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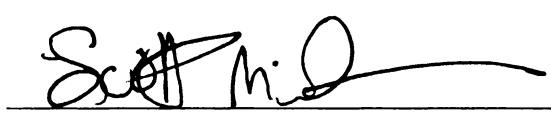

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FIGURING THE POLITICAL IN NINETEENTH-CENTURY AMERICAN LITERATURES: A CONCEPTUAL INQUIRY

By

Timothy J. Deines

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ABSTRACT

FIGURING THE POLITICAL IN NINETEENTH-CENTURY AMERICAN LITERATURES: A CONCEPTUAL INQUIRY

By

Timothy J. Deines

This dissertation examines a tendency in contemporary American literary criticism to read nineteenth-century American literatures in terms of cultural belonging and agency. What goes under-remarked in such a tendency, this dissertation argues, is the exclusive, violent nature of "the political" as such, in particular its liberal-democratic variety. In order to return the political and its effects to the forefront of nineteenth-century literary studies, this dissertation has organized itself around four important politico-philosophical concepts: subject, citizen, sovereignty, and community. By interrogating these concepts, this dissertation shows how together they can be said to saturate today's understanding of what the political is. This interrogation is aided by close-readings of texts by key figures in nineteenth-century American literature--Nathanial Hawthorne, Herman Melville, María Amparo Ruiz de Burton, John C. Calhoun, and others--in tension with these concepts. The effect of these readings is the development of an alternative vocabulary and approach to thinking about the political in literature in general and nineteenth-century American literature in particular. Key terms to emerge as part of this alternative vocabulary include finitude, the unsacrificeable, political morality or the moral contract, immanence, and decision.

Dedicated to D and SM for their unwavering optimism, intelligence, and support.

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> Right by its very nature can consist only in the application of an equal standard; but unequal individuals (and they would not be different individuals if they were not unequal) are measurable only by an equal standard in so far as they are brought under an equal point of view....
>
> Marx, *Critique of the Gotha Program* 530

> Not a thinking of relativity, which implies the Absolute, but a thinking of absolute finitude: absolutely detached from all infinite and senseless completion or achievement.
>
> Nancy, "A Finite Thinking" 27

How does the subject retain its grip on the theoretical imagination of today's American Studies? And how is it that despite a half-century of devastating criticism directed toward the metaphysical condition of the subject, the critical discourse of American Studies continues, albeit self-consciously and in constructivist terms, to reassert the centrality of the subject as the *conditio sine qua non* of literary interpretation and study?[1] In the course of this dissertation I hope to provide some alternative guideposts that may be used to attempt answers, however provisional, to these questions. My intention, above all, is to contribute to an institutional discourse whose main purpose is to produce knowledge about the "past," particularly knowledge about the relation between literature and history.

My thesis, framed by the two epigraphs above, is that American Studies continues, in spite of everything, to shut out "absolute finitude," as Nancy says above, in its effective relation to certain political concepts and the capacity of these concepts to make, to borrow another of Nancy's phrases, "sense of the world."[2] The "equal point of view" to which Marx refers is the "infinite" and "senseless" point of view invoked by Nancy, that mythical or godlike standpoint that makes ultimate sense of the world, arranging its relations while denying the forces of arrangement and their presuppositions. It is a point of view that must always forget itself as a finite point of view in order to attain the absolutist perspective that allows judgments of identity and difference--in Marx's case, the difference of value among individuals. The reader will not be surprised, therefore, that I find in Americanist criticism a strong desire to make sense of the world and to repeatedly marshal identity in the name of that sense.

Because this dissertation is interested in the way that critics read literature, a sub-textual theme centers on the very possibility of judgment. With respect to literature (but not only in that realm), how is it possible to judge, to decide? What terms do we use to judge literature, and what are the political implications of using such terms? If it is not possible nor desirable not to judge (justice may depend upon it), perhaps it is still possible to remember one of the conditions of judgment, namely the singular or finite viewpoint, and moreover to consciously work finitude into the practice of literary criticism itself. But what if it is improbable or, indeed, impossible to think according to what may be a purist demand in Nancy's "absolute finitude," if that is what it is? One response is that it may be impossible to think at all without the strange and ineluctable relation that exists between the finite point of view, on the one side, and the infinite,

universalist claim, on the other side. For it may be that finitude remains the constitutive and terminal condition of thought's very thought, of the thought of thought. There will be much occasion to elaborate, in other terms, on these abstractions below.

This dissertation's ambition can be stated in yet another way: on the one hand, to reconstruct particular critical scenes from the contemporary discourse of American studies that have tried to freeze out finitude's general effect in its efforts to judge; on the other, to provide alternative readings of literature that take finitude into account, so to speak, with the idea of contributing toward a critical studies that might be thought of as something other than an ongoing elaboration of "culture," identity, and the nation-State. While subjectivity itself is at stake, particularly where the old conceit of self-presence is concerned, I will concentrate mostly on these three terms as possible sites in need of critical scrutiny. These particular sites--culture, identity, nation-State--remain at the forefront, not without reason, of our institutional and critical sensibility. And they continue to exert tremendous force on thought, it would seem. For this alone they deserve and often receive relentless criticism. But not always. There continue to be good reasons to criticize the hold that culture, identity, and the State exert over the purview of literary studies. These reasons have to do with the refusal of some practitioners of these concepts *qua* political concepts of the profoundly delimiting effects that the thought of finitude performs upon them, works within them.

At stake in this dissertation will therefore always be the question of the dialecticization (in the Hegelian sense) of literary representations of identity, cultural and otherwise, in the larger political life of the nation-State--in this case the United States of America. This does not mean that I will be investigating the alleged content of different

cultures or literal representations of culture, since the very possibility of such practice is precisely what remains in question. Rather than intervening in this positivist sense in Americanist discourse, or according to the terms of culture--that is, in the sense of adding one more correction, addendum, or adjustment to an already identifiable cultural or national narrative or identity--I will try to evaluate conceptual tendencies in reading and interpretation that take culture, identity, and the State as their starting points. I will group these tendencies, artificially of course, under the rubric "New Americanism," and I will evaluate New Americanism, if there is such a thing, from the standpoint of finitude. Finally, and what will comprise the bulk of the dissertation, I will offer alternative readings of literature that seek to incorporate this standpoint into its reading strategies.

