily in its etymological sense—not either—defining
romance only negatively, and approximately (“between the real world and fairy-land”).22
The phrase “neutral territory,” of course, is a variation on what Scott calls the “neutral
ground,” but its meaning is quite different. For Scott the “neutral ground” refers to the
fundamental aspects of human nature that are shared across the divides of history: “that
extensive neutral ground, the proportion, that is, of manner and sentiments which are
common to us, or which, arising out of the principles of our common nature, must have

21 Michael David Bell, for example, argues that “the domain of romance is a world of balance and
reconciliation.” Bell distinguishes Hawthornian romance, as a “fundamentally integrative mode” from
the “radical lack of integration between the actual and imaginary” exemplified by James’s
understanding of romance. The paradigm of reconciliation is equally important to Sacvan Bercovitch’s
reading of The Scarlet Letter as “a story of socialization in which the point of socialization is not to
conform, but to consent.” Bercovitch’s argument that The Scarlet Letter is complicit in the ideology of
compromise (as exemplified by the 1850 Compromise Act) shows what a reconciliatory reading of
Hawthorne’s aesthetic looks like as a political model. Bell, Development, 7-8. Bercovitch, The Office
of the Scarlet Letter, xiii.
22 Neuter, the root of neutral, signifies not one or the other. “Neutral,” “Neuter,” Oxford English
existed alike in either state of society.” For Hawthorne, however, the issue is not the communion of individuals through fiction, but the abyssal relationship it cultivates to the material world.

“Neutral territory,” it is worth noting, was also a contemporaneous legal term, which Hawthorne may have been familiar with as Surveyor since it was often used in maritime jurisdiction. As Noah Webster explains in an essay on “The Right of Neutral Nations,” since ships at sea preserve the jurisdiction of the nations from which they proceed, plundering the goods of neutral ships is a violation of “neutral territory.” A “neutral territory” is not outside of the sphere of the law. It is a political protection against hostile actions agreed upon by multiple parties. Hawthorne’s invocation of neutrality provides a similar protection for his writing, by attempting to invalidate, in advance, partisan critiques of his work. In “The Custom-House,” the conceit of neutrality helps to mask the bitterness that pervades his derisive portrayal of the Whig officers, whose political ascension—on the election of President Taylor—precipitated Hawthorne’s deposal (as a Democrat). Romance, it might seem, is the antidote to partisanship. But it is also a specialized extension of it. After all, “The Custom-House”—which is as much an experiment in romance as a definition of it—provides a means of public retaliation against Hawthorne’s untimely dismissal.

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25 Hawthorne compares the Custom House officers to “the occupants of alms-houses, and all other human beings who depend for subsistence on charity, on monopolized labor, or any thing else but their own independent exertions” (*SL*, 7).
26 As Stephen Nissenbaum discusses at length, Hawthorne—far from rejoicing at his dismissal, as he suggests in “The Custom-House”—“initiated a campaign to win reinstatement.” Nissenbaum, “The Firing of Nathaniel Hawthorne,” *Essex Institute Historical Collections* 114, no. 2 (1978), 58.
transcend the political; it merely translates it, adopting its terminology and concerns, even as it abjures its bureaucratic operations.

The Romance of Expatriation

I am not fearful that the poetry of democratic nations will prove weak or that it will stick too close to the ground. I am apprehensive rather that it will forever lose its way in the clouds, that it will end up by depicting entirely imaginary regions. I fear that the work of democratic poets may often present huge and jumbled images, bloated pictures, strange compositions, and that these fantastic creations of their minds will cause us sometimes to yearn for the world of reality.
—Alexis de Tocqueville, Democracy in America (1835/1840)

The often-quoted declaration towards the close of “The Custom-House”—“I am a citizen of somewhere else”—conceptualizes the formal project of romance as coterminous with a refashioning of political allegiance (SL, 44). If in privileging the renunciative character of fiction, Hawthorne would seem to disavow politics in the more everyday sense, what is striking in this formulation is that citizenship becomes the organizing figure for romantic alienation (rather than its antithesis). Hawthorne’s “declaration of independence,” as Dan McCall terms it, is often glossed in relation to the French and American Revolutions—contexts evoked by Hawthorne’s recourse to the “metaphor of the political guillotine” (SL, 43). But in the antebellum period, the trope of revolution was not reducible to the political histories of the late-eighteenth century; it assumed a variety of contentious meanings: in debates over the right of expatriation,

nullification, and secession. Rather than read “I am a citizen of somewhere else” as a belated homage to events that preceded it by more than seventy years, this gesture, I suggest, needs to be understood in its more proximate context: ongoing debates about the right to relinquish native citizenship.

Despite the prevalence of the rhetoric of defection in antebellum culture, the legality of disaffiliation was uncertain at best. Consider, for example, the legal history of expatriation. In December of 1817, following a resolution to appoint a committee “to inquire into…the right of expatriation,” the House of Representatives reviewed a bill “by which the right of citizenship may be relinquished.” The proposed bill provided that when any U.S. citizen, shall, by “a declaration in writing” in open-court, “declare that he relinquishes the character of citizen, and shall depart out of the United States, such person shall, from the time of his departure, be considered as having exercised his right of expatriation, and shall be thenceforth considered no citizen.” The right of expatriation, as elaborated in the bill, involves more than mere geographical relocation; it posits

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28 As Philip Gould similarly emphasizes in his reading of the historical fiction of the 1820s, the “textual signs of historical literature” do not “fundamentally represent a colonial past,” rather, they are “fraught with immediate social, political, and ethical concerns.” *Covenant and Republic: Historical Romance and the Politics of Puritanism* (New York: Cambridge University Press, 1996), 2, 8.

29 The resolution to form a committee for this purpose was put forward by Mr. Robertson of Louisiana on December 13, 1817. *Annals of Congress, 15th Cong., 1st sess.*, 448.

30 “Read twice, and committed to a committee of the whole House, to-morrow. A Bill by which the right of citizenship may be relinquished.” H.R. 15, 15th Cong. (1817).

31 In early debates on the issue, emigration and expatriation were often used interchangeably (as they still are in colloquial use today). This confusion (of foreign relocation with renaturalization) was only confounded the several ambiguities surrounding the legal parameters for expatriation before the passage of “An Act Concerning the Rights of American citizens in Foreign States” in 1868. Even in George Hay’s “Treatise on Expatriation,” which sought to elaborate “the true doctrine of expatriation” the two terms are regularly confused (as John Lowell points out in his rebuttal of the piece). Hay’s treatise is of particular interest, because it is thought to have been written at the behest of the administration. Lowell insinuates that the administration procured the printing of Hay’s pamphlet to prepare the public for the administration’s “failure” to satisfactorily resolve the impressment controversy (and the principle of perpetual allegiance it involved). According to I-Mien Tsieng, the
allegiance as voluntary—citizenship can be renounced and amended. In this capacity, the
“character of the citizen” is at no time more tangible than the moment at which it is
relinquished. Expatriation, conceived of as a right, thus makes the renunciation of
citizenship a privileged expression of its meaning.

In light of the American Revolution, in which British allegiance was collectively
dissolved in favor of United States citizenship, the notion that citizens can abjure their
native allegiance might seem self-evident; but it was, instead, deeply contested. There
were numerous objections to the bill: that allegiance to the state is natural and perpetual
(a tenet of English common law);32 that federal legislation on the issue would infringe on
state sovereignty;33 and even that allowing expatriation would create a class of licentious
outlaws “without home and destitute of country.”34 After much debate, the bill was
rejected by a narrow margin (75 to 64).35 The right of expatriation, and the voluntary

32 The principle of natural and perpetual allegiance was established in Sir Edward Coke’s influential
decision in Calvin’s Case (1608). Johnson of Virginia eloquently critiqued the proposed adherence to
this British precedent, proclaiming: “Introduce but the doctrine of perpetual allegiance, that baleful
scion from the odious stock the feudal system, and you have tooled the death bell to the liberties of the
people of this country.” Annals, 15th Cong., 1st sess., 1065. For more on natural allegiance and
Calvin’s Case, see: James H. Kettner, The Development of American Citizenship, 1608-1870 (Chapel
33 As representative Cobb of Georgia noted, to counter this argument, the Congress has the right to
regulate naturalization, so it should have the right to regulate expatriation as well (since the two are
34 The latter suggestion was made Mr. McLane, a representative of Delaware and eloquent opponent
35 A notable geographical bias can be discerned in the votes for and against the bill. According to
Tsiang’s tabulation, New England representatives voted 2 to 1 in opposition to the right of
expatriation, and Middle States were only slightly inclined to oppose the right, whereas Southern
States voted in favor of the bill by over 2 to 1, and the new Western States favored it by a striking
margin of about 3 to 1. Tsiang, Question of Expatriation, 61. Interestingly, although the passage of the
nature of allegiance it affirmed, was to remain contested throughout the antebellum period.

The rejection of this bill, it should be stressed, was not tantamount to a prohibition of expatriation. Virginia, and its sister state Kentucky, both explicitly enumerate expatriation as a right; indeed, Virginia’s law, which was written by Jefferson in 1779, served as a loose prototype for the 1818 bill that Congress rejected. But the absence of clear Congressional legislation preserved an ambiguity on the issue that led to contradictory rulings. The Supreme Court tended to disfavor expatriation, but it was variously affirmed and denied in the lower courts. Thus, in Alsberry v. Hawkins (1839), a Kentucky court pronounced that “expatriation may be considered a practical and fundamental doctrine of America” (not just of that state), but in Ludlam v. Ludlam (1860), a New York court ruled that “the right of expatriation… has never been recognized by the courts of this country.”

On a national level, expatriation was not recognized as a “natural and inherent right of all people” until the passage of “An Act Concerning the Rights of American Citizens in Foreign States” on July 27th, 1868, the day before the ratification of the bill would have effectively buttressed the national character of citizenship (by subjecting it to Congressional regulation). Southern representatives, on the whole, were more favorable towards the bill. Other than Tsiang’s exhaustive account of expatriation prior to 1907, there is only a handful of criticism that discusses expatriation debates in “the years of confusion” (as Roche appropriately terms it). John P. Roche, “Loss of American Nationality: The Years of Confusion,” The Western Political Quarterly 4, no. 2 (1951): 268-294. Rising Lake Morrow, “The Early American Attitude Toward the Doctrine of Expatriation,” The American Journal of International Law 26, no. 3 (1932): 552-564.


See Tsiang, 61-70.

Fourteenth Amendment. When Hawthorne figuratively styled himself a “citizen of somewhere else,” then, he was not laying claim to a well-established political principle but tacitly involving his aesthetic project in ongoing political controversy. As a consequence, the structural affinities between romantic detachment and political expatriation laid romance open to critique. For example, in an 1855 essay on the effects of romance that enumerates the “wrongs which reality sometimes endures at the hands of romance,” a writer for The Gentleman’s Magazine argued that “the true romance reader was not a citizen of this world.” Considering that this article appeared five years after “The Custom-House,” the echo between the formulation “not a citizen of this world” and Hawthorne’s “citizen of somewhere else” seems too conspicuous not to be deliberate.

What might appear in “The Custom-House” as a moment of liberatory triumph, is, from

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39 The 1868 bill was proposed, in part, in response to the outcry over the Fenian controversy in which naturalized Irish-Americans were charged for treason in Dublin (following an attempt to raise insurrection)—on the basis that they could not be absolved from their native British allegiance. Despite professing this right in its preamble, even this Act—which entitles naturalized American citizens to the same protections as native citizens, while traveling outside the U.S.—does not explicitly address the right to relinquish U.S. citizenship (only the right to preserve it abroad). The ambiguities subsequent to the 1868 Act (which were only clarified in subsequent legislation on expatriation in 1907), are evidenced by an 1893 decision that stated that the Act did not clarify “whether allegiance can be acquired or lost by any other means than statutory naturalization.” Act of July 27, 1868. 15 Stat. 223. See Tsiang 85-6, 104-109, and also John T. Morse, “Expatriation and Naturalization,” The North American Review 106 (April 1868): 613-629; John Bassett Moore, “Question of Expatriation,” in A Digest of International Law. vol. 3 (Washington: Government Printing Office, 1906), 552-581, esp. 589-580. Comitis vs. Parkson, as cited in: D.A.M. “International Law: Expatriation: Suffrage,” California Law Review 2 (November 1913), 72.

40 J. Doran, “Romance and Reality,” The Gentleman’s Magazine, December 1855, 588, 590. Although critics often posit a general shift away from the Enlightenment anxiety that fiction infatuated the imagination with the “mere phantoms of ideal life,” as Doran’s essay evinces, such concerns continued well into the nineteenth century. For accounts of the gradual reappraisal of fictionality in the period, see: Michael Davitt Bell, The Development of American Romance: The Sacrifice of Relation (Chicago: University of Chicago Press, 1980); Jay Grossman, Reconstituting the American Renaissance: Emerson, Whitman, and the Politics of Representation (Durham: Duke University Press, 2003). Though Grossman does not discuss this “shift” as extensively as Bell, he argues that the model of fictionality and “virtuality” rejected in The Federalists Papers are transformed in the nineteenth century into the defining character of literary virtue.
the standards of representational fidelity, tantamount to defection—both civic and aesthetic.

Romance, then, can be understood as an aesthetic of expatriation, but it does not disavow one allegiance to realign with another—the town for the nation etc.—and so renaturalize. The illocality of romance is insistent: “Somewhere between the real world and fairyland” becomes the “somewhere else” of citizenship, but the locale remains fundamentally indeterminate.

Soon, likewise, my old native town will loom upon me through the haze of memory, a mist brooding over and around it; as if it were no portion of the real earth, but an overgrown village in cloud-land, with only imaginary inhabitants to people its wooden houses, and walk its homely lanes, and the unpicturesque prolixity of its main street. Henceforth, it ceases to be a reality of my life. I am a citizen of somewhere else (SL, 44).

“Hawthorne,” now a thoroughly romantic character, renounces his “native town,” identifying only negatively as a “citizen of somewhere else.”

This “somewhere else,” it might be said, is the terrain of romance, offered as an alternative to the “unpicturesque” “reality” of Salem. But this hardly settles the issue. Romance remains caught uneasily between abstraction and terrestrial analogies. The very grammar of this relationship to the world is uncertain: “as if it were no portion of the real.” To identify as a “citizen of somewhere else” is not to presume the perfect agency of citizens, but to understand the narration of estrangement as a precondition for textual community.

41 Lauren Berlant argues that a “citizen of somewhere else” “acts out how it feels to be a citizen by constructing ‘America’ as a domestic, and yet a strange and foreign place.” For Berlant, however, “somewhere else” is still ‘America.’ I read Hawthorne’s declaration (“I am a citizen of somewhere else”), as well as “The Custom-House,” as operating more consistently akin to what Berlant speaks of, in her discussion of Hawthorne’s Tales of My Native Land, as “a counter-National Symbolic”: “marked by a hermeneutic of negativity and defamiliarization.” Berlant, Anatomy, 3, 5, 34.
The Treacheries of Romance

When Hawthorne returns to the question of the politics of fiction, twelve years later, in “Chiefly About War-Matters,” he finds it increasingly difficult to maintain the neutral character of romantic detachment in a county newly polarized by disagreements over the renunciative rights of its citizens. Four months before “Chiefly About War-Matters” appeared in The Atlantic Monthly, Kentucky, one of the two states to officially acknowledge the right of expatriation, passed a bill declaring that anyone who joins or supports the Confederates “shall be deemed to have expatriated themselves, and shall no longer be a citizen of Kentucky.”42 Then, in July of 1862, the month the essay appeared, Lincoln passed the Second Confiscation Act, which in addition to making provisions for the emancipation of slaves, sought “to punish Treason and Rebellion.”43 Thus, from one perspective Confederates were seen as expatriates from the United States, who lived under a foreign allegiance, and from another as enemy nationals guilty of treason. This latter distinction was critical to the U.S. government because, as one representative urged in a subsequent debate about the status of rebel officers, “a person cannot commit treason if he is not a citizen.”44 To recognize the right to relinquish citizenship, or even to revoke the civic protections of Confederates, would amount to an acknowledgement of the legitimacy of secession. For Hawthorne, whose literary project relies so heavily upon the rhetoric of defection, the increasing conflation of expatriation and treason only magnified

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42 This bill was part of Kentucky’s attempt to establish its neutrality at the opening of the War. Kentucky Opinions: Containing the Unreported Opinions of the Court of Appeals, compiled by Hon. J. Morgan Chinn. vol. 1, 1864-1866 (Lexington: Central Law Book Company), 1906. 105.
44 Eliot made this objection in the discussion of a provision in a bill that (like the Wade Davis Bill that Lincoln vetoed) declared a rebel officer “not to be a citizen.” Following this objection, the offending line was struck from the bill, and the bill itself was subsequently passed. “To guarantee to certain States whose governments have been usurped or overthrown a republican form of government.” Cong. Globe, 38th Cong., 2nd sess., 299 (1865).
the basic political predicament posed by the renunciative effects of fiction. As a mode of
defection, fiction, for Hawthorne, is both vulnerable to the charge of “treason,” and
continually faced with the specter of its own demise.

At the opening of “Chiefly About War-Matters,” Hawthorne represents his
literary project as a casualty of war, doomed, as it were, to the grave:

There is no remoteness of life and thought, no hermetically sealed seclusion,
except, possibly, that of the grave, into which the disturbing influences of this
war do not penetrate. Of course, the general heart-quake of the country long ago
compelled me, reluctantly, to suspend the contemplation of certain fantasies, to
which, according to my harmless custom, I was endeavoring to give a
sufficiently life-like aspect to admit of their figuring in a romance (“CWM,” 43).

The suggestion that the grave may be the only space that remains untouched by the War
is strange, if not perverse. This comment only makes sense as an abstract spatial
metaphor. Indeed, to imagine the grave as the last refuge from the encroaching realities of
contemporary violence requires a pure metaphoricity, one that is apparently unburdened,
for example, by any thought of the proliferation of graves for soldiers. Oddly, the
casualty of the War here is not the soldier, but the space of fantasy itself. The endeavor
to give these “fantasies” a “sufficiently life-like aspect to admit of their figuring in a
romance,” represents the relationship between “fairyland” and the “real world” (to recall
“The Custom-House”) as one of revivification, a resurrection from the dead. If fully
detached from the real, “fantasies,” Hawthorne suggests, are not utopian; their abstraction
is moribund. In this way, the affective losses of the War begin to infiltrate the logic of
romance at precisely the moment at which the grave appears to be metaphorized so
decidedly against the grain of its literal function.
The impulse to withdraw, however, is no longer portrayed as a “neutral” right (even of fiction). After lamenting the War’s intrusion on “romance”—“it seemed, at first, a pity that I should be debarred from such insubstantial business as I had contrived for myself”—Hawthorne remarks:

But I magnanimously considered that there is a kind of treason in insulating one’s self from the universal fear and sorrow, and thinking one’s idle thoughts in the dread time of civil war; and could a man be so cold and hard-hearted, he would better deserve to be sent to Fort Warren than many who have found their way thither on the score of violent, but misdirected sympathies (“CWM,” 43).

If neutrality is the precondition for representation in “The Custom-House,” in the context of the Civil War the rejection of partisanship, Hawthorne suggests, is worse than the Confederate sympathies held by those imprisoned in Fort Warren. The renunciations of romance are not only comparable to secession, they are more reprehensible for their very dispassion. Hawthorne is surely being somewhat tongue-and-cheek in his characterization of himself as both the magnanimous judge and the perpetrator of treason, but the suggestion that isolation constitutes “a kind of treason,” is a source of manifest anxiety. It is worth noting, for example, that the agent of this treason is made impersonal: the first person is replaced mid-sentence with “one.” There is an attempt to contain this charge, to disavow it, at the same time that Hawthorne is compelled to defend it. This evasion, however, does nothing to dispute the charge of treason. Instead, it dramatizes, all the more, the treasonous logic of Hawthorne’s aesthetic. In this way, aesthetic retreat becomes the sign of a defected citizenship, that is, a form of citizenship that resists integration into the ideal unity of the body politic.

For readers of The Atlantic Monthly, a magazine committed to the Union cause, Hawthorne’s comparison of “romance” to secession, coupled with the proposition that
Confederates while “violent” were victims of “misdirected sympathies,” would, no doubt, itself have appeared tantamount to disloyalty. Hawthorne was well aware of this. After submitting the manuscript of the essay, and learning that Fields had submitted it directly to the printer unread, he wrote to Ticknor to express his regret, since he “wanted the benefit of somebody’s opinion…as to the expediency of publishing two or three passages in the article.”

Hawthorne explains that he has already left out “whole pages of freely expressed opinion” which he “doubted whether the public would bear,” and maintains that the “remainder is tame enough in all conscience” but urges, still, that he does not want “to foist an article upon you that might anywise damage the Magazine.” Despite his reservation on this point, he continues to argue that “the Magazine has been getting too deep a black Republican tinge, and that there is a time pretty near at hand when you will be sorry for that.”

This continual shift between apologetic regret and the disparagement of Unionist principles, is characteristic of the article itself, which counterbalances the flippant appraisals of the Northern cause in the body of the essay with the footnoted rebuffs of a censorial “editor.”

When Hawthorne first submitted the article to Fields, he explains that he “affixed some editorial foot-notes, which I hope you will have not hesitation in adopting, they being very loyal. For my own part, I found it quite difficult not to lapse into treason continually; but I made manful resistance to the temptation.”

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46 Ibid.
47 Ibid.
48 Despite Bense’s clarification that the footnotes were not only written by Hawthorne, but were part of his intentional scheme, in one of the only other extended treatments of “Chiefly About War-
footnotes, though devised as a “censorship hoax,” as James Bense notes in his comprehensive account of the essay’s composition, assumed new verisimilitude when, following Hawthorne’s alert to Ticknor, he was asked to revise his irreverent characterization of “Uncle Abe” and to allow Fields to excise expressions that “outrage the feelings of many Atlantic readers.”

Hawthorne decided to cut the offending passage about Lincoln altogether, and to simply revise an exiting footnote. In the original manuscript, the footnote reads:

We hesitated to admit the above sketch, and shall probably regret our decision in its favor. It appears to have been written in a benign spirit, and perhaps conveys a not inaccurate impression of its august subject, but it lacks reverence, and it pains us to see a gentleman of ripe age, and who has spent years under the corrective influence of foreign institutions, falling into the characteristic and most ominous fault of Young America.

In the printed, revised version, Hawthorne replaces the opening language of personal hesitation with censorial interference: “We are compelled to omit two or three pages, in which the author describes the interview, and gives his idea of the personal appearance and deportment of the President. The sketch appears to have been written in a benign spirit… (“CWM,” 47fn.). With a censorial frame already in place, we are thus invited to

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50 As Bense notes, the original “humorous signal of satiric intent must have taken on a new semblance of irony for Hawthorne as he deleted” this line to revise the footnote. That Hawthorne did, in fact, originally compose the essay to appear as if it had already been censored—including abrupt section breaks, ellipses, and the much debated footnotes—is manifestly clear in the manuscript. Bense, “Hawthorne’s Intention,” 210.

51 Nathaniel Hawthorne, Manuscript 6249-g. Clifton Waller Barrett Library, University of Virginia.
imagine the omitted material, and, in all likelihood, invest it with treacherous qualities that exceed the original passages.

Many of the footnotes in “Chiefly About War-Matters” offer this type of satirical critique, but the interplay between text and footnote is complicated by the political character of the two personae: the treacherous essayist (with southern sympathies) and the “very loyal” Northern censor (to recall Hawthorne’s own characterization of the dynamic). In each case, Hawthorne portrays loyalty negatively: in the Northern propriety that the writer lacks, and in the principle of censorship, with its privileging of the unsaid. But if loyalty appears abstract, and impervious to concrete expression, that is precisely Hawthorne’s point. Following a defense of the “impulsive” passion of the Rebels, Hawthorne alleges that because national allegiance lacks the proximate allure of state affiliation “treason” is inevitable:

There never existed any other Government against which treason was so easy, and could defend itself by such plausible arguments as against the United States. The anomaly of two allegiances (of which that of the State comes nearest home to a man’s feelings, and includes the altar and the hearth, while the General Government claims his devotion only to an airy mode of law, and has no symbol but a flag) is exceedingly mischievous in this point of view; for it has converted crowds of honest people into traitors, who seem to themselves not merely innocent, but patriotic, and who die for a bad cause with as quiet a conscience as if it were the best (“CWM,” 48).

Hawthorne narrates the conflict between state and national identity in the tropes of romance: the nation is a sort of “fairy-land,” governed only by “an airy mode of law,” while the state, which engenders a “physical love for the soil” (as he continues to say), comes closest to the “real world” (SL, 36; “CWM,” 50). If in “The Custom-House” the

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52 Hawthorne suggests that “undoubtedly thousands of warm-hearted, sympathetic, and impulsive persons have joined the Rebels, not from any zeal for their cause, but between two conflicting loyalties, they chose that which necessarily lay nearest the heart” (“CWM,” 48).
liminality of “romance” expresses the intrinsic discrepancy between civic fantasy and practice, here the “anomaly of two allegiances” is the provisional expression of political crisis.

The issue, for Hawthorne, is less that of the respective sovereignty of the state and the nation, than of the incongruity between the limited scope of “man’s feelings” and the vastness of the country. As Hawthorne explains in a subsequent passage, the national landscape cannot be “occupied,” it exceeds even the most ambitious imaginings:

In the vast extent of our country,—too vast by far to be taken into one small human heart,—we inevitably limit to our own State, or at farthest, to our own section, that sentiment of physical love for the soil which renders an Englishman, for example, so intensely sensitive to the dignity and well-being of his little island, that one hostile foot, treading anywhere upon it, would make a bruise on each individual breast. If a man loves his own State, therefore, and is content to be ruined with her, let us shoot him, if we can, but allow him an honorable burial in the soil he fights for (“CWM,” 48).

At the limit of Hawthorne’s attempt to defend the position of secession, the terrestrial assumes uncharacteristic significance. But the unit of the “State” is not naturalized as a result. It only approximates the region encompassed by “that sentiment of physical love for the soil” (“our own State, or at farthest…our own section”). The boundaries of allegiance may be based in the soil here, but they are still fundamentally affective, instead of a foregone effect of institutional divisions of governance (the town, the state, the nation).

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53 Hawthorne’s own position, in his letters, is that the “Union [between North and South] is unnatural” and should not be “restored as it was” even if the North wins. In a letter to Horatio Bridge, for example, he writes: “For my part, I don’t hope (nor, indeed, wish) to see the Union restored as it was; amputation seems to me much the better plan, and all we ought to fight for is, the liberty of selecting the point where our diseased members should be lopt off. I would fight to the death for the Northern slave-states, and let the rest go.” “To Henry A. Bright.” 17 Dec 1860, letter 1144 of Letters, 1857-1864, 355; “To Horatio Bridge,” 12 Oct 1861, letter 1177 of Letters, 1857-1864, 412.
Significantly, the example given of this ideal identification is the experience of an Englishman. It is as if, for Hawthorne, the exemplary American is an Englishman. The Englishman possesses exactly what is practically unavailable during the Civil War—a consolidated political identity that can be embodied. The “anomaly of two allegiances” is troubling for Hawthorne because it marks the loss of a singular identity. But if England, and the Old World more generally, is a figure of consolidated allegiance in Hawthorne, this nostalgia underwrites a constitutively ambivalent identification between the U.S. and the Old World. As Hawthorne ominously reflects in the final section of *The Marble Faun* (1860)—when the protagonists, who are U.S. expatriates in Italy, prepare to return to America—“between two countries, we have none at all, or only that little space of either, in which we finally lay down our discontented bones.”54 “Betweens” proliferate in Hawthorne, persistent reminders of an ideal but hypothetical identification that can only be posited negatively in the crevices of experience.

For Hawthorne, the “Rebel” epitomizes this tragedy of politics. Hawthorne is not invested in the success of the Confederates—despite his evident skepticism about the value of emancipation (“whoever may be benefited by this war, it will be the present generation of negroes” [“CWM,” 50]).55 It is, instead, the expectation that the Confederates will be “ruined” by their defection that makes them romantic for

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54 It is significant, in this respect that Hilda and Kenyon never return to America within the space of the narrative. Even in the postscript, which reconnects with the characters at a later point in time, they are still in Rome. Nathaniel Hawthorne, *The Marble Faun or, The Romance of Monte Beni*. The Centenary Edition of the Works of Nathaniel Hawthorne, vol. 4 (Ohio State University Press, 1968), 461. Hereafter cited parenthetically as *MF*.

Hawthorne. His insistence that all men who love their state deserve “an honorable burial in the soil [they] fight for,” memorializes the projected defeat of the South, not its prospective success. In so doing, he turns the “ruined” rebels into an inverted symbol for an ideal of political belonging that is constitutively absent (both spatially and temporally).

With this idealization of unredeemed fatalism in mind, it is possible to more fully understand the parameters of Hawthorne’s famous denunciation of John Brown towards the end of the essay. Given the contention that the “There never existed any other Government against which treason was so easy,” and the suggestion that writing romance during the War is a “kind of treason,” John Brown (abolitionist martyr and convicted traitor) would seem to be an ideal figure for Hawthorne, as he was for so many other contemporary writers. Hawthorne, however, takes evident pleasure in countering the narrative of Brown as prophet:

I shall not pretend to be an admirer of old John Brown, any farther than sympathy with Whittier’s excellent ballad about him may go; nor did I expect to shrink so unutterably from the apothegm of a sage…as from that saying…that the death of this blood-stained fanatic has ‘made the Gallows as venerable as the cross!’ Nobody was ever more justly hanged. He won his martyrdom fairly, and took it firmly. He himself, I am persuaded, (such was his natural integrity,) would have acknowledged that Virginia has a right to take the life which he had staked and lost… (“CWM,” 54).

Hawthorne does not question the “integrity” of Brown; it is his status as national savior that he disputes. Brown’s importance as an abolitionist no doubt is part of the reason for

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56 In a particularly pronounced example of this romanticization of the South (in its defeat), Hawthorne compares the unexpected advance of the Union obtained by General McClellan to the defeat of a phantasmal enemy in “old romances”: “There are instances of a similar character in old romances where great armies are long kept at bay by the arts of necromancers, who build airy towers and battlements, and muster warriors of terrible aspect, and thus feign a defense of seeming impregnability, until some bolder champion of the besiegers dashes forward to try to encounter with the foremost foe-man, and finds him melt away in the death-grapple.” “CWM,” 45.
this demure. But to see this as just another expression of Hawthorne’s hostility to the cause would be to miss the extent to which Hawthorne idealizes defection precisely as an aesthetic of failure.

Brown is a romantic figure for Hawthorne, not as an “immortal” symbol as for Thoreau, but as a testament to the nullity of idealism. Thus, if justice here means martyrdom within the rule of law, it is the very inevitability of reprisal that Hawthorne takes pleasure in. He continues, “any common-sensible man, looking at the matter unsentimentally, must have felt a certain intellectual satisfaction in seeing him hanged, if it were only in requital of his preposterous miscalculation of possibilities.” It is precisely as a model for the “miscalculation of possibilities” that Hawthorne elaborates his theory of “romance.” The “neutral ground” may facilitate provisional intersections between the real and the ideal, but “romance,” for Hawthorne, is neither essentially reconciliatory nor redemptive. The failure of “romance” in Hawthorne is never incidental to it; it is what makes it possible to begin with. As an aesthetic of defection—alternately conceived as a form of expatriation and treason—it is insistently linked to estrangement and death.

57 Thoreau, stressing that he “plead[s] not for [John Brown’s] life, but for his character—his immortal life,” continues to suggest that his death will do more good than his life: “I almost fear that I may yet hear of his deliverance, doubting if a prolonged life, if any life, can do as much good his death.” For Thoreau, it is only through death that Brown can become immortal. Thoreau’s emphasis on the power of failure attests to unexpected parallels between Thoreau’s and Hawthorne’s representation of Brown. Henry David Thoreau, “A Plea for Captain John Brown,” in Collected Essays and Poems (New York: The Library of America, 2001), 416.

58 “CWM,” 54.

59 This is explicit in the conclusion to The Scarlet Letter, as well, where Pearl relocates to an “unknown region” “across the sea,” while Hester Prynne lies moldering in her grave. Hawthorne is reluctant to resolve the question of Pearl’s fate—even raising the possibility that she has “gone untimely to a maiden grave”—but he suggests that she survives abroad in a nation bearing seals “unknown to English heraldry.” The fact that Pearl is not in England is significant, because it means
As one of the last works that Hawthorne completed, it might be tempting to see “Chiefly About War-Matters” as an uncharacteristic text, and to dismiss its reflection on the treacherous character of romance as a purely reactionary appropriation of the tropes of the Civil War. But the very extremity of its gestures also illuminates the implicit link between romance and martyrdom in “The Custom-House,” where, as we have seen, involuntary removal from the “mighty arm of the republic” is but imperfectly transfigured as a declarative renunciation (SL, 38). In “The Custom-House” civic expulsion is the occasion for fantasy, even restoring the sensibilities necessary to the romance-writer. Yet, this antagonism between romantic and national attachment also leaves romance vulnerable to the charge of political failure and even treason. This anxiety, I will suggest, is not a late development in Hawthorne’s writing, nor is it confined to his more explicitly theoretical pieces. The aversion towards national membership structures his preoccupation with the recesses of colonial history. 60

Hawthorne’s inclusion of colonial history in his fiction has often been taken as confirmation of his traditional reputation as a national writer. Eric Savoy thus argues that,

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60 For Hawthorne, the real and the ideal, as modes of intelligibility, are aligned with the present and the past respectively. Thus, Hawthorne laments in “The Custom-House,” “It was a folly with the materiality of this daily life pressing so intrusively upon me, to attempt to fling myself back into another age; or to insist on creating the semblance of a world out of airy matter, when, at every moment, the impalpable beauty of my soap-bubble was broken by the rude contact of some actual circumstance” (SL 37). To throw off the pressures of the present is not to attain absolute liberty, but to transfer allegiance from the daily world to “another age.” This temporal affiliation, however, is proximate. Just as romance takes place in an unspecified “elsewhere,” the exact date of this other age is not named. Hawthorne positions his historical pieces broadly (by century or in relationship to historical events), but the sentimental value of the past derives foremost from its differential relationship to the present.
Hawthorne located a distinct national subject explicitly in the colonial past, often in the Puritan origins of the American self. This historical archive proved so rich that, with Hawthorne, the Gothic arrived at what it had lacked for several generations: a national way of reconstructing history that arose from a homegrown verbal tradition and a strong engagement with the idea of ‘America.’

Yet, for Hawthorne the representation of the past, far from establishing the republic’s continuity with itself across time (a rather difficult prospect in the young nation), evinces the discontinuities between the colonial past and the republican present. As Wai Chee Dimock emphasizes, “[i]f we go far enough back in time, and it is not very far, there was no such thing as the US…Deep time is denationalized space.”

Romance may “attempt to connect a by-gone time with the very Present that is flitting away from us,” as Hawthorne maintains in the preface to The House of the Seven Gables, but with the exception of the rather artificial resolution attained at the end of that novel—through the marriage of the feuding families, in Phoebe and Holgrave—this “attempt” rarely avails (HSG, 2). Even in that novel, the inheritance plot is only partially resolved. When the deed substantiating the Pyncheons’ property claim is finally discovered, it “has been long worthless.” This sense of belatedness is even more pronounced in The American Claimant manuscripts—Hawthorne’s unfinished narrative of an American who returns to England to claim his ancestral estate—and his collection of sketches on England, Our Old Home. As the latter title dramatizes, England is a

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63 “It is what the Pyncheons sought in vain, while it was valuable; and now that they find the treasure, it has long been worthless” (HSG, 316).
64 There is a passage in The Ancestral Footstep (the first draft of The American Claimant manuscripts) remarkably similar to the belated discovery of the Pyncheon deed, in which the American, finally face-to-face with the miniature mansion that he has been told about as a child, opens its hidden
privileged origin, but the “old home” is a constitutively absent ideal of belonging and historical continuity. An allegiance to a “by-gone” time, as such, exchanges the possible and the probable of the present for a form of tragic identification that idealizes community through its failure. If, as one critic argued in *The Edinburgh Review* in 1847, “intellectual expatriation” is always “requisite to the historical novelist,” in Hawthorne this involves not only renouncing the present but also becoming a subject of history, loyal to a time that is no longer.

Few of Hawthorne’s writings represent the dislocating effects of the historical imagination more dramatically than the final sketch in Hawthorne’s “Legends of the Province House,” “Old Esther Dudley” (1839). Though written before any of the prefaces, in which Hawthorne more systematically articulates the renunciative character of fiction under the term “romance,” “Old Esther Dudley” is a compelling allegory of the political character of historical fiction. As with the other tales in the series—“Howe’s Masquerade,” “Edward Randolph’s Portrait,” and “Lady Eleanore’s Mantle”—Hawthorne frames “Old Esther Dudley” as a legend recounted to him in a visit to the “Old Province House,” the mansion of the royal governors of Massachusetts, which has become a “dingy” bar-room. The tale opens in the aftermath of the Revolution.

Governor Howe abandons the Province House to return to the “Royal government, at

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65 The reviewer argues that the French are unable to write good historical novels, because they are too domestic and so unfit for “that kind of intellectual expatriation which is so requisite to the historical novelist.” “Review of *Les Rues de Paris* ed. Louis Lurine. *Edinburgh Review*, January 1847, 74.

66 As Evan Carton argues, the “Legends of the Province-House” “at once epitomize the informing principle of Hawthorne’s art and curiously prefigure the course of his novelistic career.” “Hawthorne and the Province of Romance,” *ELH* 47, no. 2 (1980), 331.

Halifax,” but Esther Dudley, the decayed caretaker of the mansion refuses to leave; she will be, as Howe remarks, “the one true subject in his [King George’s] disloyal province.”68 Esther haunts the lonely halls, summoning the “pageantry of gone days” from the depths of her “antique mirror” (“ED,” 54). Occasionally she assembles a few “staunch though crest-fallen tories” to “babble[e] treason to the republic,” but her only frequent guests are the children of the town, whom she “beguile[s]” with “stories of a dead world” (“ED,” 55). One day, Esther hears footsteps in the street, and still firm in her conviction that the British will finally prevail, hurries to the doorway in anticipation of the royal governor’s return, but to her horror discovers John Hancock, a “traitor.” Hancock, the “people’s chosen Governor of Massachusetts,” is courteous to Esther, but as a prophet of the “future” his arrival heralds her destruction; she dies after their brief exchange. The embedded legend ends with Hancock, but in the authorial frame that follows we find that the narrator, like Esther and the landlord (who recounts the embedded tale), has fallen under the spell of a “by gone century” (“ED,” 59). This “home-feeling with the past,” as Hawthorne calls it in “The Custom-House,” 69 is a precondition for the historical imagination, but, as the Loyalist commitments of both Esther and the landlord dramatize, such an allegiance is not disinterested. Rather, it entails a defection from republican commitments that denaturalizes the trajectory of U.S. nationalism by idealizing the alternative outcome to the American Revolution: continued allegiance to the British crown.

68 Nathaniel Hawthorne, “Tales of the Province House: No. IV. Old Esther Dudley,” The United States Democratic Review, January 1839, 53. The story, along with the others in the series, was collected in the second volume of Twice Told Tales in 1842. Hereafter cited parenthetically as “ED.” All quotes from “Old Esther Dudley” use the pagination from the original publication.

69 Speaking of his “first ancestor” in Salem, he writes: “It still haunts me, and induces a sort of home-feeling with the past, which I scarcely claim in reference to the present phase of the town.” SL. 9.
Unlike the previous “Legends,” which are related by Mr. Bela Tiffany, a “familiar visitor” of the house “if not a lodger,” the tale of Esther Dudley is recounted by the Loyalist landlord of the Province House, Mr. Thomas Waite. After noting that the landlord’s “intellect would wander vaguely” “amid misty shadows,” Hawthorne remarks that “the old Loyalist’s story required more revision to render it fit for the public eye” (“ED,” 51). The revision, he implies, was not restricted to the tale’s formal integrity: “nor should it be concealed that the sentiment and tone of the affair may have undergone some slight, or perchance more than slight, metamorphosis, in its transmission to the reader through the medium of a thorough-going democrat” (“ED,” 51). Like “Chiefly About War-Matters,” “Old Esther Dudley” uses an editorial conceit to flaunt its bad politics. The censorial persona only highlights the political implications of what cannot be transmitted “through the medium of a thorough-going democrat.” To retell the Revolution from a Loyalist perspective requires at once suspending the values of the republic and exposing them to the lost alternatives foreclosed by their emergence. As Michael Colacurcio argues in one of the only extensive discussions of the tale, “‘Old Esther Dudley’ asks us to understand…that revolutionary events do not have to be seen exactly as the neo-Puritan ideology of Apocalyptic Whiggism sees them.” The tale questions the gains of the Revolution, and presents a certain species of Loyalism as an inevitable effect of historical fiction in the young republic. As the narrator of the embedded tale, the landlord offers a displaced double for Hawthorne’s own authorial agency, through which he can unambiguously acknowledge the fraught political

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70 We first learn the name of this “elderly gentleman” at the opening of the second legend. “Howe’s Masquerade,” Tales and Sketches, 629. “Edward Randolph’s Portrait,” Tales and Sketches, 641.
implications of his fiction. The conflicting interests (and divergent temporal dispositions) of the revisionary “democrat” and the “Loyalist” landlord further play out in the personages of the embedded tale: the progressive Hancock and the antiquated Esther Dudley.

Esther’s capacity to preserve and narrate history derives from the fact that she is herself “a representative of the decayed past” (“ED,” 54). Esther’s “antique mirror” becomes a portal to the past foremost by reflecting her:

> Among the time-worn articles of furniture that had been left in the mansion, there was a tall, antique mirror, which was well worthy of a tale by itself, and perhaps may hereafter be the theme of one. The gold of its heavy-wrought frame was tarnished, and its surface so blurred, that the old woman’s figure, whenever she paused before it, looked indistinct and ghostlike. But it was the general belief that Esther could cause the Governors of the overthrown dynasty, with the beautiful ladies who had once adorned their festivals, the Indian chiefs who had come up to the Province-House, to hold council or swear allegiance, the grim Provincial warriors and severe clergymen—in short, all the pageantry of gone days—all the figures that ever swept across the broad plate of glass in former times—she could cause the whole to re-appear, and people the inner world of the mirror with shadows of old life (“ED,” 54).

The mirror is a figure for the work of romance, as it moves between the principles of empiricism and fancy, reflection and distortion, the material present and the elsewhere of the past. The mirror, indeed, is a figure for the imagination that Hawthorne returns to in “The Custom-House,”⁷² but what is striking here is that it is a form of perfected memory—it can recall “all the figures” that crossed it. Thus, just as Esther embodies the

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⁷² “Glancing at the looking-glass, we behold—deep within its haunted verge—the smoldering glow of the half-extinguished anthracite, the white moonbeams on the floor, and a repetition of all the gleam and shadow of a picture, with one remove farther from the actual, and nearer to the imagination” (SL, 36).
history of “a departed system…in her person,” the mirror is the detached expression of her “inner world”—the only world, for that matter, that is left for her. Hawthorne here seems to concur with Hobbes’s supposition that “imagination is…nothing but *decaying sense.*” For Hawthorne, however, this means not only that imagination is at an additional remove from the empirical world, but also that the project of the imagination is continually beset, as a result, with the prospect of its own deterioration and ruin.

Esther’s only link to the present consists in the “stories of a dead world” that she tells to the local children:

By bribes of gingerbread of her own making, stamped with a royal crown, she tempted their sunny sportiveness beneath the gloomy portal of the Province-House, and would often beguile them to spend a whole day there, sitting in a circle round the verge of her hoop-petticoat, greedily attentive to her stories of a dead world. And when these little boys and girls stole forth again from the dark mysterious mansion, they went bewildered, full of old feelings that graver people had long ago forgotten, rubbing their eyes at the world around them as if they had gone astray into ancient times, and become children of the past (“ED,” 55-56).

Esther is a vivid prototype for the historical romancer, and for Hawthorne’s own career more specifically—at this point Hawthorne had already published the first of his many stories for children. In 1835, Hawthorne published his first juvenile tale, “Little Annie’s Ramble,” in the annual *Youth’s Keepsake.* In a letter to Longfellow, a little less than a year previous to writing “Old Esther Dudley,” he eagerly suggests that perhaps they will both “make a great hit, and entirely revolutionize the whole system of juvenile literature.” Hawthorne started writing *The Whole History of Grandfather’s Chair,* a collection of historical sketches for children, shortly after this in 1840. Roy Harvey Pearce, “Historical Introduction,” in *True Stories.* The Centenary Edition of the Works of Hawthorne. vol. 6 (Columbus: Ohio State University Press, 1972), 287-8, 300. “To H.W. Longfellow,” 21 March 1838,
which becomes the twilight space of romance, as the “sunny” children mingle in the “dark mysterious mansion.” The stories, like the gingerbread Esther bribes the children with, are themselves effectively “stamped with a royal crown,” transforming their auditors into “children of the past.” Insofar as this allegiance to the past obtains, the children relinquish their immediate connection to the material present, “rubbing their eyes at the world,” which has become less real than the “stories of a dead world.” Despite their identification with Esther, the children are still but “half dreaming.” They come and go from their homes, reconnecting the young republic with a history that “graver people had long ago forgotten.”

Esther, however, who has lost all “reference to present things” is stationary, fixed to the house, whose history is her only unfailing companion. Still, even Esther’s relation to the past is mediated. She accesses history by summoning a “slave” from the mirror, who returns to its depths in search of “guests”:

Whenever her chill and withered heart desired warmth, she was wont to summon a black slave of Governor Shirley’s from the blurred mirror, and send him in search of guests who had long ago been familiar in those deserted chambers. Forth went the sable messenger, with the starlight or moonshine gleaming through him, and did his errand in the burial-grounds, knocking at the iron doors of tombs, or upon the marble slabs that covered them, and whispering to those within: ‘My mistress, old Esther Dudley, bids you to the Province-House at midnight.’ And, punctually as the clock of the Old South told twelve, came the shadows of the Oliver’s, the Hutchinson’s, the Dudley’s, all the grandees of a bygone generation, gliding beneath the portal into the well-known mansion, where Esther mingled with them as if she were likewise a shade (“ED,” 55).

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78 When the children return to their homes, a mother of one of the boys is surprised to hear that he saw Governor Belcher since he “has been dead this many a year”: “And did you really see him at the Province-House?” ‘Oh, yes, dear mother! Yes!’ the half-dreaming child would answer” (“ED,” 56).
The “slave” is the “messenger” of history, gathering the dead into the purview of the imagination. At once an occupant of the mirror and its servant, Shirley’s slave performs the labor of historical recollection, hidden in the language of conjuring. The slave, with moonlight “gleaming through him,” becomes for Hawthorne an “ideal” figure for how fiction itself operates as a mode of dislocation. Shirley’s slave, in this respect, is less a character in the story, than a figure for it. As Arthur Riss notes in another context, Hawthorne’s insistent representation of slavery “in the terms of romance” is characteristic of his “unwillingness to discuss slavery in anything but purely aesthetic terms, as a metaphor for psychological bondage.”

In “Old Esther Dudley,” Shirley’s slave is a double for Esther—the mirrored reflection through which Hawthorne portrays the restrictive loyalties of historical romance. However, the slave also introduces another form of alienation, typically minimized in Hawthorne’s other formulations: dispossession, conceived in the terms of slavery, is not an expression of voluntary renunciation but of systematic exclusion. Hawthorne often elides this distinction, moving seamlessly between figures of involuntary and voluntary disaffiliation. After all, “The Custom-House,” may end with a declaration of expatriation—“I am a citizen of somewhere else”—but it begins with Hawthorne’s forced removal from the Salem Custom House. The rhetoric of renunciation provides a way of authorizing exclusions that are not voluntary to begin with. Allegiance, Hawthorne suggests, requires more than mere loyalty, it is a condition

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of servitude, which if “chosen” by Esther also leaves her powerless by separating her from the present.\textsuperscript{80}

Esther may be the “mistress of history,” but she is also its captive. Esther is bound to a world that is no longer. Lacking “proper reference to present things”—and so confident that “the armies of Britain were victorious on every field, and destined to be triumphant”—Esther awaits the return of her own liege, the royal governor. Thus, when the “tramp of many footsteps” seem to finally betoken the royal governor’s return, she hurries into the street and greats Hancock, her strength fleeing her even before she notices the mistake. “Esther Dudley, firm in the belief that had fastened its roots about her heart, beheld only the principal personage, and never doubted that this was the long-looked-for Governor, to whom she was to surrender up her charge” (“ED,” 58). She holds out the “heavy key,” which Howe entrusted her with, crying “Receive my trust…for methinks death is striving to snatch away my triumph…God save King George” (“ED,” 58). In “reverence” for Esther’s age, Hancock “still acknowledges his scepter,” repeating “God save King George,” but his compassion is brief (“ED,” 58). After Esther realizes that she has erroneously “bidden a traitor welcome,” Hancock bends down to “support [her] helpless form,” but his address to her is less than conciliatory:

You have treasured up all that time has rendered worthless—the principles, feelings, manners, modes of being and acting, which another generation has flung aside—and you are a symbol of the past. And I, and these around me—we represent a new race of men, living no longer in the past, scarcely in the present, but projecting our lives forward into the future (“ED,” 58).

\textsuperscript{80} The term allegiance, of course, originally described precisely this type of bond—the relation to one’s liege. “Allegiance.” \textit{Oxford English Dictionary Online}. Princeton University, 29 August, 2008 <www.oed.com>. 

Hancock’s futurity and Esther’s nostalgia both disavow the present. However,
Hancock’s position is untenable, not only for the purposes of historical narration, but as a
romantic principle (in Hawthorne’s anomalous sense of it). For Hancock renunciation is
redemptive, not a mode of uncertain defection. When Esther dies, he does not even
lament: “She hath done her office’ said Hancock solemnly. ‘We will follow her
reverently to the tomb of her ancestors; and then, my fellow-citizens, onward—onward!
We are no longer children of the past” (“ED,” 59).

Despite Hancock’s amnesiac imperative, “Old Esther Dudley” itself remains
committed to the past. However much it attempts to make Hancock’s conduct appear
dignified, its loyalties are to its title character in the end. 81 When the authorial frame
resumes after Hancock’s speech, the scene of narration echoes Esther’s portentous death:

As the old Loyalist concluded his narrative, the enthusiasm, which had been
fitfully flashing within his sunken eyes, and quivering across his wrinkled visage,
faded away, as if all the lingering fire of his soul were extinguished. Just then,
too, a lamp upon the mantle-piece threw out a dying gleam, which vanished as
speedily as if it shot upward, compelling our eyes to grope for one another’s
features by the dim glow of the hearth. With such a lingering fire, methought,
with such a dying gleam, had the glory of the ancient’s system vanished from the
Province-House, when the spirit of old Esther Dudley took its flight (“ED,” 59).

The extinction of light, here—as in the prolonged dwindling of light in the climactic
description of Judge Pyncheon’s death in The House of the Seven Gables, which it
prefigures—is a symbol of both death and, more literally, a force of experiential
dispossession, hiding “features” in the “dim glow.” 82 From Shirley’s slave to Esther,

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81 As Carton emphasizes, “There is...no embracing the blithe prospect that Hancock holds out as the
ture American alternative; if the legends retain any power at all, they preclude that.” Province of
Romance,” 351.
82 In The House of the Seven Gables, this is even more dramatic. When the light finally vanishes, the
narrator exclaims: “An infinite inscrutable darkness has annihilated sight! Where is our universe? All
crumbled away from us; and we, adrift in chaos may hearken to the gust of homeless wind, that go
from Esther to the children, from the landlord to the narrator, and the narrator to the reader, the tale passes this one fitful gleam, memorializing the “glory of the ancient system” even as it restages its demise. This form of narrative remembrance, however, is not quite as static as memorialization. Rather, it solicits a series of sympathetic correspondences, such that the protagonist’s death as well as her treachery seem endemic to narration itself. Thus in the final lines, when we find that the “old Loyalist” and the narrator have “babbled about dreams of the past, until [they] almost fancied that the clock was striking in a by-gone century,” we remember the earlier line where Esther “babbled treason to the Republic” (“ED,” 55, 59). The premise of the narrator as a “thorough-going democrat” has been forgotten, as if the loyalties of the story have become his own in the process of its iteration. If the romance of the past appears as a kind of “treason,” in Hawthorne’s tale, that, of course, does not mean that in speaking of the past Esther or the narrators are culpable, in a legal sense. Rather, treason becomes an available figure for how an imaginative identification with the colonial past, counters the teleology of U.S. nationalism.