But rather than simply put the concept of finitude to work upon the critical object I have chosen, I will attempt an approach, at once oblique and pointed, that brings certain theoretico-political concepts to bear on the relevant literary criticism. These concepts--citizen, subject, sovereignty, community--figure largely in Nancy's grasp of the political sense of our own time, and they provide, in my view, a rich vein for articulating an alternative point of view on the cultural-identity standpoint grounding New Americanist studies. Because these concepts saturate the political, according to Nancy, they also figure as limit concepts. As I shall show, the significance of this is that, taken together and apart, they limit, in a finite sense, what is possible to claim about political being and belonging. They therefore should avail themselves as useful analytical tools in the search for reading practices that are not content to constrain themselves within the horizon of identity thinking.

Citizen & Subject

In *Sense of the World* (1997), Jean-Luc Nancy draws some intriguing distinctions between the "subject" and the "citizen," announcing right away that "The subject is not the citizen (if at least one understands "subject" according to its philosophical or metaphysical concept)" (103). Considering them "pure formal notions," Nancy writes that, "together or separately," they "propose nothing other...than an absolute emergence or constitution of sense." He also rejects that one could ever offer "a pure example of either the politics of the subject or the politics of the citizen" (104). They must be thought together, somehow, and they are reckoned to form "the double polarity of our entire political sense" (103). What is the sense of this "double polarity"? Nancy draws this distinction: "The citizen is, first of all, *one*, *some*one, *everyone*, while the subject is, first of all, *self*, that is, the circling back through which a *one* raises its unicity to the power of unity. The citizenship comprises numerous unicities, subjecthood comprises an identificatory unity" (104). What does this mean? Nancy will attach certain other markers to each concept. To citizen, he adds "city," in a Greek sense ("and to a certain extent...the 'Roman' city"), "public space," and "the public qua space." The space of citizenship represents itself "neither as a territory nor as a domain nor as a *no-man's-land*, but as a circulation, a reticulation, an exchange, a sharing, a localization that is at once multiple, overdetermined, and mobile." The citizen moves and lives in this space and "is defined by it." The "exteriority" of the citizen meets the public qua space according to "a mobile complex of rights, obligations, dignities, and virtues." This complex represents "the mere institution of the city" and does not "relate to the realization of any foundation or end" other than that mere institution. One can see that

Nancy is trying to think the citizen here in its pure form. Citizens share together nothing but "functions" and "signs" that, in themselves, bear no relation to either a private sphere or nation. *Qua* form and "in accordance with its pure concept," citizenship "is always virtually citizenship of the 'world'." "World," here, is nothing more nor less than the space in which citizens move and the spacing that their movement exposes. One can perhaps understand, then, how Nancy can describe citizenship as having a "cosmopolitan" dimension, for where there is the citizen, there is the city.

To the idea of subject, Nancy will add "the appropriation and incorporation of a negativity (for example, a becoming, a relation, a spacing), that constitutes a 'self' and a 'being-self' as such" (*Sense* 106). It is worth noting that he will immediately think "subject" in relation to "politics":

> Thus, the political subject--or politics in accordance with the Subject--consists in the appropriation of the constitutive exteriority of the city.... For the space of the city an identity and substantiality are pre- or post-supposed as its principle or end. This identity and substantiality can take the form of the "people" in an organic configuration, or the form of the "nation," or those of property and production. And this pre-supposition of the self...comes to crystallize identity in a figure, name, or myth. Politics becomes the conduct of the history of this subject, its destiny, and its mission.

The subject, as understood here, "in accordance with its structural and genetic law as Stated by Hegel," appropriates the pure formality of the city. It fashions city-space as substance, as property, and as name. It gives substantiality to it, as "nation," for example.

And in a manner wholly at odds with but also, no doubt, in absolute complicity with "the citizen," the subject makes of and for itself a "destiny," a "history," and a "mission." Where the citizen figures merely as a kind of end ("in-itself," as Hegel might say), the subject appropriates its self as means, makes something (sense) of its self ("for-itself").

Subject and citizen thus represent two poles of a general political and historical situation and spacing. What Nancy gives us to think is the way that this relation very nearly completes a certain thought of the political. One side of the calculus (citizen) posits the form, while the other side (subject) posits the substance. One side posits the space and spacing of the political, while the other side posits the time of the political. Although this is not all Nancy will have to say about the political, one can perhaps begin to see why he is trying to think these concepts as the political's organization, saturation, and exhaustion, and as "self-sufficient sense" (*Sense* 103).

Before I turn to the two other terms--"sovereignty" and "community"--I want to illustrate more concretely the use of the subject/citizen dyad in thinking the political. Marx's "On the Jewish Question" is instructive in this regard, for it represents how difficult and necessary it is to think the abstraction and universality of the citizen in relation to the concretion and particularity of the subject. This relation, in some form, will remain a critical part of all of the literary reading strategies offered below. As Marx has shown, it is "the *sophistry of the political State* itself" that feigns abolition of what it actually relies upon for its very existence (34).[3] Ostensibly critiquing Bruno Bauer's misreading of the relation between religious and political emancipation, Marx expands Bauer's argument to examine "*the relation between political emancipation and human emancipation*" (30). This is the limit-problem that Marx posits anyway. One of his

largest point is that political emancipation and human emancipation are not equivalents, and that political emancipation, taken for human emancipation, re-affirms and re-constitutes all of the secular, egoistic identities that it purports to abolish:

> At those times when the State is most aware of itself, political life seeks to stifle its own prerequisites--civil society and its elements--and to establish itself as the genuine and harmonious species-life of man. But it can only achieve this end by setting itself in violent contradiction with its own conditions of existence, by declaring a permanent revolution. Thus the political ends necessarily with the restoration of religion, of private property, of all the elements of civil society, just as war ends with the conclusion of peace. (Marx 36)

At the limit of such a thought, the self-aware State threatens to abolish its "own conditions of existence," which is to say itself. But here Marx does not take this final step towards "authentic" human emancipation. Instead, he draws the lesson that mere political abstraction (in the form of the citizen) results in the "restoration...of all the elements of civil society." Against the liberal conceit that the achievement of total political liberation and equality translates into total human liberation and equality, and that civil prejudices and inequalities lose purchase once this political liberation is achieved, Marx implies that so long as political liberation and human liberation are equated, civil strife, as a structural matter, will continue. Marx's comments on political emancipation from religion make this clear:

> Man emancipates himself politically from religion by expelling it from the sphere of public law to that of private law. Religion is no longer the spirit

> of the State, in which man behaves, albeit in a specific and limited way and in a particular sphere, as a species-being, in community with other men. It has become the spirit of civil society, of the sphere of egoism and of the *bellum omnium contra omnes*. It is no longer the essence of community, but the essence of differentiation. (35)

Political emancipation represents "a great progress" for Marx because in the State "man behaves...as a species-being, in community with other men." "Man" does not behave this way absolutely, however, but only in a political, public way. Simultaneous with the institution of equal political life is the institution of "*civil society*, of the sphere of egoism and of the *bellum omnium contra omnes*." With political emancipation, according to Marx, man is divided "into the *public person* and the *private person*...." Furthermore, in the State's attempt to secularize itself, it does not therefore abolish religion. It only abstracts itself away from religion, expelling religion to a separate, ostensibly non-political, private sphere, i.e., the civil sphere. The important point, then, is that political emancipation institutes at one and the same time "the essence of community" *and* "the essence of *differentiation*." But religion is only one example of the State's "presuppositions." Also expelled to the profane realm of civil society are "material elements such as private property, etc., or spiritual elements such as culture" (35).[4] According to this design, it appears that every conceivable human identity or possession not belonging to the category of the citizen in liberal society, which all citizens theoretically shares equally, belongs to the civil sphere.

Since the political-civil relation is a socio-political manifestation of the universal-particular abstraction, and since the category of civil society houses "culture," ostensibly,

we might imagine that the public, "universal" realm is therefore purified of all the cultural particularities that comprise civil society.[5] But it may be more accurate to say that, in general, the thought of the public realm is possible only over and against the private sphere and the hierarchization of value within that sphere. Recall this crucial passage by Marx:

> Judaism attains its apogee with the perfection of civil society; but civil society only reaches perfection in the Christian world. Only under the sway of Christianity, which objectifies all national, natural, moral and theoretical relationships, could civil society separate itself completely from the life of the State, sever all the species-bonds of man, establish egoism and selfish need in their place, and dissolve the human world into a world of atomistic, antagonistic individuals. (51)

Here, Marx posits the origin of the public sphere ("the life of the State") by abstracting from the concrete determination of the private sphere. Hence, the rather odd statement that civil society reaches "perfection" by means of the separation of Judaism from the objectifying movement of Christianity. For Marx, the politically emancipatory space of the State only comes to light vis-à-vis the differentiation between Judaism and Christianity. This differentiation conditions every content that Marx subsequently ascribes to these religions: Christianity is "objective" and "celestial," Judaism is "subjective" and "terrestrial"; Christianity is "theoretical," Judaism is "practical"; Christianity is "sublime thought," Judaism is "vulgar practical application"; and so forth. Two things should be kept in mind at this point. The first is that Marx is trying to describe the limits of political emancipation, not human emancipation. "Human

emancipation" would supposedly mean the absolute abolition of the religious distinction altogether, or better the overcoming of the public/private split as such. Political emancipation is only possible by keeping the religious distinction in play, and religious emancipation is only possible by keeping the political distinction in play. But Marx cannot keep this distinction in play and simultaneously theorize the emergence of the political realm without (and this is the second point) ascribing value to the difference between Christianity and Judaism. On the one hand, Christianity and Judaism are seen to compose opposite sides of the same religious coin: "Objectification ['Christianity'] is the result of subjective self-alienation ['Judaism']." Accordingly, it is not too much to say that, politically, Christianity *is* Judaism; Judaism is the condition of possibility of Christianity, and vice versa. On the other hand, and at every step, Marx hangs the possibility of Jewish emancipation on the full and radical absorption of "Christian" theory into "Jewish" practice; Judaism must become absolutely "Christian." As I understand Marx's logic here, for Judaism to become Christian, Judaism must become aware of the "unreality" of its "religious essence"; it must become aware of "the ideal representation of practical need." In other words, Judaism must objectify itself, and this is Christianity's function for it. This is also why, according to this analysis, Christianity is the theoretical fulfillment of "Jewish" practice. The alienation that theoretical Christianity announces is the idealization of the alienation that practical Judaism "is." Civil society, for Marx, *is* "the empirical essence of Judaism"--"huckstering and its conditions," to cite one infamous phrase. "Society" (different from "civil society"?) only emancipates itself from this "empirical essence" through the absolute reconciliation of

the theoretical alienation that Christianity institutes (in which an abstract "human form," "species-existence," is conceivable) with the practical alienation of Judaism.

To cap this discussion, two points: first, for Marx, Jewish "social emancipation" is achieved through the universal objectification and abstraction of Jewish "essence." This universal objectification and abstraction is the function of Christianity for Judaism. Second, when Marx therefore concludes that "The *social* emancipation of the Jew is the *emancipation of society from Judaism*," this can be taken to mean that political emancipation is unthinkable for "the Jew" without the theoretical (dialectical) passage through "Christianity." The identity that Christianity and Judaism share as religions is thus overwhelmed by Marx's privileging of Christianity as the *sine qua non* of political emancipation. Christianity is thus privileged in its difference from Judaism and raised to the level of historico-political formality.

But, from Marx's point of view, the passage of civil society through the theoretical objectification represented by the State is still one passage short of total "human emancipation." The question is if Marx is able to think this penultimate relation between State and civil society without resorting to cultural analysis and ascription, and thus the inevitable differentiation and evaluation that such cultural analysis and ascription entails. My reading suggests that Marx cannot do this, not because of error but rather because of the ineluctable limitation of all political thinking, which must, in one form or another, posit a principle of identity or unity, on the one hand, and a principle of difference, differentiation, or "history," on the other. In "On the Jewish Question," the very thought of the State/civil, public/private opposition depends on the theorization, hierarchization, and evaluation of the differences that constitute Christian and Jewish

religions/cultures even as it also raises one of these poles, Christianity, to transcendental heights. Should we not therefore be worried that a kind of culturalist logic lives at the very heart of the oppositional thinking upon which the political is based? Perhaps, with the requisite caution needed, one can say that Marx has drawn attention to this principle feature of the radically subjective nature (here, religion) of an objective articulation (the political). But one must also say that Marx has done so only by re-articulating an oppressive structure at the very heart of his theory of liberation, perhaps even imposing historical necessity upon such a structure.