Given the story’s formal and thematic aversion to the progressive imperatives of republicanism, it is not entirely surprising that “Old Esther Dudley” has received so little attention in the predominantly nationalist criticism on Hawthorne. And yet the oppositional parameters of literary nationalism—patriotic or treasonous, national or

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sighing and murmuring about, in quest of what was once a world” (HSG, 276-7). The “universe” here is unplaceable, narrated only negatively as an unanswered question.

Colacurcio’s chapter length reading remains one of the only extensive discussions of the story. It is discussed at some length in a recent essay by Sohui Lee, who reads it as a “national text” that illustrates “the harms of anglophelia,” but her primary focus is on the ideology of The Democratic Review, where it first appeared. Evan Carton also discusses the tale briefly in his reading of the “Legends.” Colacurcio, The Province of Piety, 449-482; Sohui Lee, “Hawthorne’s Politics of Storytelling: Two Tales of ‘The Province House’ and the Specter of Anglomania in the Democratic Review,” American Periodicals 14, no. 1 (2004): 35-62; Carton, “Province of Romance.”
cosmopolitan—are themselves misleading, for they naturalize the very allegiances that are suspended and forged in moments of political refashioning. This is precisely the ambiguity that Esther Dudley’s resolute “loyalty” foregrounds: what appears treacherous by the standards of republican progress is her continued devotion to the British crown. What “Old Esther Dudley” does so effectively, is to make it possible to understand Esther as a tragic figure whose loyalty to “by-gone times,” presents an alternative to the values of republican citizenship—if a fundamentally doomed one.

Hawthorne’s writing may not always express republican, or Unionist, ideology, but the very flexibility of its investments allows it to draw unexpected parallels between very different figures of alienation. “The citizen of somewhere else” and the exile of Hester Prynne, Esther Dudley and the “sable messenger,” the Rebel soldiers and John Brown—all are made comparable through the abstract medium of fiction. Fiction, for Hawthorne, is not about resolving the abysses of political identification. Rather, as a mode of defection, it denaturalizes the basis of allegiance, structuring civic identification on the model of estrangement. “Romance” in the end may be little more than the name Hawthorne gives to the renunciative potential of fiction, but it is through recovering its most extreme expressions that Hawthorne’s defense of the rights of fiction assumes its

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84 The cosmopolitan frame, though extra-national also tends to avoid such suggestions. In part, because cosmopolitanism, as a model of worldly citizenship, tends to assume that the extra-national is always a virtuous position—insofar as cosmopolitanism is a sort of “patriotism” on a global scale. A notable exception to this is Frederick Newberry’s insightful argument that “Hawthorne's historiography adamantly resists a patriotic reading in any way commensurate with the democratic ideology of his time.” Hawthorne’s Divided Loyalties, 19.

85 One of the explicit premises of Bercovitch’s analysis is that the political frame germane to reading Hawthorne is Northern: “‘By ‘Hawthorne’s society’ and ‘antebellum ideology,’ I mean the complex of social practices and cultural ideals that we associate with the liberal Northern United States from 1820 to the Civil War.” Office of The Scarlet Letter, xiv.

86 The genre of romance—broadly conceived—is often read as a mode that subsumes losses (both psychical and political) into an ideal horizon of promise and redemption. See Frederic Jameson, “Magical Narratives: Romance as Genre,” New Literary History 7 no. 1 (1975): 135-163.
political character. Through the prism of Hawthornian fiction, political belonging
appears as an essentially tragic enterprise, which can only be represented through the
symbols of its failure.
Chapter Three

The Climates of Liberty:
Natural Rights in the Creole Case and “The Heroic Slave”

It has often given me pleasure to observe that independent America was not composed of detached and distant territories, but that one connected, fertile, widespread country was the portion of our western sons of liberty…. A succession of navigable waters form a kind of chain around its borders, as if to bind it together...This country and this people seem to have been made for each other, and it appears as if was the sign of Providence that an inheritance so proper and convenient for a band of brethren, united to each other by the strongest ties, should never be split...


Aliens are we in our native land. The fundamental principles of the republic, to which the humblest white man, whether born here or elsewhere, may appeal with confidence in the hope of awakening a favorable response, are held to be inapplicable to us. The glorious doctrines of your revolutionary fathers, and the more glorious teachings of the Son of God, are construed and applied against us. We are literally scourged beyond the beneficent range of both authorities,—human and divine.

—Frederick Douglass, “The Present Condition and Future Prospects of the Negro People” (1853)

Nationalism, it might be said, is manifestly an ideology of borders. The coherence of the nation depends upon naturalizing the arbitrariness of its geographic and demographic limits. Indeed, a basic conceit of the nation-state is that territoriality and ideology are coextensive. Space, territorially conceived, is more than something occupied by people, it is a principle of political communion, and even commonness.

Thus, in *The Federalists Papers*, John Jay takes evident satisfaction in the “succession of navigable waters” that enclose the U.S., for they form a “chain” that makes the political
federation of states seem immanent to nature itself.¹ For Jay, these waters bind the states together, and symbolize their collective autonomy from foreign interference. But in “the epoch of annihilated space,” as Hawthorne termed it in The Blithedale Romance (1852), even oceanic boundaries seemed increasingly negligible.² According to Frederick Douglass’s Fourth of July speech that same year, “Oceans no longer divide, but link nations together. From Boston to London is now a holiday excursion. Space is comparatively annihilated. Thoughts expressed on one side of the Atlantic are, distinctly heard on the other.”³ Within this proximate framework, the abolition of the British slave trade obtained special significance for America. It dramatized the systematic unfreedoms of “the land of the free,” and highlighted the contingency of territorial claims to citizenship (jus soli, right of the soil). Slaves born in the U.S. were in the anomalous position of being native aliens, stripped of rights, and without any path to naturalization. Slavery, as a condition of natal alienation, instituted a formal separation between residence and citizenship.

In Hannah Arendt’s influential reassessment of human rights discourse in light of World War II, she argues that the “loss of national rights was identical with loss of human rights, that the former inevitably entailed the latter.”⁴ Although the “Rights of Man” “had been defined as ‘inalienable’ because they were supposed to be independent

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of all governments,” in practice Arendt stresses, “the moment human beings lacked their own government and had to fall back upon their minimum rights, no authority was left to protect them and no institution was willing to guarantee them.” The conceit that rights are inalienable does not ensure their institutional recognition; instead, by making citizenship the consummate expression of “natural” rights, it makes the legitimacy of rights claims contingent on the secular authority of the nation. This means not only that the rights of citizens are restricted to the jurisdiction of the nation, but, conversely, that those who are not already recognized as citizens (by their native government) are thereby deprived of any authority for asserting their rights.

Although the immediate political context for Arendt’s discussion is the rise of statelessness in the aftermath of the two World Wars, her reflections lead her to a reexamination of the famous disagreement between Edmund Burke and Thomas Paine. She concludes that recent history has offered an “ironic, bitter, and belated confirmation” of Burke’s contention that because “human rights were an ‘abstraction’...it was much wiser to rely on an ‘entailed inheritance’ of rights which one transmits to one’s children, like life itself.” Arendt’s endorsement of Burke may be reluctant, but, in underscoring the practical limitations of the “transcendent” model of rights championed by Paine, she calls attention to the difficulty of claiming rights that have not already been granted.

What I want to suggest, in the context of the antebellum U.S., is that the very thing that makes the inalienability of rights so rhetorically powerful—its articulation of civic rights as commensurate with human rights, and so unimpeachable—also made it difficult to authorize individuals not already recognized and protected within the sphere of the law. If

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6 Ibid., 299.
rights were inalienable, inherent and untransferable, this meant not only that the rights of citizens were naturally derived, but also implied that those denied citizenship within the nation lacked the character necessary to its possession. The rhetorical link between civic and natural rights thus initiates a circular and static logic, in which what already is presumably coincides with what ought to be.

This chapter pursues an understanding of rights as “alienable” (that is, transferable) through an analysis of representations of the 1841 slave revolt onboard the Creole, in which 135 slaves obtained freedom on arriving in the British territory of the Bahamas. For the slaves on the Creole, comprehensive human rights were only granted outside of the jurisdiction of their native country. Although the limits of U.S. jurisdiction were deeply debated in the international dispute that followed the revolt—with critics of Britain’s “interference” arguing that the ship was still technically within the legal “territory” of the U.S. nation—the implicit assumption shared by both sides was that slavery could exist only by force of positive law. Outside of the U.S., abolitionists argued, the local fictions of the nation gave way to the laws of nature. These arguments did more than simply point to the discontinuity between natural and civic rights; they made the fact of this separation the basis for political critique. The objective, of course, was to reform civic laws to reflect the rights of nature, and, in this respect, the imagination of the ocean as a space of natural liberty more generally was not an end in itself, but an instructive myth that epitomized the unfulfilled ideals of the U.S.7

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7 The conceptualization of community through pre- and extra-social figures such as the state of nature only highlights the more fundamental tension in liberal political thought, in which the full realization of the ideal of democratic governance—liberty—tacitly entails the dissolution of the state. John Dewey is particularly explicit about this remarking that, “Born in a revolt against established forms of government and the state, the events which finally culminated in democratic political forms were
Abolitionist accounts of the *Creole* never forfeited the idea that rights ought to be inalienable by nature—inviolable and absolute—but, by recognizing the historical alienability of rights they disentangled natural and civic rights in order to denaturalize prejudicial civic laws. Inalienability might be a powerful ideal, but the recognition that rights are alienable in practice—not simply that they were often divested and withheld, but that they *can be transferred* to those who do not already possess them—was, paradoxically, a precondition for civic reform. Within these terms, rights are not something you either have or lack, but something which can be laid claim to through the critique of national exclusions.

The maritime setting of the revolt provided a powerful figure for the articulation of rights as natural rather than national, but what is illustrative about the case is not that it belies the contingency of rights on the nation (after all, the slaves were ultimately emancipated under British law). In abolitionist portrayals of the *Creole* revolt, the idealization of the ocean as a figure of natural freedom was not a way of transcending the nation as such, but instead, and very explicitly, a model for reform within the U.S. Given this dynamic interplay between the conceptualization of the natural and the nation, this chapter does not read the *Creole* case within the international conceptual frame of the Black Atlantic.  

deeply tinged by fear of government, and were actuated by a desire to reduce it to a minimum so as to limit the evil it could do.” John Dewey, *The Public and Its Problems* (1927; reprint, Athens: Ohio University Press, 1954), 86.

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8 The ship has been integral to Atlantic studies as an icon of this extra-national circulation. Paul Gilroy’s landmark study, for example, invokes the “image of the ship in motion across the spaces between Europe, America, Africa, and the Caribbean as the organizing symbol” of the “black Atlantic,” because it focuses “attention on the middle passage, on the various projects for redemptive return to an African homeland.” But while the ship is the very image of fluidity, transition, and transculturation, the nationality of vessels was rigorously imposed and managed in the period. Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (New York: Verso, 1993), 4.
which at once conceptualizes the ocean as “international waters” but insists on the national character of the vessels that traverse it (as ships of state)—the chapter examines the national dimensions of universalist principles.

In what follows, I chart two unexpectedly resonant responses to the Creole revolt: Secretary of State Daniel Webster’s diplomatic letters on the Creole case, and Frederick Douglass’s rendition of the revolt in his sole venture into fiction, “The Heroic Slave”—published in a gift book in 1853, and then serialized in Douglass’s newspaper. Webster, as we will see, invokes the rhetoric of natural disaster to deny the agency of the insurrectionists, while Douglass uses climatological tropes to develop a notion of natural rights that controverts the geopolitical partitioning of freedom. Their politics, then, could not be more dissimilar. But, the implicit authority for both of their claims depends on characterizations of nature and the natural. Nature, for each, becomes a figure in which political interestedness can be presented in ostensibly neutral terms.

In “The Heroic Slave,” Douglass legitimizes the insurrection by recalling the “principles of 1776,” even while, as with his famous fourth of July address the year previous, he ironizes the mythic yoking of liberty to the U.S. nation (“HS,” 238). The fulfillment of the nation’s promise in Douglass’s allegory resides neither in its territory, nor in it citizens. Instead, international waters and the British terra are the symbols of freedom, while Madison Washington, a disenfranchised slave, comes to embody the

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9 The respective chronology of the two printings is recorded in the newspaper version, which prefaces the novella’s title with an attribution: “From the Autographs for Freedom.” An advertisement for Autographs appears in Frederick Douglass Paper on January 21, 1853. The serialized version appears later, from March 4 to March 25 of that same year.

10 As I will discuss later, the irony in this case is produced both by the link between Britain and freedom, and by the racist bias of the white seaman, Tom Grant, who hesitantly compares the Creole revolt (and who narrators the actual insurrection).
unfulfilled ideals of U.S. citizenship. “The Heroic Slave” restages the drama of the American Revolution on an international scale, but it does not exchange nationalism for the unilateral yearnings of Anglophilia.\textsuperscript{11} Douglass transfigures British emancipation into a nostalgic occasion for reinventing American citizenship.

**Geographies of Agency**

On October 30\textsuperscript{th} 1841, the *Creole* ship left Hampton Roads Virginia with 135 slaves bound for New Orleans—but it never arrived. Following a slave revolt at sea, the leaders of the insurrection directed the ship to Nassau, Bahamas, a British colony (where slavery had been abolished since 1833). The details of both the revolt and its aftermath remain hazy; what is known comes primarily from the accounts of the white crew in two widely reprinted “protests,” as well as the diplomatic correspondence between U.S. and British authorities after the ship’s arrival in Nassau.\textsuperscript{12} According to the second and most comprehensive of the protests, Elijah Morris (a slave of Thomas McCargo) informed ship master Gifford that one of the “men had gone down aft among the women” (Doc. 51, 37).

\textsuperscript{11} For a discussion of the Anglophilic dimensions of abolitionism, see Elisa Tamarkin’s “Black Anglophilia; or, The Sociability of Antislavery,” *American Literary History* 14, no. 3 (2002): 444-78.

\textsuperscript{12} As Daniel Webster summarily acknowledges in a letter to Lord Ashburton, “The facts in the particular case of the ‘Creole’ are controverted: positive and officious interference by the colonial authorities to set the slaves free being alleged on the one side and denied on the other.” Similar ambiguities surround the fractured accounts of the revolt itself. Webster and Ashburton’s “Correspondence with British Special Mission” regarding the Creole affair was collected and printed as a Senate document. “Senate Document 1.” 27\textsuperscript{th} Congress, 3\textsuperscript{rd} Session, 116. Hereafter cited parenthetically as Doc. 1. The correspondence, protests, as well as the individual testimonies of the white crew were collected in a Senate document for the review of Congress. There were also several insurance cases after the liberation of the slaves in Nassau. There is not nearly as much criticism on the *Creole* revolt as there is on the *Amistad*, but there are a few extended discussions of it, which draw on these and other materials: Howard Jones, “The Peculiar Institution and National Honor: The Case of the *Creole* Slave Revolt,” *Civil War History* (1975), 28-50. Edward D. Jurvey and C. Harold Hubbard, “The Creole Affair,” *The Journal of Negro History* 65.3 (Summer 1980), 196-211. Maggie Montesinos Sale, *The Slumbering Volcano: American Slave Ship Revolts and the Production of Rebellious Masculinity* (Durham: Duke University Press, 1997), 120-145.
Upon further investigation, a passenger, Mr. Merritt, found “Madison Washington, a very large and strong slave belonging to Thomas McCargo,” who was “the last man on board of the brig [he] expected to find there.” Madison ran forward, and Elijah Morris fired a pistol, the ball of which grazed the back part of Gifford’s head. Madison then shouted, ‘We have commenced, and must go through; rush, boys, rush aft; we have got them now’ (Doc. 51, 38). During the skirmish, John Hewell, a white passenger and slaveholder who had “the particular charge of the slaves of Thomas McCargo” fired a musket and was subsequently stabbed to death by the slaves (Doc. 51, 37, 38-9). Madison then intervened to spare Merritt’s life, “on his promising to navigate the vessel to any port they required” (Doc. 29). “Madison said that they wanted to go to Liberia,” but, on learning that they did not have sufficient provisions, several slaves “said they wanted to go to the British islands…where Mr. Lumpkin’s negroes went last year,”—alluding to a group of slaves who had obtained their freedom when a U.S. schooner was shipwrecked in the British islands the previous year (Doc. 51, 40).13

When the Creole arrived in Nassau on November 9, two days after the revolt, U.S. consulate John Bacon sent a letter to Governor Francis Cockburn to “request that your excellency will be pleased not to suffer any of the slaves on board to land until further investigations can be made” (Doc. 51, 5). On the fourth day after the ship’s arrival, British magistrates boarded the ship to identify the 19 slaves actively involved in

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the mutiny. After taking depositions and securing the mutineers as prisoners, George Anderson, the British colonial attorney general for the Bahamas, announced that the other slaves were free to go to shore. He then signaled to several ships of black soldiers—which had surrounded the Creole in increasing numbers since its arrival—to help the slaves to shore. In the absence of an outstanding extradition treaty, Britain refused to surrender the accused mutineers for trial in the U.S. Four months later, British authorities released the nineteen incarcerated fugitives, satisfied that, in the words of parliament, “there was no authority to bring the persons who had escaped in the Creole to trial for mutiny or murder, or even to detain them in custody.”

The Creole revolt was compared to several other international disputes over slavery—including the Amistad (1839) and the Hermosa (1840)—but the precedent established in the trial of James Somerset in 1772 proved particularly decisive. Somerset, a slave brought from the American Colonies to England by his owner, Stewart, escaped but was recaptured and held on a ship bound for Jamaica. In Lord Mansfield’s famous decision in favor of Somerset he held that, “The state of slavery is of such a nature, that it

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14 The second protest belaborsthe distinction between the nineteen active mutineers and the other slaves: “The nineteen said, all they had done was for their freedom: the others said nothing about the affair; they scarcely dared to say anything about it, they were so much afraid of the nineteen” (Doc. 51, 41). Part of the reason for this emphasis, as the subsequent insurance cases make clear, is that the master was considered “responsible for the wrong doing of his slaves” and “must bear the loss thus incurred.” Supreme Court. E. Lockett versus the Merchants’ Insurance Company. Brief of Slidell, Benjamin, and Conrad for Defendants (New Orleans: n.p. [1842]), 35.

15 Five blacks “who had hidden in the hold of the Creole would eventually return to the United States.” Jones, “Peculiar Institution,” 32.

is incapable of being introduced on any reasons, moral or political, but only positive law, which preserves its force long after the reasons, occasion, and time itself from whence it was created, is erased from memory: It’s so odious that nothing can be suffered to support it, but positive law. “Implicit in Mansfield’s argument is the idea that slavery, and the laws that enable it, are abhorrent to nature. Still, Mansfield refrains from such a categorical position, concluding more modestly that “I cannot say that this case is allowed or approved by the law of England; and therefore the black must be discharged.” The opening arguments of Francis Hargrave, one of Somerset’s most eloquent lawyers, offered a more unequivocal formulation of natural rights. England, he famously declared, is “a soil whose air is deemed too pure for slaves to breathe in,” a territory in which positive law and natural law are in essential harmony.

Despite Hargrave’s powerful invocation of a natural order, however, his imagination of rights is decisively localized to English borders. In this nationalist fantasy, natural rights may be (theoretically) grounded equally in the principles of the entire world, but their self-evidence is confined to England. As William Cowper’s versification of Hargrave dramatizes—“Slaves cannot breathe in England; if their lungs/Receive our air, that moment they are free!/They touch our country and their shackles fall”—the Somerset precedent made it possible to imagine natural rights as a special property of English soil.

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17 “Somerset against Stewart,” Reports of Cases Adjudged in the Court of King’s Bench... ed. Capel Lofft, Esquire of Lincoln’s Inn (Dublin: James Moore, 1790), 20.
18 Lofft, “Somerset,” 20, emphasis original.
Although the implications of the Somerset decision were initially restricted to England proper, by the time of the Creole revolt—eight years after the abolition of slavery throughout the British Empire—its language, it appears, has been retroactively invested with the teleology of British emancipation more generally. Thus, in Barrister Robert Phillimore’s consideration of the Creole, he seamlessly invokes Mansfield’s decision to defend Britain’s response to the revolt, arguing that since the Somerset case the “maxim…to refuse a recognition of the personal disability of slavery” has “never been impugned with success.”

The U.S. did not dispute the liberatory prerogatives of British law, but Secretary of State Daniel Webster attempted to circumvent its implications for the Creole case by arguing that, legally speaking, the ship had remained outside of British jurisdiction. The Creole affair, as Lord Ashburton remarked, hung like a “great plague” over ongoing negotiations for the Webster-Ashburton treaty (signed August 9, 1842), intended severally to resolve the “boundaries” between U.S. and British territories in North America, support “the final suppression of the African Slave Trade,” and provide for the mutual extradition of criminals. Just eight days before signing the treaty—which

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22 Even as it became clear—to the “regret” of Virginia-born President John Tyler—that the British were unwilling to “enter into a formal stipulation” for resolving the principles involved in the Creole case, Webster attempted to reach an understanding that would prevent similar jurisdictional disputes (Doc. 1, 116). Although Britain refused to include any stipulations resolving the Creole affair, in his response to Webster’s letter Ashburton said that he “can engage that instructions shall be given to the Governors of her majesty’s colonies on the southern borders of the United States to execute their laws with careful attention to the wish of their government to maintain good neighborhood, and that there shall be no officious interference with American vessels driven by accident or by violence into those ports” (Doc. 1, 124).
23 As quoted in Jones, “Peculiar Institution,” 45.
24 The full title of the treaty, now commonly referred to simply as the Webster-Ashburton treaty, is: “A Treaty to settle and define the Boundaries between the Territories of the United States and the
expressly commits the U.S., as well as Britain, to maintain vessels for the suppression of
the African Slave trade—Webster unabashedly pressed Ashburton for non-interference
with even the *international* expressions of U.S. “domestic” slavery. Alluding to the
Somerset precedent, Webster writes:

> The usual mode of stating the English law is, that no sooner does a slave reach the
> shore of England than he is free. This is true; but it means no more than that
> when a slave comes within the exclusive jurisdiction of England he ceases to be a
> slave because the law of England positively and notoriously prohibits and forbids
> the existence of such a relation between man and man (Doc. 1, 119).

Whereas in the Somerset case, Lord Mansfield concludes that slavery can only be upheld
where it is explicitly supported by positive law, here Webster reverses this
characterization to depict the emancipatory laws of England as themselves exceptional,
and essentially local.

Webster’s principal argumentative tack, however, was more fundamental, if
remarkably tortuous. Webster attempted to undermine the forceful rhetorical
correspondence between the natural and political properties of England, by belaboring the
distinction between the jurisdiction of the nation and its geographic boundaries.
Interrogating the seemingly most straightforward facts of the case, he maintains that even
though the *Creole* ship entered British waters the circumstances of its “unlawful” arrival
override its physical presence.

> If vessels of the United States, pursuing lawful voyages, from port to port, along
> their own shore, are driven by *stresses of weather*, or caused by unlawful force,
> into English ports, the Government of the United States can not consent that the
> local authorities in those ports shall take advantage of such misfortunes…such
> vessels, so driven and so detained by *necessity* in a friendly port, *ought to be*

possessions of Her Britannic Majesty, in North America: For the final Suppression of the African
Slave Trade: and For the giving up of Criminals fugitive from justice, in certain cases.” 8 Stat. 572
(August 9, 1842).
regarded as still pursuing their original voyage, and turned out of their direct
course only by disaster, or by wrongful violence (Doc. 1, 121, emphasis added).

Webster subordinates the geographical location of the ship (in the Bahamas) to a
speculative narrative of how it “ought to be regarded” (in keeping with U.S. jurisdiction).

Prefiguring his ambivalent role brokering the 1850 Compromise as a
Massachusetts senator, Webster evades the question of whether or not the slaves should
be free, and reduces the question to a territorial disagreement, in which the prospect of
freedom is made contingent both on geographical borders and contentious narratives of
the agency of arrival. Webster argues that the cause of the ship’s redirection—rather than
the geographical fact of its arrival—determines whether it is subject to foreign authority.
Alluding to the concept of force majeure, “that great and practical rule, which declares
that that which is the clear result of necessity ought to draw after it no penalty and no
hazard,” Webster suggests that “unlawful force” should be regarded in the same manner
as any act of “superior power” (Doc. 1, 117).

“If against the will of her master, or
owner, she [“a vessel”] be carried…into port,” Webster asks, “what reason or justice is
there in creating a distinction between her rights and immunities, in a position, thus the
result of absolute necessity, and the same rights and immunities before superior power
had forced her out of her voluntary course?” (Doc. 1, 117, emphasis added). In other
words, for Webster, the ship did not technically enter foreign territory because its
redirection was not part of its original itinerary. In order to argue that the Creole
preserves its original national character (as it would on the high seas), Webster has to

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25 The Creole case provided a limit case for elaborating subsequent understandings of the doctrine of
“force majeure,” which holds that vessels driven into a port by irresistible force (war, crime, or
weather) are immune to foreign interference even when in extra-national waters. See for example,
Gustavus H. Robinson, Handbook of Admiralty Law in the United States (St. Paul: West Publishing
Co., 1939), 358 fn.
fabricate an alternative narrative, set “before” the revolt and in the hypothetical space of the “original voyage.”

Webster displaces the fraught power dynamic between the insurrectionary slaves and the owners/traders onto the inert and yet unmanageable figure of the ship (which is “carried,” passively, “against the will of her master”). This doubling between the slaves and the ship is made conspicuous by the unwieldiness of the analogy. The “owner” of a ship and its “master” (a designation most proximate to the station of the captain), are not equivalent, nor do they exert the same degree or even type of control over its movements. The displacement of the embodied power struggle between the insurrectionists and crew onto the image of the ship’s navigation enables Webster to construct jurisdiction as an artifact of consent. Jurisdiction is not an extension of decisive spatial boundaries—movement across which carries unavoidable political consequences—it is contingent, here, on the “voluntary” character of the ship’s course (or more strictly speaking on the volition of the captain). By making the legitimacy of jurisdictional authority contingent on the intention and volition of the crew, Webster imagines that even foreign dominion operates by virtue of a form of compact, albeit a racially restricted one.