Sovereignty and Community

In the previous analysis, I have tried to show that subject and citizen, as indicators of universality and particularity, infinitude and finitude, are not easily, if ever, extricable. Even if we could admit of a subjectivity that was not also a citizen of a State *per se* (simply a "human being," for example), there is no escaping the conclusion that all subjectivity must be divided, so to speak, between its particular content, on the one hand, and the formal principle that conditions the self-splitting of particularity from universality, on the other. In other words, subjectivity must remain a matter of thought, and to remain so it must possess some universal aspect in addition to and concomitant with its material and historical particularity. In Nancy's lexicon, "citizen" plays the role of that universal signifier while "subject" tries to capture the particular. But, of course, these coarse boundaries, while perhaps necessary, are precisely what disintegrate upon close inspection.

This is also true of Nancy's use of "community" and "sovereignty." For clarity's sake, one might consider the following passage, where Nancy transitions between the citizen-subject and sovereignty-community:

> Thus, the citizen makes itself into the subject at the point of sense, at the point of the (re)presentation of sense. The citizen becomes subject at the point where the community gives itself (as) an interiority, and at the point where sovereignty no longer contents itself with residing in the formal autoteleology of a "contract," or in its autojurisdiction, but expresses also an essence....Reciprocally, the subject makes itself into a citizen at the point where the expressed essence tends to express itself in and as a civic space and, if one can put it like this, to "display" subjective essentiality.
>
> (*Sense* 106)

In the terms of "On the Jewish Question," citizen becomes subject "at the point" where the State "decides" that its interior content is bound up with religion, which in Marx's case takes the form of Christian/Jewish opposition. Sovereignty is the mechanism by which the community decides on one thing versus another, on this identity over that identity, on Christianity over Judaism, for example. In general, we can understand this citizen-become-subject as the sovereign declension from the empty form ("contract," "autojurisdiction") into substance ("essence"). "Reciprocally," the subject-become-citizen, moving in the opposite direction, raises its sovereign particularity to the level of communal universality, so that "subjective essentiality" masquerades as universal formality ("civic space"). The relation Nancy gives us to think is "appropriative interiority," on the one hand, and "inappropriable exteriority," on the other. And

although I have already suggested that citizen and subject are inextricably bound to one another, Nancy asserts that the same may not be true for community and sovereignty:

> On the one hand, community can be the division of the very spacing in accordance with which there are singularities, where this division itself, as such, is not appropriable. As division or spacing it is itself the origin of the principle. On the other hand, community can be the interiority in which division appropriates its negativity, becomes the subject that founds and subsumes within itself this division, endowing it thus with a substance of its own.... (*Sense* 107)

In the first case, sovereignty's relation to community is as a "mere outline of an area of shared jurisdiction," "nothing-properly-speaking," "the first and last point of [community's] institution and decision." In the second case, in which community "appropriates its negativity," both sovereignty and community become "the *res cogitans* of a subject effecting in person the autoteleology of its substance (whether this person be the people, the leader, the fatherland, the class, or the individual, as long as it is 'consciousness' or 'spirit')." Leaving aside for the moment Nancy's apparent judgment on the formula he states, what he apparently wants to think is the separation of a non-subjective community-sovereignty from a subjective one. We could call the latter any number of things, including Hegelian-Marxist, Liberal, Fascist, Communist, even democratic. What they all share in common, at the highest level of abstraction, is subjective identification. Over and against this subjective community-sovereignty, what one finds is precisely the identity principle that enables the negativity-appropriating subject to raise its particular status to the level of objective universality. For obvious

reasons, Nancy cannot say too much about this other sovereignty-community because, strictly speaking, it "is not appropriable," or non-representable. It resists articulation as particularity, but not, interestingly, singularity. Nancy expresses doubt at the possibility that a choice even exists here: "But it is not certain that political decision is a choice between this 'nothing' and this 'everything': rather, one has good reason to ask oneself if these two options are not in an intimate solidarity or connivance." Just as citizen and subject appear to demarcate a certain limit-thought of the political, so too do sovereignty and community. And while it will certainly remain possible to speak of citizens and subject, sovereignties and communities, when the question of the political arises, all of these terms must be dealt with separately and together.

This set of terms that Nancy gives us to think demands, then, that we consider the multiple sites where the set of terms--subject, citizen, sovereignty, community--reticulates, that is limits and de-limits itself in moments of overlap. One particular place to begin to understand this reticulation is in the context of the nation-State and the relation of that univocal entity to the manifold content that penetrates and surrounds it. Elaborating this relationship will prepare the way for a more strictly literary investigation into ways that Americanists have sought to portray not only the history and society that are the subjects of their research (nineteenth-century United States) but also of which the critic himself is a part.

What is the Relation of Finitude to the Modern State?

Should one be startled at the suggestion that American studies and indeed the American nation-State itself are founded, in principle, on some version of what today goes by "multiculturalism"? Not if one agrees with Carl Schmitt's opinion that "The

unity of the State has always been a unity of social multiplicity" ("Ethic of State and Pluralistic State" 201). Marx, I argue above, already outlined such a position in "On the Jewish Question," even though he perhaps did not draw Schmitt's conclusion. From a different point of view than Marx's, Schmitt asserts that the strength of the properly political dimension lies in its capacity "to prevent all other opposing groups from dissociating into a State of extreme enmity—that is, into civil war" (203). In the ideality and reality of the sovereign community called "America," for example, "citizen" becomes a formal spatio-temporal marker and "subject" is again and again saddled with predicates that distinguish one subject from another (qua individuals) under the citizenry heading. The same logic that Marx found in a German State struggling to liberate its *res publica* from its particularistic, private contents can be found in the American State (and indeed in any liberal State, which intrinsically values the public/private opposition). If this is correct, it suggests that the very articulation of Statehood requires a kind of constitutive pluralism that the former can repeatedly sacrifice for its own sake. I argue that this is true in the American State's historical relation to the so-called "cultures" that inhabit it. Finitude is always at stake in the articulation of the American nation-State, but this finitude does not simply possess an *a priori* cultural character in relation to the State's univocality. Rather, to the extent that finitude in effect becomes subject to, or in stronger language hostage to, the incursions or forces of community, sovereign and otherwise, it articulates itself or is articulated together with, over and against, but in any case in strict relation to, the blanket universality that comprehends the subject-citizen and enfolds its predicates into the nation-State narrative, which becomes its highest form of expression.