Webster obscures the agency of the insurrectionists by at once prioritizing the rhetoric of voluntarism and restricting it to the white crew. The labyrinthine rhetorical paradigm he develops admits to only two possibilities: the positive volition of the white crew or the complete capitulation of all agency to “absolute necessity.” For Webster, the slave revolt is comparable to the ungovernable effects of the “weather”; it is a “result of

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26 As Webster remarks elsewhere in this letter, while a ship on the “high seas” is “regarded as part of the territory of the nation to which she belongs,” ships that come within “a marine league from the shore” are generally considered to have entered territorial waters, and, as such, are subject to foreign jurisdiction (Doc. 1, 117).
necessity,” and so, it would seem, carries no proper agency. Webster’s comparison of “unlawful force” to “stresses of weather” deemphasizes the individual agency of the insurrectionists. However, in elaborating the revolt as a “force majeure” he also implicitly elevates it to the status of a superior, irresistible event. The comparison, that is, may disembodify the force of the revolt, but it also likens the revolt to an act of nature, or, as the doctrine of force majeure is suggestively styled, an act of God.  

Webster characterizes the revolt as an act of nature, but he stops short of suggesting the unnatural character of slavery. The suggestion that the slave revolt accords with some higher law could hardly have been further from Webster’s purposes. Nor, for that matter, was this the principle effect of his arguments. Thirteen years after the initial dispute, the Anglo-American Commission awarded the slave holders $110,330 in remuneration for the slave “property” lost in the insurrection—but the insurrectionists themselves remained free.

**Fitful Natures**

Webster’s insistence on the exceptional character (and restricted dominion) of British emancipatory laws highlights the basic paradox of the ideology of freedom in the antebellum U.S. While its self-styled designation as the “land of the free” evinces the same conceit as Hargrave’s depiction of England in the Somerset case—namely, that the

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27 As one definition of the doctrine notes, “the term *vis major* (superior force) is used in the Civil Law in the same way that the words ‘act of God’ are used in the Common Law.” Joseph Angell, *A Treatise on the Law of Carriers of Goods and Passengers, By Land and By Water* (Boston: Charles C. Little and James Brown, 1801), 154.

28 In abolitionist representations of the case, however, nature became the decisive trope for establishing the essential legitimacy of the insurrectionists’ bid for freedom.

national ideal of freedom is so organic as to be immanent in the land itself—the United States’ diplomatic position on the Creole case emphasized the palpable rift between its liberatory principles and oppressive laws. As Frederick Douglass ironically stresses in one of his several remarks on the Creole revolt during his British tour in the mid 1840s, “now Maddison [sic] Washington and his compeers are treading upon British soil, they had fled from a republican government and have chosen a monarchical, and are basking under the free sun amid the free hills and valleys of a free monarchical country.”

Even as the notion of Britain’s oppressive tyranny over the American colonies remained integral to the oppositional self-conception of the U.S. as a democratic nation, this conceit, as Douglass’s passage amplifies, lost much of its self-evidence in light of the abolition of slavery throughout the British Empire in 1833. This was especially true after the passage of the “Fugitive Slave Law” in 1850, which—by effectively extending the reach of slavery into the Northern states—pushed the practical boundary for attaining freedom to the British province of Canada. Thus, when Douglass returned to the Creole case twelve years after the height of the controversy to offer his most extensive (albeit highly fictionalized) representation of the revolt in “The Heroic Slave” (1853), the question of whether the character of slavery inhaled across geopolitical boundaries had taken on new domestic urgency.

31 The Fugitive Slave Act remapped the geopolitics of freedom in national terms, but the question of whether or not slaves could claim freedom by virtue of travel to free territories was not itself new. For an account of the legal culture of black travel, see Edlie Wong’s Neither Fugitive nor Free: Atlantic Slavery, Freedom Suits, and the Legal Culture of Travel (New York: New York University Press, 2009).
Douglass echoes Hargrave in his depiction of Madison Washington’s initial attainment of freedom in Canada (before he is recaptured in Virginia and placed on the Creole)—“I AM FREE, and breathe an atmosphere too pure for the slaves”—but the novella also insistently counters the nationalist conceit that natural rights are more or less inherent in any one country. Instead, “The Heroic Slave” uses natural imagery to present natural law (and the notion of human rights it sanctions) as an empirical reality, apparent throughout the natural world.  Douglass relinquishes an investment in locality and contained spaces to pursue the episodic and fitful character of natural phenomenon. This dispersion intimately shapes the peculiar form of the novella in two ways. First, Douglass’s novella reconfigures the heroic genre, replacing the story of an individual agent with the more sporadic agency of nature. Second, by taking the “restless billows” of the ocean as not only the setting of the revolt but a model for both rebellion and reform (“HS,” 237), Douglass proffers natural rights as a corrective to the structural fallibilities of positive law.

On first glance, the opening of “The Heroic Slave” appears insistent on restoring Madison Washington from the “undeserved obscurity” of the “chattel records” to a place

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33 Criticism on “The Heroic Slave” often focuses on how its representation of black agency is compromised by the centrality of the two white narrators, Listwell and Grant. But there has been little attention to the organizing displacement of Madison’s agency onto nature in the novella. Strangely, the one essay that examines the novella’s use of natural imagery as a metaphor for natural rights—Lance Newman’s “Free Soil and the Abolitionist Forests of Frederick Douglass’s ‘the Heroic Slave’”—does not even mention the novella’s climatic representation of the Creole revolt. By only discussing the transcendentalist forest scenes, Newman fails to take into account how Douglass’s idealization of the ocean as a site of freedom informs the novella’s conceptualization of natural rights. Newman thus ascribes to “The Heroic Slave” a more conventional understanding of rights as founded on landed property—arguing that “the rights of life, liberty and the pursuit of happiness are meaningless without the right of access to the soil.” Lance Newman, “Free Soil and the Abolitionist Forests of Frederick Douglass’s ‘The Heroic Slave,’” American Literature 81, no. 1 (2009): 127-52.
of conventional eminence, within the pantheon of Virginia’s “multitudinous array” “of
statesman and heroes” (“HS,” 175; 174). Douglass thus remarks,

Let those account it who can, but there stands the fact that a man who loved
liberty as well as did Patrick Henry,—who deserved it as much as Thomas
Jefferson,—and who fought against odds as great as he led all the armies of the
American colonies through the great war for freedom and independence, lives
now only in the chattel records of his native state (“HS,” 175).

Considering the mode of the introduction, and the fact that the novella culminates with a
representation of the revolt on the Creole (albeit a remarkably indirect one), we expect
that the novella will offer something of a prehistory of the revolt, through the personal
history of its leader. We expect, that is, that the novella will provide practical illustrations
of the essentially heroic character of Madison, in terms not dissimilar to those outlined in
an earlier piece on Madison in The Liberator in 1842: “The scene on the Creole deck was
but one chapter in the history of Madison Washington. Nothing could be more absurd
than to suppose that this occasion made Madison, and not Madison made the occasion.”

What is so striking about the novella as a whole, however, is just how little it confirms an
inflated sense of Madison’s control over the circumstances around him. With seemingly

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35 And, for that matter, the revolt is precisely “but one chapter” in Douglass’s fictional history of Madison.
resolute insistence, Douglass grants rhetorical priority to the natural events that punctuate the course of the novella, over and against Madison’s individual agency.

On a formal level, the narrative de-emphasizes Madison’s agency by presenting the events of his life as a series of episodic coincidences. The first three sections of “The Heroic Slave” loosely follow the movements of the (future) leader of the revolt, Madison Washington: from an overheard soliloquy on the trials of his enslavement in the forests of Virginia, to Madison’s happenstance reunion with the sympathetic auditor of this speech (Listwell) on his Northward flight, and, finally, Listwell’s discovery, while on business in Virginia, that Madison has been recaptured and is being shipped with a chain gang for sale in New Orleans. The revolt itself appears in the fourth section, but, like the actual “Protests,” it is narrated retrospectively by the white crew (in this case, by a fictional sailor named Tom Grant).

For a work whose emancipatory argument hinges on linking the slave revolt on the Creole to the American Revolution, it is striking how cursorily and circuitously Douglass’s novella depicts the actual insurrection. As several scholars have argued, Douglass represents the insurrection indirectly in order to avoid the difficulty of making explicit violence appear “heroic.”36 This indirection, however, is characteristic of the

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36 Maggie Sale, for example, argues that “By not representing the violence of the Creole rebellion (Grant is unconscious during the flight), Douglass disarms gendered, racialist discourses that would figure Washington as a ‘black murder’ or raging savage.” The evasion of violence has alternately led several critics to suggest that the tale is ultimately too conciliatory in its address. Thus Richard Yarborough argues that Douglass “strips his fictional slave rebellion of much of his radical, subversive force,” while Ivy Wilson notes that by narrating the revolt indirectly through a white sailor the story reproduces the authenticating logic of the white abolitionist preface. Without diminishing these insights, I would like to suggest that this indirection is not a symptomatic omission confined to the depiction of violence, but something that Douglass insists on self-consciously throughout “The Heroic Slave,” and which significantly informs his conception of the project of liberty. Maggie Sale, “To Make the Past Useful: Frederick Douglass’ Politics of Solidarity,” *Arizona Quarterly: A Journal of American Literature, Culture, and Theory* 51, no. 3 (1995), esp. 51-2. Richard Yarborough, “Race,
novella as a whole. Even its protagonist and hero, Madison Washington, is, as Douglass writes in the preface, “brought to view only by a few transient incidents.”

Glimpses of this great character are all that can now be presented. He is brought to view only by a few transient incidents, and these afford but partial satisfaction. Like a guiding star on a stormy night, he is seen through the parted clouds and the howling tempests; or, like the gray peak of a menacing rock on a perilous coast, he is seen by the quivering flash of angry lightening, and he again disappears covered with mystery (“HS,” 175).

If, missing the parodic tone of Douglass’s hyperbolic homage to the “statesman and heroes” of Virginia, the reader expects a conventional, if fictional, character biography, this climatic prefatory passage comes as both an apology and a warning. As Cynthia Hamilton points out, “the title of the novella declares Washington to be the main protagonist and hero, but without substantial internal support for such a position.” Hamilton’s subsequent suggestion that the title, in this respect, “could be seen as demeaningly ironic,” is somewhat less convincing. However, her more general point that the “rather overblown and highly conventional” language in the text ironizes, rather than simply reproduces, the exceptionalist logic of the white revolutionary tradition identifies a structuring opacity that is often missed in preemptory dismissals of

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37 The novella opens, “The State of Virginia is famous in American annals for the multitudinous array of her statesmen and heroes. She has been dignified by some the mother of statesmen. History has not been sparing in recording their names, or in blazoning their deeds. …Yet not all the great ones of the Old Dominion have, by the fact of their birth-place, escaped undeserved obscurity. By some neglect, one of the truest, manliest, and bravest of her children…lives now only in the chattel records of his native State” (“HS,” 174).

38 Hamilton is less concerned with the peculiar conceptualization of Madison as a “character” than with the tone and genre of the text. She concludes that “The Heroic Slave” “exposes the implications of the cultural politics of benevolence” but “the rhetoric of sentimental victimization had come to seem so ‘natural’ that the techniques Douglass used to expose this discourse did not register.” Hamilton, “Models of Agency,” 130, 136.
Douglass’s sole foray into fiction. Madison Washington, after all, is not a conventional hero, or even a coherent and defined personage in the novella. From the very beginning, Douglass’s elliptical and metaphorical characterizations of his protagonist bypass interiority in lieu of an impersonal and symbolic landscape. Less a character than a cipher, Madison is a figure for the inevitability of emancipation as a force of nature: “a guiding star on a stormy night”; “the gray peak of a menacing rock”; “the quivering flash of angry lightning.”

When the story proper opens, our perspectival distance from Madison takes the generic form of an overheard soliloquy. On a “Sabbath morning, within hearing of the solemn peals of the church,” a “northern traveler” pauses for water “near the edge of a dark pine forest” in Virginia and “hears the sounds of a human voice” (HS 176). When the traveler (whose name we soon learn is Mr. Listwell) wonders, “To whom can he be speaking?...He seems to be alone,” his question evinces a textual self-consciousness about the artificiality of the presentation of Madison’s character. While this section offers the most comprehensive portrait of Madison’s thoughts and feelings, it also keeps him insistently, and at first literally, just out of full view. The soliloquy—which begins ‘What, then, is life to men? It is aimless and worthless, and worse than worthless…That accursed and crawling snake, that miserable reptile, that has just glided into its slimy hold, is freer and better than I” (HS 176-7)—apostrophizes on the inhumanity of slavery

39 Robert Stepto, for example, writes, “‘The Heroic Slave’ is not an altogether extraordinary piece of work...Still, after dismissing the florid soliloquies which unfortunately besmirch this and too many other anti-slavery writings, we find that the novella is full of craft, especially of the sort which combines artfulness with a certain fabulistic usefulness.” In addition, Ivy Wilson speaks of it as an “imperfect allegory,” while Richard Yarborough analyzes the formal and political shortcomings of “The Heroic Slave.” Stepto, “Storytelling,” 360. Wilson, “Native Ground,” 466. Yarborough, “Masculine Ideal,” 166-188.
in general, with little mention of Madison’s specific situation. Our knowledge of Madison, as a result, appears too generic to bespeak his personal character.

The fact that the aptly named Listwell (who listens well, as several critics note)\(^{40}\) forms his initial impression of Madison on the basis of voice alone—“that unfailing index of the soul”—suggests just how much their often lauded interracial friendship depends upon disembodiment and spectatorship (“HS,” 179).\(^{41}\) When Listwell finally catches “a full view of the unsuspecting speaker,” his now increased perception remains one-sided.

“As our traveler gazed upon him, he almost trembled at the thought of his dangerous intrusion. Still he could not quit the place. He had long desired to sound the mysterious depths of the thoughts and feeling of a slave. He was not, therefore, disposed to allow so providential an opportunity to pass unimproved” (“HS,” 180, emphasis added). Here, what might otherwise have been an assumed good—an opportunity to communicate the feelings and humanity of a slave to white abolitionist readers—is given a notably sinister connotation in the depiction of Listwell’s overeager and almost eroticized surveillance of the “unsuspecting speaker.”

However, as if in defiance of Listwell’s desire for further disclosure, the narrative adds yet another level of formal remove from the type of intimacy that could have been provided with first person narration. With the exception of a few embedded quotes, the

\(^{40}\) Listwell, as Stepto was the first to point out, “is indeed a ‘Listwell’ in that he enlists as an abolitionist and does well by the cause—in fact he does magnificently. He is also a ‘Listwell’ in that he listens well” (365). Stepto, “Storytelling,” 365.

\(^{41}\) Marianne Noble, for example, reads this gesture more affirmatively, arguing that “The Heroic Slave” “rejects the visual/corporeal model of persuasion...and promotes instead a complex idea of sympathy grounded in listening.” “Sympathetic Listening in Frederick Douglass’s ‘The Heroic Slave’ and My Bondage and My Freedom.” Studies in American Fiction 34, no. 1 (2006): 59.
rest of Madison’s soliloquy is not presented in his own words but in the form of a 
summaric gloss.

He resolved to hear more; so he listened again for those mellow and mournful 
accents which, he says, made such an impression upon him as can never be 
erased. He did not have to wait long. There came another gush from the same full 
fountain; now bitter, and now sweet. Scathing denunciations of the cruelty and 
injustice of slavery; heart-touching narrations of his own personal suffering, 
intermingled with prayers to the God of the oppressed for help and deliverance, 
were followed by presentations of the dangers and difficulties of escape, and 
formed the burden of his eloquent utterances; but his high resolution clung to 
him,—for he ended each speech by an emphatic declaration of his purpose to be 
free ("HS," 180).

The narrative, in fact, represents both Listwell and Madison Washington indirectly. But 
the type and quality of knowledge conveyed is different in each case. Strangely, we 
know more about Listwell’s thoughts and desires than about those of Madison; the 
closest we come to an understanding of Madison’s interior life is through the already 
externalized—and performative—expression it assumes in his speech.

The narrative’s structural remove from Madison is further compounded by the 
fact that his speech is not only generic but oscillates between his “his own personal 
suffering” and that of “the oppressed” more generally. As in Douglass’s Narrative, the 
balance between the slave as individual and type is critical to the efficacy of the text’s 
abolitionist argument. This “intermingl[ing]” of the personal and typical assumes 
additional importance here, however, given the exceptionalist tendencies of the rhetoric 
of heroism—which, as in the case of the text’s title, the heroic slave, emphasizes the 
singularity of agency. The point, in this respect, is ultimately one of effects rather than 
intention. For if, as some critics have suggested, Douglass’s fragmentary depiction of his 
protagonist is in part conditioned by the limited historical sources on Madison
Washington,

42 this redirection also eschews the type of ostensibly benevolent spectatorship (exemplified by Listwell) that permeates abolitionism. 43 By making, as William Andrews remarks, “the lack of knowledge about Washington, as opposed to the dearth of historical information about other champions of liberty from Virginia, the gambit of his text,”

44 “The Heroic Slave” turns the fact of historiographic obscurity into an occasion for questioning the model of agency that underwrites biographical narratives of history.

Of course, this is not to suggest that Madison Washington’s evocative name did not help abolitionists situate the Creole insurrection firmly within the tradition of the American Revolution; for, it did. As one newspaper commented, Madison “wore a name unfit for a slave but finely expressive for a hero.”

45 Still, without relinquishing either the heroic stature of Madison’s actions or the rhetorically powerful link to the Revolution, the novella insistently displaces biographical (or at least character-bound) expectations with unstable natural metaphors. After the prefatory passage that severally analogizes Madison with a “guiding star,” a “menacing rock,” and “angry lightening,” Douglass forswears the possibility of fathoming Madison’s character, before the novella proper has even begun.

Curiously, earnestly, anxiously we peer into the dark, and wish even for the blinding flash, or the light of northern skies to reveal him. But alas! He is still enveloped in darkness, and we return from the pursuit like a wearied and


43 Also, if historical fidelity had been Douglass’s primary concern, presumably more time would be devoted to depicting the actual revolt (which is better documented than Madison’s life).


disheartened mother, (after a tedious and unsuccessful search for a lost child,) who returns weighed down with disappointment and sorrow. Speaking of marks, traces, possibles, and probabilities, we come before our readers (“HS,” 175-6).

With Madison’s interior motivations insistently undisclosed, the narrative uses metaphors of natural phenomena to contextualize actions that (without the causal explanation of intentions) appear not only inscrutable but erratic. Though glimpsed only in fits and starts—“through the parted clouds and howling tempests…the quivering flash of angry lightening” (“HS,” 175)—what we know most emphatically about Madison derives from the fact of the organizing correspondences between the fitfulness of his character and that of nature. “The Heroic Slave,” in this way, refrains from the type of exceptionalist individualism that its title leads us to expect—establishing instead Madison’s moral character by elaborating its basic comparability with the natural world.

The proliferation of natural imagery in “The Heroic Slave” shapes more than the presentation and conceptualization of Madison’s underlying character. Natural phenomena (clouds, conflagrations, and storms) also provide the logic and impetus for the novella’s highly episodic structure. Following the opening soliloquy, the narrative jumps ahead five years to a winter evening at the Listwell’s residence in 1840. The “happy pair” sit before their fire, but the “spirit of the restless night” presses in insistently from without (“HS,” 183). “All was still and comfortable within; but the night was cold and dark; a heavy wind sighed and moaned sorrowfully around the house and barn, occasionally bringing against the clattering windows a stray leaf from the large oak trees that embowered their dwelling” (“HS,” 182-3). Their “reverie” is interrupted when their dog alerts them to the approach of a stranger, who turns out, to Listwell’s amazement and delight, to be none other than Madison Washington (“HS,” 183, emphasis original).
Madison, who is initially “disquieted” by Listwell’s familiarity—since he had been unconscious of Listwell’s previous intrusion—explains that “the piercing cold and frowning darkness compelled [him] to seek shelter” (“HS,” 186). The weather, in this way, becomes an alibi for the narrative’s improbable coincidences.

Through Douglass’s continual use of natural phenomena to explain Madison’s circuitous path to gaining liberty on the Creole, the weather increasingly appears as a figure for natural rights—even as its erratic cycles suggest the contingency of attaining freedom. Although Madison first attempted to escape just weeks after his forest soliloquy, “a season of clouds and rain set in, wholly preventing me from seeing the North Star, which I had trusted as my guide, not dreaming that clouds might intervene between us” (“HS,” 189, emphasis added). This “circumstance,” he explains to Listwell, “was fatal to my project, for in losing my star, I lost my way; so when I supposed I was far towards the North, and had almost gained my freedom, I discovered myself at the very point from which I had started” (“HS,” 190). Nature, in this particular moment, is a practical obstacle to freedom rather than a metaphor for its inevitability. The passage, however, does not belie the novella’s use of natural imagery as a figure for natural rights. Instead, it underscores, as Peter Meyers argues in another context, that Douglass’s imagination of natural law as “self-executing” “did not betray a naive or willful idealism...More painfully than most, he was mindful that the dynamism of nature and history brought reversals for ill as for good.”

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46 As Meyers points out, Douglass’s conceptualization of natural law as self-executing follows in part from his reading of George Combe, an influential Scottish phrenologist and natural law theorist. In Life and Times of Frederick Douglass, Douglass remarks that Combe’s The Constitution of Man, “relieved my path of many shadows.” Combe, it is worth noting, is himself attentive to the sporadic fulfillment of natural law in the political world. As he writes in a preface to The Constitution of Man
episodic character of natural phenomena in “The Heroic Slave” has a similar effect—suggesting that despite its rhetorical and political force, natural law does not have the same empirical self-evidence as, for example, the physical laws that govern nature. Douglass, however, does more than simply acknowledge the instability of the discourse of natural law; he takes the very restlessness of nature as a model for liberty and reform.

Restless Liberties

The plot of “The Heroic Slave” does not develop as a consequence of Madison’s individual agency, but through the sporadic shifts of weather, which structure and contain the virtual world of the novella. Although a “season of clouds” frustrates Madison’s initial attempt to reach the North, he is later forced back on his journey by a wild fire that drives him out of his hiding-place in the neighboring swamps.

The whole world seemed on fire, and it appeared to me that the day of judgment had come; that the burning bowels of the earth had burst forth, and the end of all things was at hand. Bears and wolves, scorched from their mysterious hiding-places in the earth, and all the wild inhabitants of the untrodden forest, filled with a common dismay, ran forth, yelling, howling, bewildered amidst the smoke and flame. The very heavens seemed to rain down fire through the towering trees; it was by the merest chance that I escaped the devouring element. Running before it, and stopping occasionally to take breath, I looked back to behold its frightful ravages, and to drink in its savage magnificence. It was awful, thrilling, solemn, beyond compare. When aided by the fitful wind, the merciless tempest of fire swept on, sparkling, creaking, cracking, curling, roaring, out-doing in its dreadful splendor a thousand thunderstorms at once….It was this grand conflagration that drove me hither; I ran alike from fire and from slavery (“HS,” 193-4, emphasis added).

Employing the rhetoric of millennialism, Douglass presents the fire as a divine
“judgment” against slavery, which returns Madison on his journey for freedom.
Admittedly, the depiction of Madison as all but bereft of agency generates tensions in a
text that tacitly invokes heroism as a condition for political legitimacy. However, by
depicting nature as the principle agent, Douglass is able to suggest that the opposition to
slavery is more fundamental than the actions of any one individual or group.

This insistent de-emphasization of human agency is most dramatic in the
representation of the revolt onboard the Creole. The force of the insurrectionists is
diminished, on a formal level, by the fact that the revolt is narrated only retrospectively,
and narrated, moreover, by a sailor who was unconscious during the event in question.
The details of the revolt emerge in the course of a dialogue between two white sailors in a
Richmond coffee-house. Jack Williams, “a regular old salt” “tauntingly” addresses the
“first mate” of the Creole: “I say, shipmate, you had rather rough weather on your late
passage to Orleans?” (226). The fictional mate, named Tom Grant, replies “Foul play, as
well as foul weather” (226). Williams speaks of bad weather during the insurrection, but
it is worth noting that the premise of the squall is one of the fictional elements of
Douglass’s portrayal. According to the historical record, the weather during the revolt
was, in fact, unremarkable—there was, to quote the Congressional report, “a fresh breeze,
and the sky [was] a little hazy, with trade-clouds flying” (Doc. 51, 37). Douglass invented
the squall, but this fictionalization also responded to the diplomatic history of the
revolt—and to Webster’s imagined “stresses of weather,” in particular. We know that
Douglass was familiar with Webster’s letters, because he refers to them explicitly in two
of his speeches.\textsuperscript{47} The squall, then, can be seen as a rewriting of Webster, which strategically re-appropriates natural metaphors as a figure for natural \textit{rights}.

In a spirit not unlike Webster’s, the “old salt” Williams insists that the real cause of that “whole affair” could not possibly rest solely with the slaves. The “whole affair on board of the Creole,” Williams declares, “was miserably and disgracefully managed” (“HS,” 226). The “whole disaster was the result of ignorance of the real character of \textit{darkies} in general. …All that is needed in dealing with a set of rebellious \textit{darkies}, is to show that yer not afraid of them” (“HS,” 227). Had the sailors lost control of the ship as a result of the weather alone, Williams continues to suggest, that at least would have “relieve[d] the affair of its present discreditable features” (“HS,” 231). Acts of nature, as Grant reflects, are seen as unavoidable, and so as more legitimate. “For a ship to go down under a calm sky is, upon the first flush of it, disgraceful either to sailors or caulkers. But when we learn, that by some mysterious disturbance in nature, the waters parted beneath, and swallowed the ship up, we lose our indignation and disgust in lamentation of the disaster, and in awe of the Power which controls the elements” (“HS,” 231). By establishing a parallel between “foul play” and “foul weather,” the premise of the squall allows Douglass to maintain the agency of the slaves, while also raising the suggestion that the revolt (and the resulting emancipation of the slaves) was prompted by an underlying “disturbance in nature.”\textsuperscript{48}

\textsuperscript{47} Douglass refers to Webster’s role in (and characterization of) the diplomatic dispute in his earlier speeches on the \textit{Creole}. See, “American and Scottish Prejudice Against the Slave: An Address Delivered in Edinburgh, Scotland, on 1 May 1846” and “Slavery the Slumbering Volcano: An Address Delivered in New York, New York, on 23 April 1849. \textit{Douglass Papers}, 1:245; 2:157.