Nancy's concepts solicit a renewed thinking about the nation-State as a unique instance of the phenomenology of the political, for in the idea of the nation-State one finds the idealization, if not actualization, of the way that subject, citizen, community, and sovereignty combine to announce a certain political freedom. The stakes being what they are, it important to question the relation of the nation-State to Nancy's concepts in some depth. One place to begin, for example, is precisely in this linkage of nation to State. What exactly is invoked by the term "nation-State"? No doubt certain consequences follow their conflation. For example, when the public character of the State is stressed at the expense of its national prerequisites, that is when it is understood as autonomous and not subject to the particular content that it at once draws upon and suppresses in its self-fashioning, we risk losing sight of the logic through which the thought of the State was possible in the first place. On the other hand, when private, "cultural" or national prerequisites take precedence, we risk forgetting that the differentiation, evaluation, and hierarchization implicit in the culture and nation concepts depend upon the thought of the State form as their principle, or agent, of differentiation. In theorizing the State form and its relation to its internal constituents at the conceptual levels of nation and culture, we will therefore strive to keep in view the form and content that the State claims as its own identity and the content it must exclude, suppress, or contain for the construction and maintenance of that identity.

The idea of "America," of course, refers to a nationalistic belonging as much as it does to the American State. In the U.S., all citizens are American nationals in principle, and identities or subjectivities that fall outside of this political-juridical tautology are supposed to be irrelevant regarding citizenship and its privileges and protections, its

rights and duties--that is, prior to the supplication of and by such subjectivities for nation-State inclusion. At one and the same time, "America" articulates both halves of the citizen-subject dyad analyzed above, one "empty" and formal, the other substantial and "historical." Because "America" is a nationalist as well as a Statist concept, it retains deep historical and etymological connections to the culture and race concepts. In his ever-useful *Keywords*, Raymond Williams writes under the "nationalist" entry (derived from a Latin meaning indicating "breed" and "race") that the concept "originally" contained "a primary sense of a racial group rather than a politically organized grouping" (213). Williams continues: "Since there is obvious overlap between these senses, it is not easy to date the emergence of the predominant modern sense of a political formation. Indeed the overlap has continued...." According to Williams, Herder and Klemm's innovation was "to speak of 'cultures' in the plural: the specific and variable cultures of different nations and periods, but also the specific and variable cultures of social and economic groups within a nation" (89). For Williams, race, culture, and nation are not merely synonymous. Instead, they begin to indicate the ways in which unicities of "individuals," or peoples, could be aggregated or broken down into greater or lesser unities. Moreover, these unicities relate to each other in concentric ways. When one speaks of the modern American nation-State, for example, popular discourse tends to assume that the "cultures" or "nations" that fill that nation-State identify with, or should identify with, the State as the ultimate protectorate and ruler while at the same time be permitted to cultivate belonging in, if not ultimate political allegiance to, some ethnic, racial, or cultural group within it. In the U.S., one can be African-American, white, Korean, etc., etc.. What these different identities share in common is of course the nation-State

identity "American," though these identities must also be held strictly separate, at least in thought. This reasoning extends to nation as well as culture and race. One can belong to the Cherokee nation or the "white nation" or the Nation of Islam (this is where the comparisons end) and still share in a nation-State belonging at the level of citizenship. The nation-State, taken as a conflation of separate terms, is able to supply both the terms of its unicity and its differentiation, not merely its differentiation from its exterior but also within its interior.

Is it not possible for a nation-State to represent and, in principle, to contain within its borders just one nation, so that there is an absolute or adequate identity between nation-culture-race, on the one side (that is, "private" identities or predicates), and State, on the other (that is, "public" identities or predicates), thus dissolving the private-public split where identity is concerned? I have tried to cast doubt on such a possibility. The identity formation of the nation-State presupposes the pluralism of identity, both inside and outside of its borders. But, it might be objected, the Other to the nation-State identity could be removed to the exterior of the State border. But there will and must always remain an Other *inside* the nation-State border to supply the principle of differentiation whereby the State can posit its own principle of abstract identity. It is well-known that not only race but gender, sexuality, and class have often functioned to name this principle of differentiation inside the nation-State. But what critics of the nation-State form sometimes forget is that the principle of sameness/differentiation, exclusion/inclusion, does not necessarily take any particular form. In fact, the nation-State's discursive strategies of consolidation thrive at the border between the sense that will serve to hold it together and the non-sense, from its own point of view, that it judges could tear it apart.

The precarious nature of State order relies on the use of any signification that can serve to protect its own interiority. I will discuss this problematic in chapter two below in terms of the moral contract.

Nation-State univocality or unicity therefore presupposes a plurality of nations, cultures, races, genders, *or whatever identity.* Throughout U.S. history, if one can speak of *a* U.S. history, "minoritarian" or "subaltern" subjects have recognized this overdetermined and politicized character and content of citizenship and have achieved varying measures of political status and power by contesting that overdetermination through the assertion of national identity. Indeed, it is precisely because these populations have recognized the radically unstable, political nature of identity that they have been able to "speak truth to power," as the phrase goes, and wrestle the prerogatives of citizenship from its protectors.[6] According to this well-understood historical irony, national identity has provided many people over many years a modern principle of sovereignty and community with which they have defended themselves against the assaults of a politically and economically dominant nation or people. Whatever else one makes of it, then, the nation concept can be understood as an index to a range of different types or modes of community and identification, whether predicated along racial, ethnic, sexual, gender, class, regional, or other orders, and as a political strategy in asymmetrical power relations among political subjects. I have been focusing on the highly peculiar fact that all national-State belonging presupposes a plurality of "national" belonging. This merely illustrates the larger principle that every unifying principle of whatever sort presupposes a conceptual or actual plurality of subjects without which this notion of unification would be unimaginable.

Etienne Balibar's short essay "Is There a 'Neo-Racism'?" can help further clarify these claims I have been asserting with regard to the nation-State concept and dialectic. Balibar defines racism as "a true 'total social phenomenon'" that

> inscribes itself in practices (forms of violence, contempt, intolerance, humiliation and exploitation), in discourses and representations which are so many intellectual elaborations of the phantasm of prophylaxis or segregation (the need to purify the social body, to preserve "one's own" or "our" identity from all forms of mixing, interbreeding or invasion) and which are articulated around stigmata of otherness (name, skin colour, religious practices). ("Neo-Racism" 17-8)

One of the effects of investing the arbitrary phenomena that constitute the "stigmata of otherness" with meaning and mobilizing them within, we should emphasize, *a total socio-historical relation* is the production of identifiable communities or groups--"'one's own' or 'our' identity":

> It is this combination of practices, discourses and representations in a network of affective stereotypes which enables us to give an account of the formation of a racist community...and also of the way in which, as a mirror image, individuals and collectivities that are prey to racism (its "objects") find themselves constrained to see themselves as a community.