\textsuperscript{48} Krista Walter argues that Grant’s counterexample of ships floundering as a result of natural forces indicates that he can “clearly see the hand of Providence” in the revolt. Walter’s observation is convincing, but it is also important that Douglass conveys the providential character of the revolt.
The retrospective narration of the revolt distances the reader from much of its drama and urgency, but this remove facilitates Douglass’s effort to present Madison’s heroism in the more authoritative terms of relative disinterestedness. Tom Grant—who discerns Madison to be “a superior man” but is unwilling to concede that the “principles of 1776” apply to men he deems “inferior” on the basis of “color”—is pivotal to the ideological authority of “The Heroic Slave” for this very reason. 49 Offering an intermediary between Listwell’s avowed (if still fairly anemic) 50 abolitionist commitments and Williams’s blatant bigotry, Grant models a form of conciliatory identification with Madison. 51 The fact that the presentation of Madison’s heroism is never free from white mediation in the novella—whether in Grant’s reluctant admission of respect, or in the (fabricated) fact that Listwell provides Madison with the files that he uses to free himself and the other slaves (“HS,” 223; 235) 52—has often been regarded as the novella’s failure fully to imagine black self-determination. 53 However, the decision

49 As Ivy Wilson notes, the dependence on white voice in the final section tacitly reproduces the authenticating logic of the abolitionist preface. Ivy G. Wilson, “Native Ground,” 453-68, esp. 461.
50 The fact that Listwell allows himself to be mistaken as a slaveholder while in the South (in order to avoid disagreeable disputations with the locals) is one of several passages that emphasizes his self-interested complacency. “Having as little spirit of a martyr as Erasmus,” Douglass writes, Listwell “concluded that it was wiser to trust the mercy of God for his soul than the humanity of slave-traders for his body. Bodily fear, not conscientious scruples, prevailed” (“HS,” 214). Given the tone of this and other passages, it seems particularly surprising that Listwell has so often been identified by critics as a model for interracial sympathy.
51 Grant, as Krista Walters notes, functions as a “figure for the reluctant reader.” “Trappings,” 239.
52 Preceding the actual revolt, the slaves on the Creole, in fact, were neither chained nor fettered.
53 The problem, as William Andrews phrases it, is the text’s “rhetorical dependence on white precedents for the sanctioning of acts of black violence.” This issue is addressed in several readings but Richard Yarborough offers the most comprehensive elaboration of this problem, observing that Douglass’s “celebration of black heroism was subverted from the outset by the racist, sexist, and elitist assumptions upon which the Anglo-American male ideal was constructed...” William L. Andrews, To
to narrate the revolt not only retrospectively, but dialogically, does not thereby reproduce the ideologically compromised assumptions of the novella’s white characters. Instead, the narrative’s reliance on figures of mediation tacitly identifies public perception (not the capacity of slaves) as the principal obstacle to emancipation. Douglass’s suggestive naming of Grant, which has gone unremarked in scholarship, echoes this emphasis—suggesting that rights (even when conceptualized as natural) still require social and legal recognition.

Despite the fact that both of the venues in which “The Heroic Slave” initially appeared—an antislavery gift book and Douglass’s newspaper—were likely to attract readers who already self-identified as abolitionists, the text self-consciously addresses itself to the unconverted reader. The conversation between Grant and Williams provides a formal mechanism for defamiliarizing commonplace stereotypes about the innate servility of slaves. Grant responds to Williams’s imputation that the sailors could have prevented the revolt through better management by arguing that outward submission is strategic and conditioned by context.


54 That the use of retrospective narration is part of a deliberate representational strategy (and not a foregone conclusion) is further suggested by the fact that Douglass depicts the revolt more directly in earlier speeches. In “Slavery the Slumbering Volcano,” for example, Douglass remarks that, “About twilight on the ninth day, Madison, it seems, reached his head above the hatchway, looked out on the swelling billows of the Atlantic, and feeling the breeze that coursed over its surface, was inspired with the spirit of freedom.” Douglass Papers, 2:155.

55 Although there has been much discussion of Listwell’s name, Grant’s equally symbolic name has gone entirely unremarked upon by critics.

56 Douglass wrote “The Heroic Slave” as his contribution to Autographs for Freedom—an annual published on behalf of the Rochester Ladies’ Anti-Slavery Society by John P. Jewett, the publisher of Uncle Tom’s Cabin—and reprinted the novella in parts in the Frederick Douglass Paper that March. The Rochester Ladies’ Anti-Slavery Society released a second volume with the same title the subsequent year through a different press. Robert Stepto argues that Autographs for Freedom was a “fundraising mechanism for Douglass’s paper.” “Storytelling,” 357.
I deny that the negro is, naturally, a coward, or that your theory of managing slaves will stand the test of salt water. …It is one thing to manage a company of slaves on a Virginia plantation, and quite another thing to quell an insurrection on the lonely billows of the Atlantic, where every breeze speaks of courage and liberty. For the negro to act cowardly on shore, may be to act wisely; and I have some doubts whether you, Mr. Williams, would find it very convenient were you a slave in Algiers, to raise your hand against the bayonets of a whole government (“HS,” 228).

By contrasting the open ocean with the Virginia plantation, Grant intimates that slavery, far from natural, can only be preserved in the enforced and artificial conditions of a plantation. For this reason, as Grant’s alternate scenario of Algerian enslavement dramatizes, slavery can as easily claim the white auditor as it does the subjects of their curiosity.

The more general perspectival distance from the insurrectionists helps enforce the objective tone of these pointed remarks, but it becomes more problematic in the representation of the revolt itself. As if to take its formal aesthetic of mediation and opacity to a comic extreme, at the beginning of the revolt, Grant, our only eyewitness, is “knocked senseless to the deck” (234). When he regains consciousness after an uncertain interval, the violent struggle and subsequent reversal of power have already occurred. “When I came to myself, (which I did in a few minutes, I suppose, for it was yet quite light,) there was not a white man on deck. The sailors were all aloft in the rigging, and dared not come down. Captain Clarke and Mr. Jameson lay stretched on the quarter-deck,—both dying,—while Madison himself stood at the helm unhurt” (“HS,” 234, emphasis added).
Critics tend to suggest that Douglass uses the premise of Grant’s unconsciousness to minimize the scene of violence and so facilitate the idealization of Madison as a hero, but violence, it is worth stressing, is not absent so much as displaced onto the portentous figure of the squall.

By this time the apprehended squall had burst upon us. The wind howled furiously,—the ocean was white with foam, which, on account of the darkness, we could see only by the quick flashes of lightning that darted occasionally from the angry sky. All was alarm and confusion. Hideous cries came up from the slave women. Above the roaring billows a succession of heavy thunder rolled along, swelling the terrific din. Owing to the great darkness, and a sudden shift of the wind, we found ourselves in the trough of the sea. When shipping a heavy sea over the starboard bow, the bodies of the captain and Mr. Jameson were washed overboard. ...A more savage thunder-gust never swept the ocean. Our brig rolled and creaked as if every bolt would be started, and every thread of oakum would be pressed out of the seams (“HS,” 236-7).

Recalling the constellation of natural metaphors that organizes the elliptical presentation of Madison Washington in the preface—“howling tempests,” “the menacing rock on a perilous coast” and “angry lightening” (“HS,” 175)—Douglass uses the squall to both express and contain the uncomfortable violence of the revolt. With their precise physical condition undisclosed, and with causality eclipsed in the passive voice, we are thus told that “the bodies of the captain and Mr. Jameson were washed overboard.” Admittedly less gory than the official account of the insurrection (which includes a knife fight and a shooting), the squall, nonetheless, is not only sublime, but “furious,” “terrific,” “hideous.” “The Heroic Slave,” in this respect, does not repress the violence of the revolt so much as reconfigure its underlying cause as a natural phenomenon—more fundamental, if also more erratic, than the actions of an individual agent.

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57 For a survey of relevant criticism on this topic, see footnote 37.
Evoking a long tradition of representing national turmoil through the figure of the ship of state tossed to and fro at sea, Douglass uses the ocean as a symbolic counterpoint to extant national law. This is particularly emphatic in the passage that appears to have served as the prototype for Madison Washington’s often quoted proclamation in “The Heroic Slave” that “you cannot write the bloody laws of slavery on those restless billows. The ocean, if not the land, is free.” (“HS,” 237). In his 1849 speech—whose title, “Slavery, the Slumbering Volcano,” itself imagines emancipation as an imminent natural force—Douglass uses the “restless waves” of the ocean as a rhetorical directive for national reform.

Sir, I thank God that there is some part of his footstool upon which the bloody statutes of Slavery cannot be written. They cannot be written on the proud, towering billows of the Atlantic. The restless waves will not permit those bloody statutes to be recorded there; those foaming billows forbid it; old ocean gnawing with its hungry surges upon our rockbound coast preaches a lesson to American soil: ‘You may bind chains upon the limbs of your people if you will; you may place the yoke upon them if you will; you may brand them with irons; you may write out your statutes and preserve them in the archives of the nation if you will; but the moment they mount the surface of our unsteady waves, those statutes are obliterated, and the slaves stands redeemed, disenthralled.’ This part of God’s domain then is free, and I hope that ere long our own soil will also be free.

58 Douglass invokes the image of the ship floundering at sea in the context of the Civil War, to suggest both that the conflict derives from nature (not mere political agents), and that unjust national laws cannot persist forever but are eventually overturned by the admittedly unsteady but still imminent imperatives of natural law. “The cause of this rebellion is deeper down than either Southern politicians or Northern Abolitionists. They are but the hands of the clock. The machinery moves not because of the hands, but the hands because of the machinery. The ship may be great, but the ocean that bears it is greater. The Southern politicians and the Northern Abolitionists are the fruits, not the trees. They indicate, but are not original causes. The trouble is deeper down, and is fundamental; there is nothing strange about it. The conflict is in every way natural.” Frederick Douglass, “Fighting the Rebel with One Hand,” in Selected Speeches and Writings, 478-9.

59 Douglass’s characterization of the “restless[ness]” of the ocean echoes one of the most compelling passages in William Ellery Channing’s book-length consideration of the implications of the Creole revolt. “The sea is the exclusive property of no nation. It is subject to none. It is the common and equal property of all. No state has jurisdiction over it. No state can write its laws on that restless surface.” William E. Channing, The Duty of the Free States, or Remarks Suggested by the Case of the Creole (Boston: William Crosby & Company, 1842), 28.

60 Papers, 2: 158. The end of this passage evokes John Philpot Curran’s famous defense of Hamilton Rowan in a 1793 trial for sedition, which Stowe uses as the epigraph to the “Liberty” chapter in Uncle
Douglass conceptualizes the ocean as an explicitly denationalizing force. The Atlantic is not only outside of the nation proper; it erodes the coasts that give it form. The analogy between the soil and the laws is significant in this respect. For, in underscoring the link between territoriality and positive law, Douglass presents the ocean as a model for an essentially anarchic freedom. Freedom here, as is so often the case, is an expressly negative concept, imagined alternately as baptism and destruction.

The Atlantic—as the personification of natural law—didactically “preaches a lesson to American soil,” but it remains an irrational, episodic force, unsteady and transient.¹ Drawing together the archetypal liberal tropes of the state of nature and the founding scene of revolution, Douglass represents the ocean as a political tabula rasa that is both a precondition for constructing political ideals and, if they are not fulfilled, for periodically dissolving and reforming individual communities. Thus, as much as Douglass might idealize the ocean as an extra-national utopian space (which if not nowhere is still foremost not the nation)² his ultimate objective is not properly

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¹ Stowe’s Cabin (1852): “No matter with what solemnities he may have been devoted upon the altar of slavery, the moment he touches the sacred soil of Britain, the altar and the God sink together in the dust, and he stands redeemed, regenerated, and disenthralled, by the irresistible genius of universal emancipation.” Harriet Beecher Stowe, Uncle Tom’s Cabin: Or, Life Among the Lowly, ed. Elizabeth Ammons, Norton Critical Edition (New York: W.W. Norton, 1994), 331, emphasis added.

² Similarly, as we have seen, moral judgments are expressed indirectly in “The Heroic Slave,” in the episodic character of the narrative itself, which is organized by the interruptions of a nature that is unsteady—and subject to unexpected delays and reversals.

² As Carl Schmidt argues in a suggestive discussion of the strictly utopian character of the oceanic order, implicit in More’s Utopia “and in the profound and productive formulation of the word Utopia, was the possibility of an enormous destruction of all orientations based on the old nomos of the earth. …Utopia did not mean any simple and general nowhere (or erewhon), but a U-topos, which, by comparison even with its negation, A-topos, has a stronger negation in relation to topos.” Carl Schmidt, The Nomos of the Earth in the International Law of the Jus Publicum Europaeum, Trans. G. L. Ulmen (New York: Telos Press Publishing, 2006) 178.
transnational or cosmopolitan, as several recent critics have suggested.\textsuperscript{63} Instead, Douglass prescriptively uses the universalizing rhetoric of natural law to reform individual laws within the U.S.

**Local Fictions**

The unstable interplay between the presentation of the ocean as a distinctly extra-national space and the articulation of specifically national values structured the equivocal legal conceptualization of the *Creole* revolt. In the year following the insurrection, districts across the North submitted petitions to Congress declaring that slaves “become constitutionally entitled to their freedom by going to sea.”\textsuperscript{64} Implicit in this wording, which appeared in petitions submitted to Congress on at least eleven separate occasions, is the peculiar supposition that the Constitution only protects slaves outside of the proper jurisdiction of the U.S. Part of the rationale for this admittedly counter-intuitive argument had to do with the dominant understanding of slavery as a local rather than a federal institution. For even if, as Webster maintained, the *Creole* ship was still legally within U.S. jurisdiction (while in the Bahamas) that did not mean that it was still within the jurisdiction of the slave states. By emphasizing the international dimensions of the contested jurisdiction over the *Creole*, Webster’s letters bypass the equally debatable question of the nation’s collective stance on slavery. As one New York newspaper


\textsuperscript{64} Although some of the petitions are state-wide (as in the case of Vermont), most are from local counties (in Illinois, New York, Ohio, Michigan, Philadelphia, Maine). See for example, *U.S. House Journal*, 27\textsuperscript{th} Cong., 2\textsuperscript{nd} sess. December 1841, 15, 76, 77, 79; 7 January 1842, 133, 138; 16 April 1862. 721-2.
inveighs in 1842, Webster’s arguments make it impossible to maintain that slavery “is a mere municipal interest—a local interest.” “Here we have the Federal Government, putting forth and pledging all its power to protect slavery—not within the United States—not even within the marine league of our own shores, where, by the usage of nations, the jurisdiction of a States applies—but, on the high seas, and even in the harbor of a nation, that does not acknowledge slavery.”65 Precisely because the revolt occurred outside of the highly sectionalized geopolitical landscape of the U.S.,66 but yet within its symbolic extension in the ship of state, the dispute over the Creole offered a uniquely decisive test case for determining the nation’s official stance on slavery.

While both Northern and Southern newspapers used the ostensibly common ideological tropes of the American Revolution to convey the significance of the Creole affair, the starkly divergent narratives each developed underscores the essential malleability of the rhetoric of liberty. On the one hand, abolitionists drew parallels between the principles of the slave revolt and the American Revolution, to suggest, in the words of one Christian paper, that “if we as Americans were justified in resisting the oppressions of Great Britain, these slaves had the same rights which we claimed for ourselves.” The tacit irony, as the same article hints, is, of course, that from this

66 Since the revolt on the “Creole” occurred before the passage of the 1850 Fugitive Slave Act, the ship’s redirection to a Northern state, potentially could have the same effect as its arrival in Nassau. Using a speculative counterfactual similar to Webster’s claim that the Creole “ought to be regarded as still pursuing their original voyage,” the New York Evangelist article thus opens: “The Creole Heroes in New-York. They are not here—but suppose they were. Suppose that instead of directing the Creole to Nassau, New-Providence, they had brought her to this city. By what law could they have been reclaimed or punished? If we rightly understand the case, they would have been legally as safe here as in New-Providence.” After thus emphasizing that the British did not disregard the national laws of the U.S.—but only the local laws of the South—the article concludes, “how preposterous a war with Great Britain on such a question!” “The Creole Heroes in New-York,” New York Evangelist, April 7, 1842.
perspective Britain is no longer the oppressor but the liberator: “It may be remarked that
the principle on which our American Revolution was founded, is fully recognized in this
[Britain’s] decision.”67 The very fact of Britain’s involvement in the case, not
surprisingly, was seen very differently by Southerners, who descried Britain’s
interference as an affront to the liberty of U.S. citizens. A month after the revolt, a
Louisiana newspaper declaims, “The great lever by which England hopes one day to
overturn this government—abolitionism—has been again sit [sic] in motion.” “The
question now remains to be decided, how much further this government will submit to be
trodden on in every way—insulted at every point—by the insolence of our old and bitter
foe.”68 As if to refute the power of abolitionism within the U.S., the paper depicts
abolitionism as an essentially foreign doctrine that, if admitted, will “overturn this
government,” reinstating the subordinate, if not expressly colonial, position of America.
Quite evidently, as Edmund Morgan and others have emphasized, slavery was not
necessarily seen as incompatible with the principle of liberty.69

To make this incongruity apparent, it might be said, required a rhetorical conceit
capable of denaturalizing extant power relations. The remarkable force of the conceit of
natural law, in this respect, is that it provides an adamantly transcendent authority for
politics—above and beyond the institutional frameworks of the state and the nation. As

68 “More British Outrage,” Louisiana American, December 3, 1841. American Antiquarian Society. There are two related articles in this paper, as well as “Probability of War—the Whigs,” [New Orleans] Jeffersonian, 20 March 1842. Sale discusses another Southern newspaper article that threatens war with Britain, noting that by representing British interference as a “new outrage” the Mercury sees the Creole as another incident of white victimization at the hands of England—and invokes “the trope of the revolutionary struggle, that is, the (property) rights for which one is wiling to
die.” Slumbering Volcano, 133.
69 Morgan famously argues, “To a large degree it may be said that Americans bought their
independence with slave labor.” Edmund S. Morgan, American Slavery, American Freedom (New
the *American Jurist and Law Magazine* argues in its 1842 assessment of the *Creole* case, natural law places fundamental limits on the authority of existing legislation:

Man has a twofold nature. …

Not all the legislation in the world can change the decrees of Providence or reconcile the material nature of property, with the spiritual nature of man. The law of nature and of nations, dealing solely in actual truths, does not recognize this local fiction…

When, therefore, a man, either by force or art, escapes beyond the limits of that local law, that fastens slavery upon him, he falls under the benign protection of the law of nature, which steps in and sets bounds to the local fiction, and declares that it shall only be respected within the jurisdiction of the community that promulgated it. The law of nature did not make man a slave, and therefore that law shall not keep him one.70

The principal claim of the article, alluded to in the insistence of the dual nature of man, is that Webster fails to consider that chattel slavery is essentially distinct from other forms of property. Because “the spiritual nature of man” can never be reconciled with the merely physical “nature of property,” a slave’s status as chattel is a legal fiction—and as such has no authority beyond the local jurisdiction that enforces this status. The conceit of natural law, in this respect, goes beyond the restricted historical concept of a legal fiction, to suggest the more general ontological point that all civic laws are essentially fictive.

Representations of the agency of the *Creole*’s arrival in Nassau entail basic assumptions about the potential for the insurrectionists to claim political legitimacy. The denial of the agency of the slaves—whether by analogizing their mutiny to the ungovernable effects of the weather, or by attributing their liberty to the interference of British authorities—amounts to a refusal of political intentionality. But it is on precisely

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this point that the discursive tropes of the slave trade and travel narratives unexpectedly intersect. If Webster implicitly naturalizes the institution of slavery—by presuming the powerlessness of the insurrectionists—the British authorities alternately emphasize the tension between the legal status of the slaves in the U.S. and their natural character. In his diplomatic correspondence on the Creole case, for example, Anderson, the attorney general for the Bahamas, speaks of “the people who had been shipped as slaves” (Doc. 51, 10). Anderson’s careful phrasing avoids the supposition that the slaves are only transformed from chattel to persons by virtue of their arrival within British territory. He emphasizes that slavery, is a local rather than essential condition.

According to one of the “Protests,” Anderson wrote a letter to Captain Ensor after the slaves left the ship, informing him “that the passengers of the Creole (as he called the slaves) had applied to him for assistance in obtaining their baggage, which was still on board the brig, and that he should assist them in getting it on shore” (Doc. 51, 44). The anxious parenthetical here (“as he called the slaves”) attempts to contain the threat posed by Anderson’s description of the slaves as “passengers.” The designation “passengers” carries with it the imperatives of voluntarism that provisionally distinguish the category and genre of travel (as a consumer commodity) from accounts of both the slave trade and the fugitive journeys of slaves to freedom. As passengers with “baggage,” the slaves go from being property to having property. Yet, the very fact that the recognition of the personhood of the slaves is contingent on national law, underscores the limited efficacy of the discourse of natural rights as a moral check on prejudicial positive law. The idea of natural rights still requires the authority of a nation to have empirical consequence. The peculiarity of the Creole case, in this respect, is not that it attests to the self-enacting
power of natural law outside of the coast-bound borders of the nation. Rather, it demonstrates the rhetorical strategies that made it possible to grant the civic character of individuals who were denied rights within their native country.

Ultimately, then, what the image of the restless ocean offered was a trope for instability across space and over time. As a figure of contested jurisdiction, free of the stable boundaries that enable the demarcation and internal subdivision of land, the ocean offered an idealized site in which the U.S. tested its own legal fictions. Taking the ocean as a model, Douglass denaturalizes the ideological “borders” of the nation in “The Heroic Slave,” even as he attempts to salvage the revolutionary potential of U.S. democracy. Douglass’s novella, in this way, thematizes something that all of the commentators on the Creole case implicitly recognize: namely, that in the indeterminate space of the ocean, any claim to jurisdiction is necessarily contingent on acts of characterization, representation, and construal. Whether these representations invoke the ship of state or arguments about the domestic character of harbors, they have to confront the manifest virtuality of the construction of the nation at sea.71 Douglass extends this sense of the virtual character of nationalism, in the context of the sea, to a reflection on the contingency of positive law more generally. But although “The Heroic Slave” turns to nature for images of liberty, part of what it discovers is its unintelligibility and fitfulness. Douglass’s allegory of natural law thus suggests the unintended lesson that taking nature as the foundation for rights does not ensure their self-evidence.

71 The absence of territorial boundaries at sea foregrounds the basic virtuality of the nation more generally.
Chapter Four

Citizenship in Heaven:
The Politics of Post-Civic Expectation

...be ye, brethren, imitators of me, and keep your eyes fixed on those who walk thus, as you have us for an example. For many walk of whom I have frequently told you, and now tell you with tears, that they are enemies of the cross of Christ. Their end is destruction; their God is their belly; their glory is their shame. Their minds are bent on earthly things. But we are citizens of heaven, from whence we earnestly expect a savior, the Lord Jesus Christ, who will transform the body of this our humble state, that it may be made conformable to his glorious body, according to the energy of his power to subject all to himself.

—St. Paul, Phil. 3:20, trans. Charles Thomson

As we have seen in the previous chapters, the geopolitical limits of citizenship were deeply contested. But the ambiguous meaning of citizenship was not a purely legislative problematic; it also bespoke the entangled fate of politics and theology in the early U.S. For a culture that increasingly assumed that the meaning of the Bible was self-evident, there was remarkably little agreement about its implications for the institution of slavery.¹ Both the North and the South, as Lincoln remarked in his “Second Inaugural Address” (1865), “read the same Bible and pray to the same God, and each invokes His aid against the other.”² According to historian Mark Noll, “proslavery advocates had largely succeeded in winning the Bible, when taken in its traditional sense,” but

abolitionists who did not “abandon the Bible” altogether often appealed to its “spirit” to challenge proslavery arguments that relied on literalistic readings of specific passages. The Bible offered plentiful narrative figures for the antislavery cause—the exodus of the Israelites, the blessedness of the poor, the redemptive character of worldly suffering, and emancipation during the year of jubilee, to name only a few. Indeed, the gospel itself, according to an 1843 book on Christian citizenship, “comes to enrich the poor, to strengthen the feeble, to comfort the afflicted, to relieve the oppressed, to let the captive go free.” The gospel, it continues, “would impart all the elements of the best regulated self-government; forming that constitution where men may say we are ‘free indeed.’ Here it would equalise all mankind in the hopes and sympathies of Christ; raise the entire family of our race to the citizenship of heaven.”

For Lincoln and other Christian nationalists, the problem of interpreting the Bible was not if its doctrines were political in nature, but how they applied to the ongoing sectional conflict. However, for others who retained an Augustinian skepticism of any apparent correlation between worldly prosperity and spiritual salvation, the former question was crucial since theology’s purchase was supposed to be heavenly, not temporal. For the most politically wary, it remained unclear if one could be both a good Christian and a good citizen, since true religious piety seemed to require the renunciation

3 Noll, “The Bible and Slavery,” 44, 45.
5 Augustine emphasizes that although material blessings and hardships are experienced by the “godless and godly” alike, God “decided to prepare future blessings for the righteous, which the unrighteous will not enjoy.” “[H]e has willed that these temporal goods and temporal evils should befall good and bad alike, so that the good things should not be too eagerly coveted, when it is seen that the wicked also enjoy them…” Saint Augustine, Concerning the City of God against the Pagans, trans. Henry Bettenson (New York: Penguin Books, 2003), 49, 13.
of politics as a worldly and materialistic enterprise. Thus, in an 1840 sermon on “American Politics,” Connecticut Reverend Horace Bushnell took the “history of Christ’s trial and crucifixion” as an exemplary scene of politics.\(^6\) Not surprisingly, given his subject matter, Bushnell’s conclusions were far from encouraging. “The public mind,” he observes, “is so deeply absorbed in the politics of the country, that we can hardly get a hearing for the more spiritual truths of the Gospel” (“AP,” 189). Bushnell emphatically rejects the presumption that “democracy is holy,” recalling that it was a “high majority” that swayed Pilate to crucify Christ (“AP,” 200). Bushnell expresses a common anxiety about majoritarian rule, shared by Toqueville and Thoreau: that it privileges force over right. However, for Bushnell the problem is fundamental to politics as such, whatever form it takes. In a dramatic conclusion, Bushnell exclaims, “Under any and all forms of government you will have unholy work; for man is unholy, your king is unholy, your democracy is unholy, full of mischiefs, treacheries, cruelties and lies” (“AP,” 200). Bushnell’s conviction that politics leads “our moral habits…into an abyss of irreligion” was relatively extreme (“AP,” 190). However, his characterization of the fallen nature of politics highlights vestigial tensions between religious and political interests that persisted alongside the rise of Christian nationalism.\(^7\)


\(^7\) There is an immense body of scholarship describing Christian nationalism, but comparatively little dealing with residual tensions between religion and politics. The historiography, in this respect, tends to naturalize the univocity and developmental telos immanent to Christian nationalism itself. Mark Hanley’s Beyond a Christian Commonwealth is one of the few exceptions to this trend. Hanley argues that “Protestant praise for the Republic in the decades before the Civil War, was accompanied by a countervailing ‘critical republican vision’” that “denounced the confounding of civilization and Christianity as an attack upon religion itself.” Hanley offers illustrative excerpts from sermons in this countervailing tradition, but the book often lacks the lucidity of the examples it marshals. Mark Y. Hanley, Beyond a Christian Commonwealth: The Protestant Quarrel with the American Republic, 1830-1860 (Chapel Hill: University of North Carolina Press, 1994), 56, 87.
Depictions of the conjoined fate of Christianity and America were prevalent during the antebellum period, but they were neither unchallenged, nor themselves always unequivocal. As Pennsylvania theologian John Nevin warned in an 1853 baccalaureate address, “The spirit of the age is always at war in reality with the actual truth of things, as we find this exhibited in the Gospel and in the Church; there is a necessary contradiction between this world (the present *seculum*) and the Kingdom of God.”⁸ This Augustinian presumption of a discordance between religious and civic experience presented Christians with a predicament. According to an article published in *The Millennial Harbinger* the same year, inasmuch “as a heavenly mind can find no rest short of God, to it there is no external world….The child of God has ascertained that all is enchantment. He is divorced from earth. His *citizenship is in heaven*. He is a stranger and pilgrim here. He is in the world, but not of it.”⁹ Within these terms, any sense of civic or worldly affiliation appears at best delusory, and at worse bespeaks an excessive, unchristian materialism. This either/or logic—engaged citizen *or* expectant Christian—was precisely what Christian nationalism tried to overcome by proclaiming a special convergence between being Christian and being American.¹⁰ However, despite the manifest appeal of Christian

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⁸ Nevin’s central argument that the “true destination of man…lies beyond the present world” is explicitly framed as a rejoinder to Christian nationalism. After noting that “We hear much said, in glorification of the present age…The genius of the age is emphatically the genius of this rising republic,” Nevin continues to dismiss the idea: “Never was there, however, under such plausible form, a more perfect delusion. The age is *not* thus infallible and safe. On the contrary, it is made up, to a terrible extent, beyond most ages that have been, of falsehood and error, sophistry and sham.” John Nevin, “Man’s True Destiny,” *The Mercersburg Quarterly Review*, October 1853, 493, 510-511.

⁹ The article, which is prefaced by a note from restoration leader Alexander Campbell (the journal’s editor), argues that George Berkeley’s “apparently strange conceit…that there was no external world” is perfectly commonsensical to “the man of God.” “No External World,” *The Millennial Harbinger*, September 1853, 509, emphasis added.

¹⁰ Among other things, the emphasis on America’s special role in the millennium facilitated defenses of imperial expansion. In Lyman Beecher’s *A Plea for the West*, for example, he reiterates Jonathan Edwards’s conviction that “the millennium would commence in America,” but emphasizes that the
nationalism, scriptural devaluations of worldly attainments persisted in the antebellum period—providing a uniquely decisive language for national critique.

Underlying this skepticism about the value of worldly belonging was the model of heavenly redemption developed in the third chapter of Paul’s letter to the Philippians, where he directs Christians to avoid “earthly” preoccupations since “we are citizens of heaven, from which we earnestly expect a saviour…” (see epigraph). Paul’s remarks epitomize the tradition of Christian estrangement, the notion that true religious devotion precludes active civic participation. But, the political—or more properly speaking apolitical—connotations of Paul’s remarks were made newly visible by the revised post-Revolutionary translations of this passage, which updated the King James translation “conversation in heaven” in the idiom citizenship. As we will see, one of the peculiar effects of the turn to the language of citizenship in these revised translations is that it made the promise of heavenly communion sound like a comment on politics, rather than an antidote to it.

By identifying heaven rather than the nation as the supreme home to which one owed allegiance, the tradition of Christian estrangement lent a distinctly oppositional framework to already ambivalent notions of U.S. citizenship. Indeed, the insistent disarticulation of material and spiritual gains invited the opposite assumption: that worldly estrangement was requisite for religious devotion. Political and theological affiliation, in these terms, appeared not only divergent but also potentially incompatible.

“religious and political destiny of our nation is to be decided in the West.” Lyman Beecher, D.D., A Plea for the West, 2nd ed. (Cincinnati: Truman and Smith, 1835), 9-11.

11 For general biblical citations, I have used the phrasing of the first U.S. translation of the bible by Charles Thomson, since it offers a historically important and yet under-studied alternative to the King James Version. The Holy Bible, Containing the Old and New Covenant, Commonly Called the Old and New Testament: Translated from the Greek, trans. Charles Thomson (Philadelphia: Jane Aitken, 1808), Phil. 3:19-21, emphasis added.
This tension was by turns generative and fatalistic. Within this negative paradigm, the promise of citizenship in heaven made one’s actual political status (whether citizen, slave, or alien) relatively inconsequential, but it also made the feeling of alienation a privileged expression of theological fellowship. As a result, those who were actively excluded from the body politic could appear better situated for salvation than those in more eminent positions.

This chapter explores the power and the limitations that the notion of “citizenship in heaven” held for Christian abolitionism, and for Harriet Beecher Stowe in particular. By focusing on the turn to the language of citizenship in revised translations of Phil. 3:20, it argues that the longstanding trope of heavenly recompense assumed newly politicized import in the antebellum U.S. The exalted rhetoric of Christian estrangement, I argue, promised the imminent salvation of the enslaved, even as it implicitly made theology and death—rather than political action—the means of ensuring liberty. After offering a brief history of post-revolutionary translations of Phil. 3:20 and the concerns that motivated them, the chapter pursues the political consequences of theological expectation in a reading of Harriet Beecher Stowe’s second antislavery novel, Dred: A Tale of the Great Dismal Swamp (1856). Dred, as Vernon Parrington noted, is perhaps “a weaker story.”

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12 In his book Necro Citizenship, Russ Castronovo emphasizes the centrality of the metaphor of death to notions of citizenship, arguing that “illusions of abstract personhood....encouraged living bodies to behave politically as dead.” Castronovo’s analysis of the metaphoric link between liberty and death is compelling, but by equating the literal and figurative meaning of death—such that the invocation of death always bespeaks a deathly passivity—he misses the extent to which egalitarian notions of the afterlife often served as a model for political resistance and reform, albeit an ambivalent one. Considering the breadth of Castronovo’s cultural analysis of death, it is somewhat surprising that the book does not deal with theology at greater length. Russ Castronovo, Necro Citizenship: Death, Eroticism, and the Public Sphere in the Nineteenth-Century United States (Durham: Duke University Press, 2001), 8.
than *Uncle Tom’s Cabin* but it is “a better sociological study.” Dred’s diffuse approach to plantation life on the allusively named Gordon plantation—Canema (Canaan)—allows it to pursue its central thematic concern: religious beliefs and practices, as they bear on the institution of slavery. Stowe contrasts the pro-slavery preaching of Father Bonnie with the humane but relatively ineffectual abolitionism of Father Dickson, and Milly’s forbearance and heavenly expectation with Dred’s militant prophecy of the coming judgment and jubilee.

As Jane Tompkins observes in her influential reassessment of *Uncle Tom’s Cabin*, since “most modern readers regard…political and economic facts as final, it is difficult for them to take seriously a novel that insists on religious conversion as the necessary precondition for sweeping social change.” Tompkins’s point that “political and economic facts” were not deemed “final” in a culture so entrenched in eschatological narratives is instructive, but her argument overstates the efficacy of the type of reformism envisioned in Stowe—presuming that for Stowe’s contemporaries theology offered an unproblematic model for politics. In fact, the assumed tension between religion and politics is a very traditional one; and it was perhaps only in light of the secular presumptions of Christian nationalism that the distinction between the two could seem negligible. Drawing on a passage in which Stowe invokes Phil. 3:20 as the promise of

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15 Christianity authorized reform, but it did so within an extended theological timeframe, and in terms deeply ambivalent about the significance of the material circumstances of lived experience.
16 Harry Stout identifies the Civil War as a key turning point in secularization, arguing that the War was “the birthing of a fully functioning, truly national, *American* civil religion,” see: Harry S. Stout, *Upon the Altar of the Nation: A Moral History of the American Civil War* (New York: Viking, 2006), xvii.
post-civic consolation for those who suffer unjustly in this world, the chapter reassesses Stowe’s iconic commitment to both political reform and domesticity by attending to the “unhomely” calculations of heavenly citizenship in Dred.

Idiomatic Revolutions

In the page adjacent to Phil. 3:20 in Edward Everett Hale’s personal copy of the bible, he wrote “v.20 ‘conversation’” and then scrawled “πολίτευμα” [politeuma]—the Greek word long rendered as “conversation,” and, eventually, as “citizenship.”17 The scare quotes around ‘conversation,’ coupled with Hale’s recourse to the original Greek, suggest his puzzlement at the translation. Hale was not alone in his confusion. For nineteenth-century readers, “conversation” increasingly seemed to be “an unhappy translation” of Phil. 3:20, in part because the meaning of conversation had itself changed.18 As Alexander Campbell remarked in the preface to his 1826 edition of the New Testament, during the reign of King James “[t]he term conversation…signified what a person did; it now denotes what a person says. Then it was equivalent to our word behavior, but now it is confined to what proceeds from the lips.”19 If “conversation” had

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17 Hale’s personal copy of the bible is now housed at the American Antiquarian Society. I am grateful to Thomas Knoles, the head librarian at the Antiquarian Society, for his help confirming that the Greek characters Hale scrawled were a transliteration of politeuma. Edward Everett Hale, “[Annotations],” in The New Testament...conformed to Griesbach's Standard Greek Text (Boston: William L. Lewis, 1828). The Edward Everett Hale Papers, 1855-1906, American Antiquarian Society, Worcester, MA.

18 After referring to this “unhappy translation,” Rev. Cumming proceeds to explain that “conversation” “is the old Saxon word, meaning not talking, but citizenship; the literal translation is, ‘Your citizenship is in heaven.’ If you blot out the word ‘conversation’ in your Bible and put in ‘citizenship,’ you have the exact and true idea.” Rev. John Cumming, The Millennial Rest; Or, The World as it Will Be (London: Richard Bentley, 1862), 200.

19 In keeping with these remarks, Campbell’s edition renders Phil. 3:20 as “we are citizens of heaven.” “General Preface: An Apology for a New Translation,” The Sacred Writings of the Apostles and Evangelists of Jesus Christ, Commonly Style the New Testament. Translated from the Original Greek,
lost its tie to conduct, the term citizenship, it appears, encompassed the dual activities of the “political realm,” which as Hannah Arendt would later argue “rises out of acting together, ‘the sharing of words and deeds.’”²⁰ But whereas for Arendt, citizenship “denoted all kinds of active engagement in the things of this world,” the literalist tendencies of nineteenth-century exegesis tended to naturalize Paul’s metaphor of theological affiliation such that citizenship inhered in one’s comportment towards the otherworldly kingdom, rather than in one’s current standing in the body politic.²¹ Within this framework, the Bible, rather than legislature, appeared as the principal textual authority for good citizenship. According to an 1848 treatise on the duties of Christian citizens, as “citizens of the heavenly world” “we are governed by its laws in contradistinction from those of any earthly community.”²² To take the newly politicized translation of Paul’s remarks seriously, required at least entertaining the possibility that religion and politics were not twinned enterprises but antithetical commitments.

The association of citizenship with heavenly allegiance was not itself unprecedented. Indeed, for the select individuals familiar with the Greek word that conversation/citizenship each translated, politeuma (the origin for the term politics), the

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²¹ Arendt, Human Condition, 14, emphasis added.
political resonance of the passage was apparent from the beginning. However, the proliferation of modernized translations of the Bible that rendered Phil. 3:20 in the language of citizenship—variously as “But we are citizens of heaven” and “For our citizenship is in heaven,” from roughly the 1790s on—gave this connotation prominence at a moment in which the meaning of citizenship had itself changed. “Citizenship” might be closer to the original Greek word, politeuma, but it had also taken on new significance when these translations of the Bible appeared in the late eighteenth century. The debates surrounding the revolutions in America, France, and Haiti, recast the “citizen,” as not merely a resident, but a fictive personage of rights. To speak of “citizenship in heaven,” in this context, did more than evince the elasticity and pervasiveness of republican concepts; it reorganized the properly temporal significance of citizenship— the “reciprocal obligation” of allegiance and protection—in the extended

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23 Considering the passage’s explicitly political connotation in the original Greek, it is not surprising that “citizen” was used in reference to the heavenly city at least as early as the 14th century. According to the OED “citizen” was first used in this way in 1340. “Citizen,” 1.e, OED online.

24 These revised translations highlighted the political significance of Paul’s proposition for the general reader, who could now recognize and interpret its political character in a printed form, apart from the clerical authority of sermonic exegesis. A survey of these different translations—in the sermons, bibles, and other printed matter in Google Books—shows that even when the period before 1870 is taken as a whole the language of citizenship still significantly outweighs the traditional phrasing “conversation in heaven.” There are 316 results for “conversation in heaven,” 331 for “citizenship is in heaven,” 320 for “citizens of heaven,” 286 for “citizenship in heaven,” and 77 for “citizenship of heaven.” In many cases, “conversation” is invoked but then explained in terms of citizenship so 316 might even overstate the residual prevalence of the King James translation. Although there are several limitations to this type of survey, it would be interesting to track the arch of this shift more minutely by decade. New translations of the bible that used citizen/citizenship to render Phil. 3:20 include: George Wakefield’s A Translation of the New Testament (London: The London Philanthropic Press, 1791); William Newcome’s An Attempt Toward Revising our English Translation of the Greek Scriptures, or the New Covenant of Jesus Christ (Dublin: John Exshaw, 1796); Charles Thomson’s 1808 The Holy Bible; and, George Campbell et al.’s The Sacred Writings of the Apostles and Evangelists of Jesus Christ, Commonly Styled The New Testament, edited by Alexander Campbell in 1826.

extra-political *durée* of eschatology: death, judgment, heaven, and hell. The idea of “citizenship in heaven” imparted to politics a distinctly post-political trajectory, in which the struggle for civic rights and personhood was displaced by the promise of the heavenly Jerusalem. In this respect, the peculiarity of modernized translations of Phil. 3:20 is that the formulation “citizenship in heaven” reinserts politics into a traditional theological framework as much as it reinvents theological concepts in a secular idiom.

This updated rendition of Philippians appeared in the first version of the Bible translated and published in the U.S., *The Holy Bible, Containing the Old and New Covenant* (1808). Translated by former secretary of the Continental Congress Charles Thomson, and doubly notable as the first English translation of the Greek Septuagint, *The Holy Bible* is uniquely illustrative of the political conditions informing modernized translations of Paul’s letter. Thomson’s rendition of Phil. 3:20-1 echoes the wording of Gilbert Wakefield’s 1791 translation, but its phraseology was not a foregone conclusion. In the manuscript of Thomson’s bible, he initially translated the passage as “for our *intercourse* is with heaven…” and then crossed it out and wrote “But we are

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26 While ‘eschatology’ is sometimes used interchangeably with millennialism, the term refers to the part of theology concerned with the last four things: death, judgment, heaven, and hell. I use it in its broad meaning throughout the chapter in order to foreground the relationship between these concepts. For one thing, as Ann Douglas points out, millennial writers in the period “increasingly confused the millennial period with the heavenly afterlife...” The doubling of these concepts is particularly explicit in readings of Phil. 3, since the passage on “citizenship in heaven” is followed almost immediately with the promise that “The Lord is at Hand,” Trans. Thomson, *Holy Bible*, Phil. 4.4. Ann Douglas, *The Feminization of American Culture*, 1st ed. (New York: Knopf, 1977), 221. “Eschatology,” *OED Online*, l.a.

citizens of” above the line in lighter ink.²⁸ Considering Thomson’s involvement in the Continental Congress, the final phrasing seems all the more deliberate. As a recent hyperspectral study of the “Declaration of Independence” confirms, “citizens” was not the presumed designation of the colonists but one self-consciously assumed in the stead of “subjects.”²⁹ If Jefferson’s substitution of “citizens” for “subjects” had accented an exigent claim for political autonomy, Thomson’s revision alternately presented “citizenship” as the timeless condition of all Christians. Thomson’s fusion of republican and Christian thought changed each in the process, evincing the conceptual muddiness engendered by the “incarnation of the church into popular culture” that Nathan Hatch terms the “democratization of American Christianity.”³⁰

Still, what makes Thomson’s bible political is not only that it chooses the term “citizens” over the more generic words, “conversation” and “intercourse,” but also the underlying commitment, which it bespeaks, to making the Bible accessible to a new generation of readers. Thomson’s The Holy Bible literalized the democratizing potential of new biblical translations in its very form, by proffering mass availability over the physical and economic markers of prestige. For although Thomson initially intended to publish his translation in the relatively expensive and cumbersome form of a quarto, Thomas Jefferson persuaded him to dispense with English bookselling conventions and

³⁰ For Hatch, the democratization of Christianity “has less to do with the specifics of polity and governance and more with the incarnation of the church into popular culture.” Nathan O. Hatch, The Democratization of American Christianity (New Haven: Yale University Press, 1989), 9.
release it as an octavo since “the *bulk of readers* generally wait” for this format anyway.\textsuperscript{31}

The distribution of the Bible, as Jefferson’s comment suggests, was a democratic value in itself. Thomson may not have been the first to render Phil. 3:20 as “we are citizens of heaven,” but this language assumed a newly reflexive relevance in a bible self-consciously conceived for a culture that sacralized both the rhetoric and precepts of democracy.

Readings of Phil 3:20 in the period often addressed its political language, but the conclusions they reached varied considerably. The passage was invoked to support more inclusive definitions of citizenship, and, on the other extreme, to suggest that heavenly citizenship could only be obtained by relinquishing political membership. According to an 1851 London article, entitled “The Bible, our True Magna Charta,” “If ever the slaves there [in the U.S. republic] are free, it will be the Son who makes them free, even socially and politically.” For, “[w]ilst formerly men said, *I am a citizen*—a defense from which slaves and others were excluded—now we are to say, *I am a man*, even though a slave, and ought to be a citizen, for God has provided me a citizenship in heaven.”\textsuperscript{32} Here, taking the heavenly kingdom as a model for political subjecthood countermands the authority of civic exclusions by presenting the universality of rights under God. In other cases, however, the priority of heavenly affiliation made political reform seem inconsequential. An article published in a Philadelphia miscellanea during the Civil War thus championed the unpopular position that “[t]he child of God cannot fight because he


belongs to a kingdom and a country from which all wars and fighting are excluded, and where only peace and love reign.” “We belong in another country, and are only strangers and pilgrims here. We are in the world but not of it. We must be loyal indeed, but then it is to the country where we are citizens and the king whom we serve, that our loyalty belongs, and our citizenship is in Heaven, and our king is the Lord Jesus.”

Citizenship in heaven,” here, is taken as a literal designation of allegiance: Christians owe their loyalty to God, not to the nation.

Insofar as religious affiliation precludes civic membership, Christian citizenship could be imagined as a sort of expatriation; but, rather than exchange one political allegiance for another, it claimed to relinquish politics as such. This is explicit in a British editorial piece published in 1868, just months after the U.S. Congress officially recognized expatriation as a fundamental right of “all people.” The article, entitled “May Christians be Politicians?,” argues that since “[w]e are to be ‘strangers and pilgrims’” “[a]ll entanglement in politics is unnecessary, and so hinders spiritual life.”

Analogizing the process for becoming a heavenly citizen to national expatriation, the writer explains that just as one can “only become a French citizen by renouncing his English citizenship. So if we have citizenship in heaven, we are to give up citizenship on earth.”

While there was little consensus about what “citizenship in heaven” meant in the period, the debate over its meaning helps to illuminate why Christian nationalism was

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36 Govett, “May Christians be Politicians,” 794.
more seductive to some individuals than others. By understanding the nation as a material incarnation of God’s kingdom, Christian nationalism tended to affirm the established order, tacitly equating an individual’s social and spiritual standing. This circular logic lent legitimacy to those satisfied with both the state of the nation and their standing within it. On the other hand, the Augustinian distrust of any apparent correlation between the earthly and heavenly city remained uniquely suited to the exoneration of exiled and persecuted Christians (the group for whom The City of God was itself originally intended).\(^{37}\) Christian skepticism offered moral vindication to oppressed groups, above and beyond the exclusionary practices of individual churches. In this capacity, Christianity offered both personal solace and a culturally entrenched rationale for abolitionism. As Vermont-born missionary Hollis Read remarked in 1856, “There seems to have been among the slave population of our country a singular susceptibility to religious impression”:

Or, to speak more correctly, the Blessed Comforter seems to have compassioned their lowly and oppressed condition, and especially to have favored them with his merciful visitations.

Probably so large a proportion of no other class of our people have, within the same time, been made partakers of the consolation of religion and gained a title to a free citizenship in heaven.\(^ {38}\)

\(^{37}\) The arguments advanced in The City of God attempt to explain the sacking of Rome and the apparent success of the “enemies of God.” Despite Augustine’s insistence on the distinct nature of the earthly and heavenly city, like later proslavery proponents, he is still quick to equate the condition of enslavement with spiritual fallenness. Recalling Galatians in his discussion of the subordination of Ishmael to his half-brother Isaac, Augustine explains that, “The slave-woman’s son was born in the course of nature, the free woman’s son as a result of promise… ‘the son of the slave shall not be joint-heir with the son of the free woman’….Sarah, the free woman, stood for the free city, which the shadow, Hagar, for her part served to point in another way” (597-8, emphasis added). When it comes to actual captives Augustine misses the potentially revolutionary implications of his larger argument. For a description of the circumstances in which Augustine wrote The City of God, see G.R. Evans preface. “Introduction” to The City of God, esp. ix, xiv.

According to the compensatory model of salvation, the oppressed condition of slaves in the world is precisely what ensures their “title” to heavenly citizenship. The trope of theological alienation made it possible for slaves to appear as exemplary Christians, but—as *Uncle Tom’s Cabin* (1852) readily attests—it also sustained the stereotype of the pious slave, lending inadvertent support to characterizations of the beneficial effects of enslavement.\(^{39}\)

**“Laws”: The Dialect of the Lord**

In an 1836 speech on “Female Patriotism,” parts of which were subsequently incorporated into *Letters to Mothers* (1838), poetess Lydia Sigourney argues that “as the mother labors for God, so she labors for her country. For whatever tends to prepare for citizenship in heaven, must make good and loyal subjects of any just government on earth.”\(^{40}\) Sigourney presumes the basic harmony between civic and religious virtue, but her assertion is not without qualification: political loyalty “tends to prepare” for heavenly citizenship *if* the government to which one owes allegiance is “just.” The stipulation is put forward without particular emphasis, but its implications were decisive for those who lacked Sigourney’s apparent faith in the justness of U.S. law.

For Christian abolitionists like Harriet Beecher Stowe, the problem was precisely that the government could not be deemed just in light of slavery. The quandary, as a

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\(^{39}\) The religious rationalization of slavery is explicit in Read. In the passage preceeding this quote, he refers to slavery as a “nefarious wrong” but continues to argue that, “this giant-wrong…has been made the occasion of a corresponding gigantic good.” Read, *Hand of God*, 180.

\(^{40}\) [Lydia Huntley] Sigourney, “Female Patriotism: An Essay on Female Patriotism, Read Before the College of Teachers, and Written for the Occasion,” *Transaction of the Sixth Annual Meeting of the Western Literary Institute and College of Professional Teachers, Held in Cincinnati Ohio, October 1836* (Cincinnati: Executive Committee, 1837), 180.
result, was not only how to end slavery, but also, implicitly, how much political reform ultimately matters if the government is an essentially imperfect medium of God’s will. These misgivings are particularly emphatic in Stowe’s fiction because it combines a commitment to the ideal of Christian nationalism—the political incarnation of God’s kingdom—with a recalcitrant skepticism about the significance of the worldly state.

In Stowe’s second antislavery novel, these tensions converge in the character of the eponymous protagonist, a fugitive who wields the Old Testament to prophesize the imminent overthrow of slavery. Dred inherits a revolutionary lineage as the fictive son of Denmark Vesey—a fact that has led critics to stress the contrast between his jeremiads and the Christian patience of Milly (who is often referred to as a female version of Uncle Tom). According to Lisa Whitney, “Stowe sets up a tension in the novel, which is never resolved, between a feminine New Testament vision of meekness, submission, and forgiveness and a masculine Old Testament vision of power, self-assertion, and retribution.” The presumed coherence of this biblical tension (and of its personification in Milly and Dred) has made character analysis appear as the decisive key to the novel’s politics. Thus, Robert Levine, countering Eric Sundquist’s claim that Stowe granted African Americans “the language of sentiment” but “withheld the language of liberty,”

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stresses that “Dred’s desire to ‘smite’… along with his claims to leadership, retain a privileged place in [Dred] not even to be annulled by Milly’s Christlike insistence on patience.”  