Already we can see in Balibar's analysis the uneven development that necessarily must obtain in racist communal formations. Indeed, he implies that community *per se* is racist, or neo-racist, at its very foundation. The "practices, discourses and representations" separate the practitioners from the practiced-upon, the purifying agents of the social body

from the stereotyped, stigmatized Other in need of purification. While "neo-racism" is Balibar's ostensible subject, he has provided the clues necessary to extend a certain formal logic of racism to other discriminatory practices, discourses, and representations. As he points out, racist ideology and practice produce both the community of the racist as well as the community of the racially oppressed. (Logically, we might add, as soon as the racist community is identified auto-referentially, it grounds the mechanism for the identification of every other conceivable community, vis-à-vis simple structural differentiation of meaning; i.e., if I imagine myself to be such-and-such an identity *qua* person, I must imagine an other whose ontological content is substantially different from my own in order that my identity enter into a field of comparison and differentiation and thus become knowable.) It is in this sense that racism is a "total social phenomenon." But can we extend this logic to other categories of oppression, sexism, for example? While considering the prerequisites for abolishing racism, Balibar implies this analytical parallel:

> For the destruction of the racist complex presupposes not only the revolt of its victims, but the transformation of the racists themselves and, consequently, the internal decomposition of the community created by racism. In this respect, the situation is entirely analogous...with that of sexism, the overcoming of which presupposes both the revolt of women and the break-up of the community of "males".[7]

Speculating on the possibility of destroying racist and sexist complexes, Balibar implies that racism and sexism are analogous in the way that these ideologies and practices invest arbitrary, contingent phenomena with social meaning as a means of group differentiation

and control. In other words, "*the internal decomposition of the community created by racism*" is the discursive strategy through which a general communication and communicability is mapped out and comprehended. As an aside, it is noteworthy that Balibar underscores the "break-up of the community of 'males'" as a precondition for "the overcoming" of sexism. What he fails to mention is that the agents of "revolt," "women," must also break-up. Only then will the patriarchal sexual relation be radically abolished.

Balibar will then note the historical change in "the West" from beliefs in biological racial difference to immutable "cultural" difference. Although the "anthropological culturalism" Balibar is writing of in these pages has also long been discredited, he makes an important point about the culture concept and its relation to the idea of hierarchy:

> It is not difficult to see that, in neo-racist doctrines, the suppression of the theme of hierarchy is more apparent than real. In fact, the idea of hierarchy...is reconstituted, on the one hand, in the practical application of the doctrine..., and, on the other, in the very type of criteria applied in thinking the difference between cultures.... (24).

"Cultures," here, and the theorization and institutionalization of the culture concept work in precisely the same way as the theorization and institutionalization of the race and sex concepts, at least to the extent that they imply the separation and hierarchization of being(s), human and otherwise.[8] What I want to draw attention to here, in particular, is Balibar's destruction of the conceit that it is possible think the equality-in-difference of "cultures." The "very type of criteria" used in evaluating cultural difference *as such*

immediately interrupts cultural equality, which is only meaningful because it also interrupts political equality. Any attempt to think the objective suppositions of identity and difference along cultural lines (vis-à-vis which one might then plausibly theorize cultural equality-in-difference) is doomed to hierarchize and evaluate "culture," explicitly or implicitly. One will only end up repeating the "barely reworked variants of the idea that the historical cultures of humanity can be divided into two main groups, the one assumed to be universalistic and progressive, the other supposed irremediably particularistic and primitive" (25). This opposition, which I argue effectively captures the logic of the entire rubric of the citizen-subject relation, should bring to mind Marx's vexed critique of political emancipation in "On the Jewish Question."

The Aporia of Citizenship and the Bracketing of Finitude

At the very beginning of his second lecture in *Political Liberalism*, entitled "Powers of Citizens and Their Representation," John Rawls asks this question: "how is it possible for there to exist over time a just and stable society of free and equal citizens who still remain profoundly divided by reasonable religious, philosophical, moral doctrines?" (47). One answer Rawls gives, in the third lecture, centers on the Kantian view that insofar as an individual is a practical and reasonable person living among equally practical, reasonable people, together they can agree on "an appropriate basis and ordering of political values for a constitutional regime characterized by reasonable pluralism" (98-9). Rawls, not unlike Charles Taylor, thinks that a State identity (citizenship) can be democratically established that permits of "reasonable pluralism," which is to say reasonable difference. Of course, the entire question hinges on what exactly this phrase means. I have already pointed out, in other terms, that the identity of

citizenship founds itself on civic difference, and I have tried to understand the way in which citizenship, far from merely respecting "reasonable" difference, in fact constitutes itself vis-à-vis the differences that it recognizes and does not recognize. Indeed, I have asserted that citizenship can only constitute itself vis-à-vis the pluralism that it recognizes and the differences (pluralisms) that it excludes. Does not Rawls's very notion of an "Autonomous political conception" capable of "ordering" a "constitutional regime characterized by reasonable pluralism" require the (non)recognition of differences that do not quite attain the level of the "reasonable"? How else would the regime of citizenship ever recognize the reasonable?

Citizenship is the State's means of recognizing, privileging, and including particular identities at the expense of the exclusion of other identities. This is not to say that the identiary character of citizenship does not change. The formal character of citizenship is able to accommodate whatever identity, so long as it keeps identities in reserve that it cannot accommodate. This, perhaps, names an aporia of citizenship. This aporia demands that we separate the national and State concepts while also recognizing that these concepts can and do intersect strategically. To reiterate, following Balibar, "national" identity can mean any community whose identity principle everyone in the community shares in common, either by choice or by necessity. National belonging is a total concept, a concept that names a totality. Citizenship can conjoin different non-Statist national identities into a single identity (in a time of war--the so-called War on Terror, for example--African Americans, women, homosexuals, and other marked populations in the U.S. are expected by the State to represent themselves, primarily, as American), but it leaves other identities in reserve.