However, as Mark Grüner observes, Dred “believes himself to be the mere vehicle of God’s wrath, and as such he neither conceives nor implements insurrectionary plans of his own.” Although Dred’s prophecies find partial confirmation in a cholera epidemic that strikes the community, he is killed while still awaiting a divine signal for the revolt, for which “the token is not yet come!” Dred, then, is a forbearing prophet despite his rhetorical vehemence. In this respect, Dred and Milly do not personify antithetical responses to enslavement—resistance and acquiescence—but rather show two related aspects of the fraught rhetorical tradition of Christian expectation.

In Dred, as in its precursor, conversion takes the place of emancipation as the definitive trope of liberation. In the opening scene of Dred, Nina Gordon, the mistress of Canema, announces that she is engaged “to three gentlemen, and am going to stay so till I find which I like the best” (D, 8). Despite her avowed coquetry, it is evident from the beginning that one of the three, an idealist named Edward Clayton, will play the minister to Nina’s yet “wholly unawakened nature” (D, 20). The fulfillment of their romance, however, is not marriage—Nina’s untimely death forecloses this possibility. Instead, their

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43 Levine suggests that “[w]hat prevents Dred from putting his desires into action, in addition to his apprehension of God’s silence at this particular moment, is what prevented other slaves from leading successful rebellions: the state’s brutal legal and policing authority.” “Heap of Witness,” 170. Eric J. Sundquist, To Wake the Nations: Race in the Making of American Literature (Cambridge, MA: Harvard University Press, 1993), 109.


46 Clayton declares that he has caught glimpses of the “deeper part” of her nature and believes that he is “the only person in the world that ever touched it at all” (D, 20-1). Clayton’s double function as lover/minister is explicated in the analogy he draws between his infatuation and that of a local pastor (D, 20).
courtship finds its resolution in their respective reformations: Nina’s spiritual ascension, and Clayton’s development from an excessive idealist to a practical abolitionist. Clayton’s concluding role in assisting the slaves from Canema in their escape to the North, and in subsequently removing his own plantation to Canada, offers a proximate resolution of the novel’s thwarted romantic and revolutionary plots, even as it dramatizes the novel’s struggle to imagine an ending for slavery, apart from the negative terms of flight and death.\(^\text{47}\)

Nina’s conversion is propelled by her relationships with several characters—Milly, a devout slave who functions as a surrogate mother for the orphaned Nina, and Tiff, who enlists Nina to read the Bible to him and the white children of his deceased mistress. Clayton, then, is not unique in his spiritualizing influence. Instead, what distinguishes his didactic import in the novel is the conflict between theological and secular conceptions of justice that animates his character and actions. Although Edward is “the only son of Judge Clayton” and a lawyer by training, the practice of the law does not come naturally to him. As he remarks to his friend Frank Russell, he likes the study of the law “well enough—but not the practice” (\textit{D}, 18).

Reading the theory is always magnificent and grand. ‘Law hath her seat in the bosom of God; her voice is the harmony of the world.’ Remember we used to declaim that. But, then, come to the practice of it, and what do you find? Are legal examinations anything like searching after truth? Does not an advocate commit himself to the one-sided views of his subject, and habitually ignore all the truth on the other side? Why, if I practiced law according to my conscience I should be chased out of court in a week (\textit{D}, 18).

Clayton’s heightened idealism attunes him to the tragic dimension of legal compromise. The problem, however, is not simply the interestedness of legal advocates, but the sense that human law forsakes the higher principles that ostensibly give it meaning. Clayton’s nostalgia, nonetheless, is not for a time in which positive law truly embodied divine law, but for a time in which he could in good faith “declaim” such a harmony. Clayton’s conviction of the fallen nature of legal practice appears all the more dire because his nostalgia is mediated by a prefabricated maxim (drawn from sixteenth-century theologian Richard Hooker). There is thus no moment of pure inspiration or divine communion to which Clayton can return. The voice of God can only be imagined, and in borrowed words at that.

The mediation that structures Clayton’s nostalgia epitomizes his qualm with legal practice: that law is not the harmonious “voice of the world” but an imperfect translation of its “grand” aspirations. Clayton’s idealism ultimately makes it impossible for him to continue in the legal profession. When, at the behest of Nina, Clayton takes on his “first cause” as a legal advocate for Milly (who, half way through the novel, is shot in the arm by the man to whom she is hired out), the suit seems doubly auspicious—combining his romantic interests with his humanitarian ideals (D, 303). Edward’s impassioned argument that masters are “guardian[s]” obliged to “protect” their dependents secures him an unlikely victory in the case (D, 302-3).48 But when Judge Clayton, his father, reluctantly overturns the favorable decision of the lower court—explaining that a judge’s duty is not

48 For Gregg Crane, Clayton “personifies a jurisprudence of natural rights sentiment that opposes the positivism of hard men such as Simon Legree and Tom Gordon, who simply equate law and power.” Yet, although Clayton challenges the equation between law and power, he understands the rights of slaves only indirectly through the duty that Christians bear towards them Gregg D. Crane, “Dangerous Sentiments: Sympathy, Rights, and Revolution in Stowe’s Antislavery Novels.” Nineteenth-Century Literature 51, no. 2 (1996): 176-204.
“to make laws, nor to alter then, but simply to declare what they are” (D, 350)—Clayton feels at once the disappointment of losing the case and the failure of the law itself.

Standing before the court, Clayton dramatically resigns from his profession:

…I had hoped that its [slavery’s] laws were capable of being so administered as to protect the defenseless. The illusion is destroyed. I see but too clearly now the purpose and object of the law. I cannot, therefore, as a Christian man, remain in the practice of law in a slave state. I therefore relinquish the profession, into which I have been inducted, and retire forever from the bar of my native state (D, 355).

Clayton’s eloquent dissent foregrounds, in the starkest possible terms, the novel’s insistence on the disconnect between legal injunctions and Christian imperatives.

For Stowe, the disarticulation of positive law and divine law is instrumental to justifying the moral responsibility of Christians and abolitionists alike, apart from and against antebellum law. However, the acute prioritization of spiritual ideals over jurisprudence makes it seem, at times, that the world, as much as slavery, is the evil to be overcome. Indeed, when asked by a fellow lawyer “‘don’t he [Clayton] like the law? What’s the matter with the law?’” Frank Russell explains, “‘O nothing, only Clayton has got one of those ethereal stomachs that rise against almost everything in the world’” (D, 298). Clayton, according to the narrator, is “ideal to an excess” (D, 27). He lacks the type of practicality that he admires in Nina and Frank. Although antebellum readers noted the transcendentalist qualities of both Nina and Clayton, they shared the book’s evident preference for the “incomparable Nina,” and even suggested that “both Mrs. Stowe and Clayton seem hardly to care enough to bury her decently.”

49 As a reviewer notes in an 1858 review in The Ladies’ Repository, “When we hear ‘Nina’ discoursing of her new religious state, we almost imagine that we are listening to Emerson in the pages of the Dial.” According to the New Englander, “after the death of Nina, the interest of the reader rapidly declines.” The Southern Literary Messenger snidely observes that Clayton is “a man dubbed
While the novel acknowledges the limitations of Clayton’s relatively secular form of idealism, it embraces the renunciative character of Christian piety modeled by Milly. Unlike Clayton who remains nostalgic about legal jurisprudence, Milly is not invested in the retributive notion of justice that structures the law, proffering Christian forgiveness instead. It is Nina, not Milly, who is intent on bringing the assault to trial. When Nina says that she is “going to have that man prosecuted,” Milly responds, “O, laws, no Miss Nina! don’t you goes doing nothing to him! His wife is a mighty nice woman, and ‘peared like he didn’t rightly known what he was ‘bout” (D, 296). “O, laws” is a reoccurring dialectal rendering of “O, Lord” that appears in both Dred and Uncle Tom’s Cabin. In the context of a conversation about legal redress, however, it is hard to miss the two layers of meaning conveyed by “laws”: at once closer to the purported pronunciation of Lord, it nonetheless adopts the official term for legal discourse. But even as this dialectal phrase links “Lord” and “law”—condensing the two into a shared word—the passage, in keeping with the novel as a whole, also gestures to the incompatibility between religious and legal values. Milly continues, “Laws, Miss Nina, why, dere is some sense in dat [the idea that prosecution “may make him more careful with other people’’]; but I wouldn’t do it as bearing malice” (D, 297). The fact that Milly expresses her misgivings about prosecution in the language of “laws” (“laws… don’t you goes doing nothing to him!”) also anticipates the verdict rendered when the case goes to trial:

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50 Although Milly’s objection expresses her willingness to forgive, Stowe uses her under-reaction (“No great! Dat ar man shot me”) to intensify the outrage of Nina and the reader alike (D, 294).
the laws, it turns out, can in fact do nothing to Milly’s assailant. Assault upon a slave is not a prosecutable crime within the legal framework of slavery.

Although the legal connotation of the dialectal “laws” is not always so prominent, the inconsistency with which Stowe renders “Lord” this way—even within Milly’s speech—gives weight to its use. When Milly first learns that she will be hired out from Canema to compensate for Aunt Nesbitt’s losses, she approaches Nina to impart motherly wisdom. Throughout this pivotal exchange, Stowe alternately minimizes and exaggerates the dialectal elements of Milly’s speech to convey her disparate cultural authority as exemplary Christian guardian and dependent slave. Milly begins by consoling Nina and educating her in the virtues of faith, but when she starts to recall her mother’s description of Africa and her parents’ enslavement her dialect thickens and her didactic narrative gives way to fragmented memorial reflections. Milly begins,

‘Now if your ma was alive, it would be different; but just now, I see how ‘t is; der’ll be a hundred things you’ll be thinking and feeling, and nobody to say ‘em to. And now, chile, you must learn to go to the Lord. Why, childe, he loves you! Chile, he loves you just as you be; if you only saw how much, it would melt your heart right down. I told you was going some time fur to tell you my sperience—how I first found Jesus. O Lord, Lord! But it is a long story.’ (172).

Milly’s central injunction to Nina—“you must learn to go to the Lord”—is noticeably free from the particularizing deformations of dialect. Milly speaks of “the Lord,” instead of “de Lord” or “de laws.” Even when “Lord” is used in its exclamatory capacity in this passage, the official orthography is maintained instead of “O laws.” This perfected speech provides linguistic evidence for Milly’s exemplarity as a Christian, elevating her argument from the idiosyncratic trappings of personal experience to the impersonal and objective grammar of didacticism. “O Lord” expresses the proximate nature of Milly’s
relation to God (when she “first found Jesus”), in the very directness with which she speaks His name.

The fluctuating orthography of Milly’s dialect bespeaks the asymmetry between her theological insights and her limited empirical knowledge of the world.\(^{51}\) When Milly proceeds to explain how her personal sufferings first brought her to Jesus, Stowe deemphasizes the authority of Milly’s divine revelation—the sense that she “see[s] how it is” (\(D, 172\))—in order to indict slavery as a state of restricted knowledge:

‘Well, well, you see Chile,’ said Milly, her large, dark eyes fixing themselves on vacancy and speaking in a slow and dreamy voice, ‘a body’s life, in dis yer world, is a mighty strange thing! You see chile, my mother—well, dey brought her from Africa; my father too. Heaps and heaps my mother has told me about dat ar. Dat ar was a mighty fine country, where dey had gold in the rivers, and such great, big, tall trees, with de strangest beautiful flowers on them you ever did see! Laws, laws! Well, dey brought my mother and my father into Charleston, and dere Mr. Campbell,—dat was your ma’s father, honey,—he bought dem right out of de ship; but dey had five children, and dey was all sold, and dey never knowed where they went to. Father and mother couldn’t speak a word of English when dey come ashore; and she told me often how she couldn’t speak a word to nobody, to tell ’em how it hurt her’ (\(D, 172\), emphasis added).

Within the space of a paragraph, Milly’s authoritative speech patterns, evident in the spelling of “Lord” and “the,” have given way to their dialectal renderings (“Laws,” “de”). The divisive capacity of linguistic heterogeneity—made explicit in the predicament of Milly’s parents as non-English speakers who can’t “speak a word to nobody”—is borne out more minutely in Milly’s dialectal variations. The rendition of Milly’s dialect parallels her changing subject position, as her nostalgia for a fantastic Africa she has never seen is disrupted by an admission of the bare fact of her parents’ enslavement:

“Laws, laws! Well, dey brought my mother and my father into Charleston.” Here, once

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\(^{51}\) Milly’s theological insight, it might be said, is actually predicated on her limited knowledge of—and investment in—the worldly.
again, the legal import of “laws” is brought into the foreground, as Milly calls on God in a language that denotes the very basis on which her parents were subjugated—the legal institution of slavery. If earlier Milly’s direct naming of the “Lord” confirms the sense of her relatively unmediated knowledge of God, here the exclamation “Laws, Laws!” conveys the inscrutability of a world in which God’s will is not transparent.

“O laws,” in such passages, becomes an empty (because unanswered) rejoinder to worldly tribulation and injustice. The expression conveys, at the level of diction, a materially mediated relation to God that parallels the disconnect Clayton locates between the fallen institution of positive law and its divine ideals. Just as law has lost its foundation in God—such that “her voice” is no longer “the “harmony of the world”—“laws,” as both a dialectal phrase and an institutional practice, names the faltering translation of theological principles. “Laws” may be a word for God in the novel—and one which uneasily yokes the incongruous priorities of the legal and divine—but it is not the voice through which God speaks in the world. Indeed, the world, as becomes increasingly clear, can only imperfectly approximate the heavenly kingdom to which it is ultimately subordinate.

Strange Citizens

ongoing trial of Dred Scott, which the title evokes)—the legal history of U.S. slavery provides both the grammar and urgency for the novel’s abolitionist aspirations. And yet, precisely because Dred identifies law with iniquitous practices such as slavery, the novel, like Clayton, ultimately leaves the law behind, pursuing heavenly compensation in the absence of legal justice.

Religion, nonetheless, poses its own set of problems for the novel’s abolitionist argument. Stowe’s insistence on the Christian disposition of slaves may have established their spiritual equality with white Christians, but, as George Eliot observed, it also suggested “that the negro race was vastly superior to the mass of whites…a state of the case which would singularly defeat Mrs. Stowe’s sarcasms on the cant of those who call Slavery a ‘Christianizing Institution.’” Stowe addresses this tension by emphasizing the improbability of Milly’s conversion as a slave, but Stowe’s persistent identification of suffering with Christianity (especially its New Testament form) makes enslavement itself seem redemptive. Dred presents the very deprivations and despair of enslavement as a model for Christian estrangement. Although the narrator acknowledges that “where one soul is thus raised [through slavery] to higher piety, thousands are crushed in hopeless imbecility,” she also suggests that the very extremity of Milly’s affliction strengthens her conversion (D, 51):

At first she had met this doom with almost the ferocity of a lioness; but the blow, oftentimes repeated, had brought with it a dull endurance, and Christianity had entered, as it often does with the slave, through the rents and fissures of a broken heart. Those instances of piety which are sometimes, though rarely, found among

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slaves and which *transcend the ordinary development of the best instructed*, are generally the results of the calamities and afflictions so utterly desolating as to force the soul to depend on God alone (*D*, 51, emphasis added).

Piety, according to the narrator, may be rare among slaves, but, when it does occur, it outrivals the development of even “the best instructed,” because the desolation of slavery facilitates the disavowal of worldly experience implicit in the structure of Christian expectation.

*Dred* elevates the instructive capacity of suffering over the theoretical knowledge of the “best instructed,” who, as Clayton’s character suggests, often struggle to connect ideals and practice. However, while the novel romanticizes the stark religious potential of slavery—even describing Milly’s conversion in the language of violent subordination, an effect of “the blow, oftentimes repeated”—it extends this model of despairing faith beyond the historically and racially inscribed subject positions of master and slave to encompass the proselytizing effects of worldly affliction more generally. Father Dickson, who is one of the only white abolitionist preachers in the novel, thus becomes exemplary less because of his advocacy for slaves (which remains relatively ineffectual), than because, as his subsequent attempted lynching makes explicit, he is a deracialized figure for the slave, through which the novel idealizes estrangement.

While, as Jeannine DeLombard observes, Clayton’s advocacy for Milly and his own slaves reinforces the hierarchy of “white paternalism,”54 Father Dickson’s identification with the slaves takes the comparative form of commiseration. Dickson is

himself portrayed as destitute and vulnerable to the whims of the slaveholding parishioners, in whose service he offers his spiritual labors.

Every one in the state knew and respected father Dickson; and, like the generality of the world, people were very well pleased, and thought it extremely proper and meritorious for him to bear weariness and painfulness, hunger and cold, in their spiritual service, leaving to them the right of attending or not attending to him, according to their own convenience. Father Dickson was one of those who had never yielded to the common customs and habits of the country in regard to the holding of slaves. A few, who had been left him by a relation, he had at great trouble and expense transported to a free state, and settled there comfortably. The world need not trouble itself with seeking to know or reward such men; for the world cannot know and has no power to reward them. Their citizenship is in heaven, and all that can be given them in this life is like a morsel which a peasant gives in his cottage to him who to-morrow will reign over a kingdom (D, 247, emphasis added).

The emphasis on Father Dickson’s uncompensated “service” establishes an analogy between his suffering and the trials of slavery. The passage, however, suggests more than a figurative equality between Dickson and the slaves. Dickson places the needs of the slaves he inherits above his own, sacrificing the economic means of his own worldly comfort in order to ensure their freedom. The attendant reversal of fortunes, wherein the slaves settle “comfortably” while he “bear[s] weariness and painfulness, hunger and cold,” grounds the abstract analogy between Father Dickson’s “service” and slavery in a material economy. The exchange of money, however, is an ambivalent figure for the transferability of symbolic positions. For while the slaves gain immediate freedom, Father Dickson’s economic sacrifice, the reader is assured, will be repaid in spiritual capital, heavenly “citizenship.”

Stowe’s rhetorical presentation of Dickson’s subjection comes to a dramatic climax when he is nearly lynched by a mob of angry whites led by Tom Gordon, Nina’s tyrannical brother. As Dickson rides towards a nearby church, singing ““Jesus Christ has
lived and died—/What is all the world besides?,” an armed throng confronts him
declaring “we an’t going to have any of your d—d abolitionist meetings here” (D, 476, 479). When Dickson refuses to either stop preaching against slavery or leave the state, Tom tells the gang “we had better bring matters to a point! Here, tie him up to his tree, and give him six-and-thirty! He is so dreadful fond of the niggers, let him fare with them” (D, 484, emphasis added). One of the gang then takes out a “slave-whip” and beats Dickson, until Clayton and a group of “gentlemen,” who happen to be passing by, intervene (D, 484). Dickson’s timely deliverance, however, proves ambivalent. The magistrate, Mr. Brown, admonishes the lynch mob, but he also reiterates their sentiments: “I think Mr. Dickson, if you must preach these doctrines, I think it would be best for you to leave the state. Of course, we don’t want to restrict any man’s conscience; but when any kind of preaching excites brawls and confusion, and inflames the public mind, it seems to be a duty to give it up” (D, 487). The magistrate’s justification for these remarks affirms the very thing that Clayton laments: the division between theological and political law.

As the incarnation of the law’s administrative enforcement, Mr. Brown’s concerns are essentially practical. His function is to preserve the law not to change it. In

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55 The scene of Dickson’s lynching—which as Stowe notes in the appendix draws on material from A Key to Uncle Tom’s Cabin—appears to be a composite of accounts of two separate lynchings (593). Stowe lifts some of the dialogue used at the opening of the encounter from an account of the lynching of Reverend Jesse McBridge, but the whipping itself is taken from an article on John Cornutt who, like Dickson, “refused to renounce his abolition sentiments” and was subsequently “stripped, tied to a tree, and whipped.” As several critics remark, A Key to Uncle Tom’s Cabin is as much a “key” to Dred as to her previous novel. Harriet Beecher Stowe, A Key to Uncle Tom’s Cabin: Presenting the Original Facts and Documents Upon Which the Story is Founded. Together With Corroborative Statements Verifying the Truth of the Work (Cleveland: John P. Jewett and Co, 1853), 189-190, 191-192. On the relevance of A Key to Dred, see: Judie Newman and Karen L. Kilcup, “Was Tom White? Stowe’s Dred and Twain’s Pudd’head Wilson,” in Soft Canons: American Women Writers and Masculine Tradition (Iowa City: University of Iowa Press, 1999), 67-81, esp. 70; Samuel Otter, “Stowe and Race,” in Cambridge Companion, 15-38 esp. 29.
consequence, he perceives moral law as an anarchic discourse that needs to be controlled.

“Now, I wish, for my part, that ministers would confine themselves to their appropriate duties. ‘Christ’s kingdom is not of this world’” (D, 487). The idea that abolitionism is beyond the “appropriate” and limited theological sphere of ministerial concerns is antithetical to Stowe’s express project. *Dred* lampoons the Church’s “moral apathy” on slavery, portraying religious sects as opportunistic political parties, driven by inter-denominational struggles for “public favor” (D, 359, 395). 56 *Dred*’s moral, in this respect, is that politics should take Christianity as its model, and not the other way around.

**Tomorrow’s Kingdom**

‘Such a principle [liberty], carried out logically, would make smashing work in this world,’ said Russell. ‘In this sense, where is there a free government on earth? What nation ever does or ever did respect the right of the weaker, or ever will, till the millennium comes?—and that’s too far off to be of much use in practical calculations; so don’t let’s break our heart about a name (D, 535).

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56 After Clayton renounces the law, he turns to the ministry to garner support for abolitionist reform but the preachers prove as complicit as the courts, confirming Judge Clayton’s prediction that “None of them [religious organizations] dare espouse an unpopular cause, lest the others, taking advantage of it, should go beyond them in public favor. None of them will want the odium of such a reform as this” (D, 395). As John Carlos Rowe remarks, Stowe “levels a devastating critique at the pedantic sophistry and internal cavils of nineteenth-century Christianity, attributing the inaction of the Church to personalities like Shubael Packthread and Aunt Nesbit who typify the very sins they are so intent upon condemning.” “In the place of the hypocritical and powerless white Christianity,” Rowe argues, “Stowe invokes the millenarian rhetoric and political activism of the African American Church as a potential resource for renewing religious credibility in the U.S.” This opposition, nonetheless, is only provisional in the novel. Dred’s millenarian prophecy is never enacted, and, in fact, typifies the type of inaction implicit in Christian expectation. As Martha Schoolman notes, Dred himself “embodies a confrontation of prophetic Christianity with the pragmatics of organized religion.” John Carlos Rowe, “Stowe’s Rainbow Sign: Violence and Community in Dred: A Tale of the Great Dismal Swamp (1856).” *Arizona Quarterly* 58, no. 1 (2002): 37-55. Martha Schoolman, “White Flight: Maroon Communities and the Geography of Antislavery in Higginson and Stowe,” in *American Literary Geographies: Spatial Practice and Cultural Production, 1500-1900*, ed. Martin Brückner and Hsuan Hsu (Newark, DE, U of Delaware P, 2007), 259-278.
The compensatory logic of heavenly citizenship assumes a distinctly fatalistic teleology for the gendered and racialized subjects denied political agency. In Stowe, as George Fredrickson remarks, “women and negroes are almost interchangeable in their natural virtues” — virtues that find their superlative expression in the art of dying. Stowe presents death as the only unconditional means of deliverance for those denied full citizenship. What makes Stowe’s depiction of Father Dickson’s “service” and heavenly recompense so remarkable, in this respect, is that it transcends the conventional analogy between the bonds of marriage and enslavement, in order to make disaffiliation appear as a representative predicament, inherent to Christian experience.

Father Dickson is not particularly distinctive or inspiring in himself, but his very commonality is instrumental to the political ambitions of Dred. For, it is in Stowe’s belabored portrait of Dickson’s spiritual comparability with the slaves that the novel approaches a model of Christian egalitarianism. Dickson, indeed, seems to symbolize everything other than his own white masculinity. After Nina’s death, Clayton finds in Dickson “what he had seen in Nina—a soul swayed by attachment to an invisible person, whose power over it was the power of personal attachment, and who swayed it, not by dogmas or commands, merely, but by the force of a sympathetic emotion. Beholding, as

58 This fatalism is perfectly epitomized in Tom’s dying words in *Uncle Tom’s Cabin:* “Heaven has come! I’ve got the victory!—the Lord Jesus had given it to me! Glory be to His name!” Harriet Beecher Stowe, *Uncle Tom’s Cabin: Or, Life Among the Lowly*, ed. Elizabeth Ammons, Norton Critical Edition (New York: W.W. Norton, 1994), 362.
60 As a West Virginian sermon stressed in 1864, “the renewed soul is here in a state of trial. It finds itself an alien and an exile, since its citizenship is in heaven.” Dr. R. Richardson, “Discourse, Delivered at Bethany, Dec. 25th, 1864,” reprinted in *The Millennial Harbinger* (Bethany: W.K. Pendleton, 1865), 103.
in a glass, the divine image of his heavenly friend....” (D, 490). Religious “attachment,” as the passage makes clear, differs materially from political subjection—nor is it properly speaking a form of “attachment.” There are no boundaries between subject and ruler; it is an internal “sympathy,” which if not quite voluntary, lacks the externality requisite to violence.

Heaven offers Stowe a model for politics that is at once egalitarian and non-coercive. However, the temporalization of the distinction between this world and “Christ’s kingdom”—in phrases such as “to-morrow[’s]” kingdom—makes heavenly citizenship something that is expected but never present. Heavenly citizenship in Dred encapsulates a fatalistic form of redemption that resigns worldly fulfillment for prospective spiritual gains. The promise of freedom in heaven is alternately futile and consoling, depending on the priorities through which it is viewed. When Harry turns to Dred—driven to near desperation by the malicious power that Tom Gordon (his tyrannical half-brother) holds over him and his wife—Milly reminds him of the rewards “above,” but Harry is reluctant to cede the possibility of change in the world.