A cursory survey of the literary-historical landscape of the nineteenth-century U.S.--but really back to and before the very beginning of the Republic--shows that identity has always been internally "pluralized" in this way. The fact that the majority of inhabitants in the United States in the nineteenth-century were denied full and equal civil and political rights yet were considered, in many cases, fodder for a "progressive" educative democratic process reflects this internal, "cultural" differentiation that citizenship requires. This historico-logical problematic is neatly framed above by Balibar: one group, the dominant one, is "universalistic and progressive"; the other is "supposed irremediably particularistic and primitive."[9] All ethno-cultural identities, not least of all whiteness, emerge in force-fields of radical inequality and hierarchy.[10] The very existence of ethno-cultural markers of group identity is symptomatic of this. These markers become politically useful to hegemonic blocs when they assist in demarcating the internal borders of citizenship, classifying who is "in" and who is "out," who is constitutively capable of democratic self-governance and who is incapable of it. This aporetic procedure--"universal" inclusion premised on radical, foundational exclusion--is not confined to the nineteenth-century United States, but is ongoing and indicative of the logocentric nature of modern citizenship as such, or so I am arguing. African slavery, the absence of women's suffrage, property, educational, and racial requirements for voting, and indigenous removal and concentration are only the most visible of historical injustices that carry the aporia of citizenship at their core.

II. A Practical Situation: The Americanist Debt to the Aporia of Citizenship

In the preceding pages, I have tried to lay a theoretical groundwork for an argument about American studies. I will now turn to that argument. Keeping in mind the

structure of the citizenship-subject as analyzed by Nancy, what I have called the aporia of citizenship, I will first attempt the transition to important statements in the history of Americanist literary-critical theory as a way of resituating the preceding theoretical discussion on more practical grounds, that is at the level of practice in the discipline called, broadly, American studies. After summarizing my findings on a narrow yet influential tendency in Americanist criticism, I will close this Introduction by circling back to a general political discussion in order to further clarify the terms that will structure the remaining chapters of the dissertation.

American Studies and the Aporia of Citizenship: Matthiessen, Bercovitch, Pease

The aporia of citizenship--the conflation of the formalism of the citizen and the predicative subject--is being explicitly theorized now with particular intensity in American studies. For Americanist literary critics, a leading question is now how to negotiate the relationship between citizenship and the civil, "private" sphere, after the political nature of citizenship is fully recognized; that is, after it is recognized as the prize of political struggle and domination and not as an equal right given at birth or automatically gained upon inclusion in the polity. One strategy of the so-called New Americanists has been to recover the subaltern histories "lost" in the rise of citizenship's hegemonic (still predominantly white, male, heterosexual, propertied) master-narrative and content.[11] This strategy tends to respond to the oppressive stratifying character of citizenship by shifting critical focus from analysis of State apparatuses to the alleged cultural-historical effects of these apparatuses and human responses to them.[12] In order to combat the exclusionary apparatuses, institutions, and discourses modeled, historically, upon white male subjectivity, cultural studies, in general, has sought to recover and/or

create (this is the question) "subaltern" subjectivities capable of entering civil society with the hope of influencing social, political, and economic institutions and policies. While these efforts at alternative nation-building are hardly objectionable in a liberal modality and discourse, they require criticism to the extent that, like the white male nationalism they combat, they rely precisely on a politics and philosophy of the subject. [13] One rationale behind this search for new or alternative "usable" histories is that the historical inclusion of the narratives of previously excluded populations at the largest levels of national ideology and its institutionalization will have positive political, social, and economic consequences not only for the descendents of those populations but for all people within the given nation-State. But the question here is not whether such gestures of inclusivity are, finally, politically progressive but whether the progress or future they announce can oppose in a radically critical fashion the philosophical presuppositions against which they struggle--racism, for example. From a liberal point of view, there can be no doubt that the formal universalization of right and political-economic access and opportunity, including inclusion in processes of literary canonizations, are progressive developments. But liberalism cannot address the problem of subjectivity in its infinitely differential relations (which would spell the death of subjectivity) without, at some strategic moment, reducing difference to a fundamental identity. Liberalism relies on the State to put a halt to the ontological slide of subjectivity, and it call this seizure of subjectivity "equality." But it is always equality-in-hierarchy. It is here that liberal thought is constrained by the aporetic logic we saw at work in citizenship.

Multiculturalism

An overwhelming assumption governing literary studies today is that State inclusion is a positive good in itself, and moreover that it constitutes a progressive politics. "Multiculturalism" is one sign governing this process. With the advent of multiculturalism as a disciplinary pursuit, usually called cultural studies, it is typically assumed that the cultural exclusions said to define previous academic hegemonies or dominant discourses and reading practices have been or are in the process of being eclipsed. With multiculturalism, a politically constructed and imposed mono-culturalism is overcome and a potentially non-exclusive multi-culturalism or cultural pluralism instituted. Discourses of multiculturalism have insisted that it is possible to think cultural belonging and State belonging without there being any subsequent political discrepancies among cultures. Schmitt's analysis of pluralism and the State, discussed above, should put such conceits to rest. In the first place, this dimension of multiculturalist discourse forgets the culture concept's indebtedness to the sort of ontological reductivism characteristic of the race concept. Secondly, it forgets that such reductivism is never an absolute value but relative to other reductions, other cultural groupings. These groupings are then ascribed values vis-à-vis one another and thus necessarily hierarchized. Schmitt's point is that the State transcends these differences insofar as it dominates them and prevents them from developing into properly political antagonisms--that is, along the axis of friend/enemy.

At the heart, then, of culture is the decision *about* culture. Scott Michaelsen implies such decisionism when he writes, "There is, in this world, no culture as such at all, but *only anthropology*" (*Limits* xix). Arguably, multiculturalism, far from breaking

with the terms of exclusion that have defined literary studies in the U.S. from its beginnings, merely reiterates all of the terms of exclusion that it intends to overcome. As Michaelsen argues: "The concept of culture, in the first place, is always a matter of *total significance*" (xvii). Furthermore: "Culture is neither an individual practice, nor is it a group of such practices--or, rather, it is never *merely* this. Rather, it is a practice or group of practices or a totality of practices enlarged into a meaning or significance [...] and at the moment of that enlargement, at the moment of the decision that makes practices count for something, 'culture' is produced, made visible" (xviii). Culture represents a "meaning or significance" ascribed to a previously indeterminate range of social practices and an evaluation of that meaning or significance, which is to say that a value is attached to that meaning--it is made to "count for something." The necessary total significance of the culture concept, regardless of whether it is applied to one person or a group of persons, hopelessly entangles it in a basic structural conundrum involving relation and value; i.e., its value is derived through comparison with other individuals or "cultures." Furthermore, "the decision that makes practices count for something" represents the judgment implicit in evaluation that, also of necessity, arranges individuals and cultures hierarchically.[14] One can readily admit the constructed nature of the notion of culture and also recognize that such construction does not necessarily alter the reductive function that the culture concept performs when it is deployed. In other words, one can recognize that culture is a construct and still use it in the same way as if it were still thought to correspond to a natural fact. In both cases, the culture concept threatens to fix subjectivity as a timeless or semi-permanent feature of the individual's social-political being; indeed, this fixation, at whatever moment, is the source and "soul" of subjectivity.