‘He [Dred] han’t come to de heavenly Jerusalem. O! O! honey! dere’s a blood of sprinkling dat speaketh better things dan dat of Abel. Jerusalem above is free—is free, honey; so, don’t you mind what happens in dis yer time.’
‘Ah, ah, Aunt Milly! this may do well enough for old women like you; but stand opposite to a young fellow like me...body and soul just as full of fight as they can be; it don’t answer to go telling about a heavenly Jerusalem! We want something here. We’ll have it too! How do you know there is any heaven any how?’
‘Know it?’ said Milly...’Know it? I knows it by de hankering arter it I got in here,’ giving her broad chest a blow which made it resound like a barrel (D, 201, emphasis original).

According to Milly “dis yer time” has no currency in itself; it is merely a thing to overcome.
Milly’s faith in the existence of heaven derives from a negative knowledge. She knows it must exist, by her felt need, “hankering.” Harry, however, wants freedom here and now. When Milly insists that “de Father feed us yet—he will so,” Harry “sullenly” retorts, “’He’s a long time about it’” (D, 201). By all appearances, Milly wins the debate. But Harry’s skeptical observation gives voice to a doubt that nags at the novel. God’s coming may be imminent, but imminence is an imperfect substitute for presence. The problem of expectation, as Dred later frames it, is that the delay of the coming and its failure to manifest, are experienced identically. As Dred cryptically enjoins, “the vision is sealed up for an appointed time. If it tarry, wait for it. It shall surely come, and shall not tarry!” (D, 279). To experience expectation as delay, is to doubt God’s rightful selection of the “appointed time.”

*Dred*, in many respects, is a meditation on the anxieties of theological expectation. The novel’s original title, *Dread: A Tale of the Great Swamp*, made this even more explicit, but despite Stowe’s decision to change the title to evoke the ongoing *Dred Scott vs. Sanford* case, characterizations of the “dreadful” fill the pages of the novel. In a letter from Calvin Stowe to his wife’s publisher, he reflects on the original title’s cautionary relevance for the antebellum nation, remarking that the name was

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61 The word “dreadful,” and to a lesser extent “dread,” appear with noticeable frequency in the novel. As Clare Cotugno observes, “True to its title, Dred offers a grim message to its readers; well before the novel’s end the characters Dred and Nina are dead, and by the end of the novel, all the remaining noble black and white characters have fled to the North, where they can at least lead productive and progressive lives.” For more on Stowe’s original title and the conditions in which she changed it see Noel Gerson’s biography on Stowe. Noel B. Gerson, *Harriet Beecher Stowe: A Biography* (New York: Praeger Publishers, 1976), 105-6. Clare Cotugno, “Stowe, Eliot, and the Reform Aesthetic,” in *Transatlantic Stowe: Harriet Beecher Stowe and European Culture*, ed. Denise Kohn, Sarah Meer, and Emily Todd (Iowa City: University of Iowa Press, 2006): 111-130.
“startling, suggestive, perfectly appropriate, full of meaning, and in the present aspect of our country's affairs, has a fearfully symbolic, prophetic sound.”

Drawing on James Baldwin’s argument that *Uncle Tom’s Cabin* is “activated by what might be called a theological terror, the terror of damnation,” several critics have observed that in Stowe’s second novel this terror centers on the threat of black revolution that Dred embodies. As Cynthia Hamilton remarks, “a terror of damnation and horror of blackness…stalks the white community in the form of Dred’s unrealized apocalyptic potential.” According to Hamilton, “Stowe pulls back in horror from a vision of black retributive justice and insurgency. For all his charisma, intelligence, strength, and righteousness, Stowe cannot fully recognize the Promethean potential of her black hero.”

Stowe’s characterizations of Dred cultivate his status as cultural and racial other—as in her description of the “fiery soil” of Dred’s “tropical heart” (*D*, 211). However, it is perhaps misleading to say that Stowe recoils from Dred’s revolutionary potential, mid-course. As Jacob Stratman remarks, “Dred’s insurrection ultimately fails (actually, it never really begins).” From the very beginning, Stowe divests Dred’s prophecies of their immediacy by presuming the non-occurrence of divinity in the world. Dred’s death, in this respect, is not so much a deviation from the revolutionary action that he anticipates, as an expression of the essentially prospective character of his prophecies.

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62 In the postscript of this letter, Stowe herself remarked on the popular appeal of such a title, noting “As things now are, the very title will sell thousands of copies. Dred is in reality the hero of the book, the Dismal Swamp the theater.” As quoted in Gerson, *Harriet Beecher Stowe*, 105.


Dred’s prophecy and death allow the novel to stage revolution negatively, through longing and nostalgia, thus allowing the reader to mourn for the loss of a prospect that otherwise may have seemed only ominous. The novel, as a result, evinces dread of the prospect of retributive justice and an anxiety that the millennium may not come.

**Training for Heaven**

*Dred* develops the idea of heavenly citizenship promised in Philippians 3:20—in the depiction of Father Dickson’s heavenly recompense for worldly sacrifice and Milly’s anticipation of freedom in a “heavenly Jerusalem”—as a template for the relentlessly futural orientation of Christianity. Thus, even as Stowe preserves the present tense translation of Philippians 3:20 (“Their citizenship is in heaven”), *Dred* empties this “is” of its immediacy, substituting imminence for presence. The novel, in this way, expresses a distinctly theological understanding of the indicative, in which factuality is not confined to the present but also encompasses what will be.

Stowe’s emphasis on the prospective orientation of Christianity was not atypical. However, some antebellum commentators frustrated by the “misconception” that “we are called on by religion to concern ourselves seriously only about what will happen when this life is over,” tried to re-appropriate the relevance of Phil. 3:20 for worldly

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66 As Lawrence Buell argues, “the momentum of Stowe’s work from *Uncle Tom’s Cabin* to *Dred* suggests that she came increasingly to sense that the only legitimate path for a grand national fiction in the age of slavery had to be tragic rather than comic.” Also, as Mason Lowance stresses, “Stowe's Millennial Vision of America’s decline is staged against the backdrop of America’s potential greatness, so that throughout there is a tension between what is and what ought to be...” Lawrence Buell, “Harriet Beecher Stowe and the Dream of the Great American Novel,” *Cambridge Companion*, 190-202, esp. 200. Mason I. Lowance Jr., “Biblical Typology and the Allegorical Mode: The Prophetic Strain,” in *The Stowe Debate: Rhetorical Strategies in Uncle Tom's Cabin*, ed. Mason I. Lowance, Ellen E. Westbrook, and R. C. De Prospo (Amherst: University of Massachusetts Press, 1994), 159-184, esp. 159.
experience.  

Stowe’s brother, Henry Ward Beecher, for example, insists on the immediacy of heavenly citizenship. “Can you say with the apostle, “Our conversation”—that is, our citizenship, our life—“our conversation is,’ not shall be, ‘is in heaven.” Similarly, an 1862 British sermon by Robert Graves remarks, “It may be noted in the first place that the text is not ‘our citizenship will be in heaven,’ but, ‘our citizenship is in heaven;’ from which we might fairly infer that the enjoyment by Christians of their privileges as citizens of heaven is not altogether a future enjoyment, to be entered upon for the first time when this life terminates, but, in some degree at all events, a present enjoyment.” The sermon’s printed subtitle, “the Heavenly Elements of Earthly Occupations,” underscores its refusal of both the temporal and spatial separation of heaven. Graves does not localize citizenship to heaven, but instead proffers it as a generalizable attribute (heavenliness). The difference between location and essence, in fact, is already implicit in the two predominant translations of the passage, which the sermon alternately uses: “citizenship in heaven” and “citizens of heaven.” The three successive formulations—“will be,” “is in,” and “of”—progressively refine the relation to heaven, moving first from futurity to spatial presence, and culminating in genitive affiliation. In its genitive version, heaven is both the provenance of Christians and the ideal to which they aspire.

While the “heavenly,” extracted as an attribute, allows Graves to present the harmony between heaven and earth, Stowe’s insistence on the discord between the two

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69 Graves, *Our Heavenly Citizenship*, 9, emphasis added.
serves as both lamentation and protest. *Dred* recovers “higher law” as a justification for reform, even as it casts worldly immersion as a form of theological estrangement. In the moral universe of *Dred*, characters must choose either the world *or* God, that is, choose either estrangement from God or estrangement from the world. Nina’s conversion makes this explicit. When the novel opens, Clayton remarks that Nina, his “pretty little sinner,” “has lived only in the world of sensation” (*D*, 20). Nina is reluctant to convert, as the narrator later explains, because she fears that becoming a Christian means ceding the pleasures of life. “Nina had often *dreaded* the idea of becoming a Christian, as one shrinks from the idea of a cold, dreary *passage, which must be passed to gain a quiet home*” (345, emphasis added). Christianity, Nina suspects, reduces the world to a dreadful “passage,” a mere obstacle to be surpassed. To reach the true “home,” one must renounce the world and life itself. Nina’s death (which occurs a mere thirty pages after her conversion) is the ultimate expression of her Christianity. *Dred*, in this respect, is not particularly concerned with disproving Nina’s initial concern that Christians are strangers in this world. Indeed, the description of her eventual conversion provides inadvertent confirmation of her earlier qualm with Christianity—as she finds a “strange *uneartly* happiness” in “God’s love” (*D*, 376, 375, emphasis added).

In the analogous deathbed scene in *Uncle Tom’s Cabin*, Little Eva’s “essentially decorative” death, as Ann Douglass refers to it, domesticates death, divesting it of its

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70 Nina’s dread of Christianity derives, in part, from her sense that faith is borne of suffering: “‘I wish I were like Milly,’ said Nina. ‘She’s a Christian, I know but she has come to it by dreadful sorrows. Sometimes I’m afraid to ask my heavenly Father to make me good, because I think it will come by dreadful trials if it does’ (*D*, 261).
foreignness. The bed was draped in white; and there, beneath the dropping angel-figure, lay a little sleeping form—sleeping never to waken! The analogy of death to sleep makes it appear innocuous and familiar, while the “angel-figure” attests to the domestic presence of heaven. Nina’s death, in contrast, draws on the language of domesticity, but, by locating the “home” in heaven, Dred disaggregates the term from its worldly, and properly domestic, identification with the house. Thus, whereas Uncle Tom’s Cabin domesticates the divine (bringing it into Eva’s bedchamber), Dred withdraws the home into a theological realm that is inaccessible to those who survive Nina. “I think I am called!” she said. ‘O, I’m so sorry for you all! Don’t grieve so; my Father loves me so well,—he cannot spare me any longer. He wants me to come to him. That’s all—don’t grieve so. It’s home I’m going to—home!” (D, 380, emphasis original). Nina does not console her friends for the friendship they will lose by her death, but for what they themselves miss out on in not dying as well.

Domesticity, as Gillian Brown suggests in her reading of Uncle Tom’s Cabin, places women in contradictory positions, “regarding them simultaneously as the embodiment of transcendent principles and the primary support of the social system.” This tension, it is worth stressing, stems from Stowe’s expressly theological take on domesticity, which values the house and family, not in themselves, but as practical means for preparing Christians for heaven. According to The American Woman’s Home: Or, the

71 In her discussion of the “domestication of death,” Douglas argues that recurring images of “saintly dead hovering around their old haunts” and “[c]hanging funerary practices” that treated the dead as if they “still ‘cared,’” “rob[bed] death of its proverbial sting,” presenting death as both familiar and benign. Douglas does not discuss Eva in her chapter on the domestication of death, but the narrative proceeds implicitly from her opening reading of Uncle Tom’s Cabin. Douglas, Feminization of American Culture, 4.
72 Stowe, Uncle Tom’s Cabin, 257-258.
Principles of Domestic Science (1869), co-authored by Stowe and her sister, “the end designed by the family state which Jesus Christ came into the world to secure” is “to provide for the training of our race…with chief reference to a future immortal existence.”74 Woman, Beecher and Stowe continue to argue, is the “chief minister” to the family, overseeing the education of the household:75 “She is to rear all under her care to lay up treasures, not on earth, but in heaven.”76 The woman, in this respect, does not instruct the family to treasure the material household, but to view it in its proper subordination to the divine home in heaven.77

The “family state,” according to Stowe and Beecher, is the “aptest earthly illustration of the heavenly kingdom,” but it is only a metaphor at that.78 Women are entreated “to follow the self-denying example of Christ, in educating his earthly children for true happiness in this life and for his eternal home.”79 The renunciative demands of Christian domesticity belie one of the central binaries within Americanist criticism, between the anti-social tradition of high canon masculine fiction (associated with Melville, Hawthorne, and Irving), and the socializing commitments of popular domestic fiction. In “Home as Heaven, Home as Hell: Uncle Tom’s Canon,” Leslie Fiedler reflects

76 Beecher and Stowe, American Woman’s Home, 19.
77 Earth is not only subordinate to heaven, but, paradoxically, less substantial than the divine truths it but imperfectly “embodies.” As Nina remarks in her narration of her conversion, “You know I always loved beauty above all things, in music, in nature, in flowers; but it seems to me that I see something now in Jesus more beautiful than all. It seems as if that these had been the shadows of beauty, but he is the substance” (D, 346).
78 Beecher and Stowe, American Woman’s Home, 19.
79 Beecher and Stowe, American Woman’s Home, 20.
on his seminal arguments in *Love and Death in the American Novel* (1960), from the
perspective, more than thirty years later, of a substantially expanded canon. Fiedler
charges himself with “accepting as eternally valid a canon of American novels which
had, in fact, been established only a few decades before,” and proceeds to broaden his
more monolithic narrative about the flight from civilization in American fiction to
account for domestic literature.\(^8^0\) In addition to the “myth of interethnic male bonding,”
he argues, there is a “second myth of equal importance...with which it exists in dialectical
tension. What I am talking about is the myth classically formulated in *Uncle Tom's Cabin*
(let us call it the myth of Home as Heaven).\(^8^1\) Masculinist literature that “celebrated the
flight from civilization,” he explains, “reinforc[es] the myth of Home as Hell.”\(^8^2\) Fiedler
revises the scope of his earlier argument, but he preserves a stark opposition between the
flight from civilization (home as hell) and domestic idealization (home as heaven).

The distinction is attractive, by virtue of its very clarity. Yet, part of what this
narrative misses is the extent to which expressly Christian versions of domesticity
cultivate ambivalence towards the worldly home.\(^8^3\) Christians are strangers in the world,
who, in the words of Tiff, need “to find out de shortest way...to be got to heaven!” (\(D,\)

\(^8^0\) Leslie A. Fiedler, “Home as Heaven, Home as Hell: *Uncle Tom's Canon*,” in *Rewriting the Dream:*
*Reflections on the Changing American Literary Canon*, ed. W. M. Verhoeven (Atlanta GA: Rodopi,
1992), 22-42.

\(^8^1\) Fiedler, “Home as Heaven,” 27

\(^8^2\) Fiedler, “Home as Heaven,” 28.

\(^8^3\) The heretical materialism of Elizabeth Stuart Phelps’ *Gates Ajar* offers an illustrative
counterexample. Early in the novel, the allegorically named Rev. Bland gives a sermon on Phil. 3:20
that leaves the protagonist “empty uncomforted, groping...I wanted something actual, something
pleasant, about this place into which Roy has gone. He gave me glittering generalities, cold
commonplace, vagueness, unreality, a *God and a future at which I sat and shivered*” (73). The sermon
fails to comfort Mary, impressing her instead with the austerity of orthodox Christianity. The novel
defines its project explicitly against the intangible promise of Phil. 3:20. When Bland is himself
confronted “with the blank heaven of his belief,” following the death of his wife, he is convinced of
the error of his preaching and denounces his earlier sermon on Phil. 3:20, casting it into a fire as he
speaks (220). Phelps, I would suggest, domesticates Christianity, while Stowe Christianizes
In *Dred*, the problem is precisely that home is *not* heaven, but that heaven is the true home. Thus, if characters in Melville’s, Twain’s, and Hawthorne’s fiction might be said to seek different routes of escape (whether by sea, river, or the obscure recesses of history), Christian domesticity in Stowe nonetheless pursues parallel forms of estrangement in its very epistemology. Within these two traditions, the house (as figure and counterpoint) is a touchstone for the articulation of transcendent ideals, but it is located differently within the symbolic landscape of each: the flight from civilization abandons the house to seek transcendence in nature, while Christian domesticity positions the house as the training ground (the “cold, dreary passage”) to the transcendent home. In the end, Christians, for Stowe, must disavow the house to get to the home.

In Stowe’s unhomely domesticity, the true “home” is not the house but heaven. The fact that *Dred* is set on a plantation might be the immediate catalyst for this sense of the failure of domesticity, since it substitutes tyrannical patriarchs for the “Heavenly Master” (*D*, 189). However, as Stowe’s remarks in *The American Woman’s Home* suggest, the mere house always falls short of the ideals it attempts to embody, when judged by the standard of heaven. The perceived misfit between the material artifacts of domesticity—house and family—and the heavenly home structures the thwarted engagement of Nina and Clayton. When Clayton hears that a Cholera epidemic has broken out on Canema, he rushes back to the plantation, encountering Dred, who forewarns him, “I know who you seek, but it shall not be given you…the time of the dead has come, that they shall be judged” (*D*, 373). Despite Clayton’s skepticism about the

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84 Tiff continues to explain, in a remark at once melodramatic and emblematic, “‘Diss yer world is mighty well as long as it holds out; but, den, yer see, it don’t last forever! Tings is passing away!’” (*D*, 336).
accuracy of Dred’s prediction, the encounter terrifies him, leaving him with a “weight of fearful foreboding” (D, 374). 85

This life may be truly called a haunted house, built as it is on the very confines of the land of darkness and the shadow of death. A thousand living fibres connect us with the unknown and unseen state; and the strongest hearts, which never stand still for any mortal terror, have sometimes hushed their very beating at a breath of a whisper from within the veil (D, 374, emphasis added).

Dred, as this passage makes clear, is a living medium of “the unknown and unseen state.” His prophecies provisionally connect the material world with the theological unknown, but, in so doing, they engender terror, not the harmony Stowe seeks. In Stowe, the “unseen” Kingdom renders the entire world a “haunted house.” And, in this respect, theology extends the more local disappointments with politics into a universal predicament—making characterizations of political dispossession seem the inevitable effects of worldly experience, more generally.

What enjoins slaves and Christians in Dred is not the charitable sympathy of white abolitionists, but the sense that, theologically speaking, estrangement is endemic to life. Life, not death, marks a separation from the true community of God. 86 According to an 1859 sermon, delivered in New Hampshire following the death of a pastor’s wife, the “paramount interest in the heavenly society” derives from its promise to reunite families that death has divided: “These relations—which, year by year, death seems to divide, though it ought only to have lengthened, not broken, the chain of sympathy—gives us all, whether we own it or not, a deep and paramount interest in the heavenly society; thus

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85 Although Nina is still living when Clayton reaches the house, Dred’s prophecy is soon fulfilled by her sudden death. It is, indeed, the only prophecy made by Dred that comes to pass in the novel.
86 The novel presumes the value of death, and wonders instead at the point of life. As Dred asks of Harry, in a provocation to resistance, “‘Die?—Why not die? Christ was crucified! Has everything dropped out of you, that you can’t die—that you’ll crawl like worms for the sake of living?’” (D, 341).
making us, by the allotment of the Divine Providence, citizens of heaven, whether we are living as citizens or as aliens." The promise of citizenship in heaven trumps political differences between those “living as citizens or as aliens,” offering a qualified grammar for the common entitlements of Christians. *Dred* dramatizes both the power and limitations of invoking Philippians 3:20 to critique the inequities of slavery. If Stowe succeeds at moments in suggesting the rightful equality of blacks and whites, she does so foremost by comparing political alienation and Christian estrangement. *Dred*, nonetheless, ultimately subordinates the exigencies of reform to theological expectation. In the eschatological purview of *Dred*, the world is an uncanny realm where even citizens are aliens, and where freedom and rights remain prospective rewards at the end of time.

87 Andrew P. Peabody, *Our Conversation in Heaven, Jan. 23, 1859; Being the Sunday after the Death of Mary Lyman Lothrop, Wife of the Pastor of the Church...Printed for Private Distribution* (Boston: John Wilson and Son, 1859), 7.
Works Cited


[Advertisement 46.] Outlook, August 19, 1893.


The Anti-Slavery Reporter, January 1842.

and Classic American Literature, 247-66.

Arendt, Hannah. “Decline of the Nation-State; End of the Rights of Man.” In The Origins

—. The Human Condition. Edited by Margaret Canovan. Chicago: The University of

“Art. VIII.—Postscript to Article IV., On the Case of the Creole.” American Jurist and
Law Magazine, August 1842.

Augustine. Concerning the City of God against the Pagans. Translated by Henry

Bailey, William. “General Arnold.” In Records of Patriotism and Love of Country, 169-
76. Washington: Drakard and Wilson, 1826.


Baym, Nina. “Concepts of the Romance in Hawthorne's America.” Nineteenth-Century

—. Woman's Fiction: A Guide to Novels by and about Women in America, 1820-70. 2nd

Beecher, Catherine and Harriet Beecher Stowe. The American Woman’s Home: Or, the
Principles of Domestic Science: Being a Guide to the Formation and
Maintenance of Economical, Healthful, Beautiful, and Christian Homes. New


Beecher, Henry Ward. Morning and Evening Exercise: Selected from the Published and

Bell, Michael Davitt. The Development of American Romance: The Sacrifice of Relation.

Bense, James. “Nathaniel Hawthorne's Intention in ‘Chiefly About War Matters.’”

Bentley, Nancy. “Slaves and Fauns: Hawthorne and the Uses of Primitivism.” ELH 57,

Bercovitch, Sacvan. The Office of The Scarlet Letter. Baltimore: Johns Hopkins


Bell, Michael Davitt. The Development of American Romance: The Sacrifice of Relation.

Berlant, Lauren. The Anatomy of National Fantasy: Hawthorne, Utopia, and Everyday

—. The Queen of America Goes to Washington City: Essays on Sex and Citizenship.


“Books Received.” The School Review, April 1893.


Campbell, Alexander. “General Preface: An Apology for a New Translation.” In The Sacred Writings of the Apostles... translated by George Campbell et al.


“Case of the Creole.” The Anti-Slavery Reporter, August 1842.


*Correspondence between the Hon. John Adams, Late President of the United States, and the Late Wm. Cunningham, Esq.* Boston: True and Greene, 1823.


The Cruel Boy, and Other Pieces. Worcester: J Grout, Jr. [1835].


Evans, G.R. Introduction to *Concerning the City of God*, ix-lvii.


http://www.tngenweb.org/law/constitution1796.html


“From the Friend of Man. Madison Washington. Another Chapter in His History.”

*Liberator*, June 10, 1842.


Graves, Robert Perceval. *Our Heavenly Citizenship; or, the Heavenly Elements of Earthly Occupations. A Sermon...* Windermere: J. Garnet, 1862.


—. “From the Ingham Papers.” In *The Man Without a Country, and Other Tales*. Boston: Roberts Brothers, 1886.


—. *A Sermon Delivered before His Excellency Nathaniel P. Banks, Governor...* Boston: William White, 1859.


—. Manuscript 6249-g. Clifton Waller Barrett Library, University of Virginia.


Early American Imprints, Series II. http://infoweb.newsbank.com/


H.R. 15, 15th Cong. (1817).


“In Brief.” Congregationalist, August 10, 1899.


[Lafayette.] *Stories About Arnold, the Traitor, Andre, the Spy, and Champe, the Patriot: For the Children of the United States*. 2nd ed. New Haven: A. H. Maltby, 1831.


http://avalon.law.yale.edu/19th_century/lincoln2.asp


McPherson, James M. “‘As Commander-in-Chief I Have a Right to Take Any Measure Which May Best Subdue the Enemy.’” Chap. 16 in *This Mighty Scourge: Perspectives on the Civil War.* New York: Oxford University Press, 2007.


“No External World.” The Millennial Harbinger, September 1853, 509-10.


Peabody, Andrew P. Our Conversation in Heaven, Jan. 23, 1859; Being the Sunday after the Death of Mary Lyman Lothrop, Wife of the Pastor of the Church...Printed for Private Distribution. Boston: John Wilson and Son, 1859.


A Political Romance.” *The Observer,* January 3, 1864.


Reports of the trials of Colonel Aaron Burr...Taken in shorthand by David Robertson, *Counsellor at Law, in Two volumes.* Philadelphia: Hopkins and Earle, Fry and Kammerer, 1808.


S. Doc. No. 27-1 (1842).

Second Confiscation Act, ch. 195, 12 Stat. 589-92 (July 17, 1862)

“The Second Constitution of New York, 1821.”

http://www.nycourts.gov/history/constitutions/1821_constitution.htm

Sigourney, [Lydia Huntley]. “Female Patriotism: An Essay on Female Patriotism, Read Before the College of Teachers, and Written for the Occasion.” *Transaction of the Sixth Annual Meeting of the Western Literary Institute and College of*
Professional Teachers, Held in Cincinnati Ohio, October 1836. Cincinnati:

Executive Committee, 1837.

Smith, Grace E. “‘Chiefly About War Matters’: Hawthorne's Swift Judgment of


Somerset v. Stewart. Lofft 1, 98 ER 499 (1772)

“The Spy and the Traitor,” The Atheneum; or Spirit of English Magazines, January 1833,

353.

“State of Tennessee Constitution of 1835.”

http://www.tngenweb.org/law/constitution1835.html

Stepto, Robert. “Storytelling in Early Afro-American Fiction: Frederick Douglass’ ‘The

Stout, Harry S. Upon the Altar of the Nation: A Moral History of the American Civil War.


—. A Key to Uncle Tom’s Cabin: Presenting the Original Facts and Documents Upon
Which the Story is Founded. Together With Corroborative Statements Verifying


—. Uncle Tom’s Cabin: Or, Life Among the Lowly. 1852. Edited by Elizabeth Ammons.


To Settle and Define the Boundaries Between the Territories of the United States and the Possessions of Her Britannic Majesty in North America…. 8 Stat. 572 (August 9, 1842).

_The Trial of Hon. Clement L. Vallandigham, By a Military Commission…_ Cincinnati: Rickey and Carroll, 1863.


U.S. Constitution.


Webster, Noah. _A Collection of Papers on Political, Literary, and Moral Subjects_. New York: Webster and Clark, 1843.


A Young Lady of New England. “Mrs. Stowe and Dred.” Southern Literary Messenger, October 1858, 284-86.
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