In all its forms, the culture concept is premised on the idea of the *one*. To put it another way, the culture concept, in both natural and social formulations, is infinitely indebted to a metaphysics of the subject. As such, it endlessly determines and maintains fictive borders distinguishing beings and bodies, group-bound, differentiated, and hierarchized. The task I have set for myself is to think at the limit of these fictive borders, not in order to consign them to the dustbin of history, as if such a thing were possible, but to determine the chance at a non-hierarchical, non-exclusive sociality and relationality. It is the chance of a thought, of a reality, and of a praxis that is at stake here. But this chance only becomes possible through the determination of boundaries or limits of concepts themselves.[15]

Determining the conceptual limits on the question of culture in important statements in Americanist literary criticism can assist us in determining the limits of Americanist thought on the related question of a national literature and, by extension, the limits of its object(s) of criticism. With the subject "American literature," we see the assertion among critics of an allegedly cultural, or multicultural, production within and without the State borders of the United States. This is true at least since V.L. Parrington, F.O. Matthiessen, and Perry Miller and continues today, I will argue, among critics who seek to salvage and deploy the culture concept stripped of its more pernicious ethnocentric implications and connotations. Sacvan Bercovitch, Donald Pease, Russ Castronovo, among many others, continue to struggle in different ways to maintain a politically progressive relation between text, culture, and nation. My hypothesis is that their interpretive strategies rely on a direct or indirect linkage between the concepts of culture and nation, and as a result further depends on a subjectivity that repeats the

inclusive/exclusive logic that made culture such a troublesome concept to begin with. So while I cannot treat the critical works that follow with the depth of analysis that they deserve, I will try to point out a few of the central cruxes where the culture-nation identity becomes indispensable to the critical work as a whole.

By way of anticipation: in *American Renaissance*, for example, F.O. Matthiessen, one of the illustrious figures of American Studies, structures his very thought upon a concept of culture, which he never clearly defines. Early in this book, he writes: "An artist's use of language is the most sensitive index to *cultural* history, since a man can articulate only what he is, and what he has been made by the society of which is a willing or an unwilling part" [my italics] (Matthiessen xv). The first line of Sacvan Bercovitch's monumental *The American Jeremiad* succinctly states, "Rhetoric functions within a culture" (*Jeremiad* xi). In a later book, *The Rites of Assent*, Bercovitch establishes his epistemological frame of reference, again from word one:

> When I first came to the United States, I knew nothing about America. This book represents a long and varied effort to come to terms with what I discovered. From the start the terms of discovery were interchangeably personal and professional. What began as a graduate student's research issued in a series of investigations that express both a developing sense of the culture and a certain process of acculturation. (1)

In *Visionary Compacts*, Donald Pease grounds his central premise--the so-called "Renaissance" writer's search for "forms of cultural agreement more lasting than the mere opposition to a past sanctioned by the Revolutionary mythos"--upon an undisclosed version of the culture concept. Indeed, the assumption of culture is predicative of his

entire critical exercise; the word, invoked no less than four times, forms the core of the Revolutionary mythos's critical influence from which he would distinguish his own work: "According to [this criticism], inconsistencies in character, theme, and cultural action participated in much greater cultural contradiction, the permanent opposition between the culture's past and present demanded by the Revolutionary mythos, the dominant structuring principle for all American culture" (Pease ix). Russ Castronovo, one of the most currently visible of New Americanists, manages to defer culture's introduction until paragraph four of the *Preface* to *Necro Citizenship*, but finally he capitulates, anticipating critical readings among "a host of cultural producers" that "well up from regions of popular discourse within U.S. public spheres" (xii). A page later, Castronovo states his desire to "remember" "submerged cultural heritage" (xiii)--a desire that saturates his entire project.

There are at least two potential problems here that justify closer examinations. First is the astonishingly uncritical acceptance and use by these writers of the culture concept. In each case, the reader is encouraged to agree to the transparency of culture and not only to affirm that something such as culture exists but that it has content. This would be less serious, but not much, if--and this is the second problem--these writers' analyses did not actually depend upon a culture concept, however silenced or buried, for their sense-making. Over the next few pages, I will attempt to identify the linkages these writers make between the culture concept and the nation concept in order to make the point that the American Studies discipline, or at least a visible strain of it, continues to be completely indebted to a race-culture-nation nexus, and as such retains a deeply conservative analytics. Reliance on this nexus constrains critics to imagine political

possibility according to long-standing terms in both liberal and socialist traditions.

Matthiessen

It would be difficult to overestimate the influence of *American Renaissance* on the development of American literary and cultural studies, for it was in large part Matthiessen who set the terms of subsequent debate and identified the major themes of his writers as the major themes of American democracy itself.[16] Matthiessen also helped define the role of the modern literary critic in American society. Not content, ostensibly at least, with further pursuing V.L. Parrington's attempts to "understand what our fathers thought," as if a critic could gain immediate knowledge of the thought of a critical forebear, Matthiessen thought that "works of art can be best perceived if we do not approach them only through the influences which shaped them, but if we also make use of what we inevitably bring from our own lives" (ix, xiii). While this rationale manifests itself in *American Renaissance* through comparative aesthetico-historical analysis--reading the so-called Renaissance writers through the referencing of contemporary writers, Henry James and T.S. Eliot, for example--still it recognizes the role, however underdeveloped, of "the present" in understanding "the past." It is precisely this "past" that Matthiessen finally hopes to "illuminate," in the hopes of bringing the "meaning" of its literatures to bear on the future of "our democracy" (x, xv). Matthiessen wants to "use" literature in the service of democracy, but in order to do that he must first "have comprehended its meaning" (x)--a thought which shifts the bearer of truth from Parrington's fathers to the texts themselves, from mind to material. But the effective assumptions are the same: literary, and as a result socio-cultural, truths exist, and it is the task of the critic to deliver them to the surface of thought. That which "we inevitably

bring from our lives," then, should perhaps be understood as tools that we use to excavate the words and symbols of literature in order to arrive at their true meaning and function in American democratic life. The critic undergoes a shift under Matthiessen, from being literary biographer and historian of thought (Brooks and Parrington, for example) to a political and cultural critic, and more than that, a cultural historian, but in the guise of non-historical aesthete. This was how Matthiessen envisioned his own role anyway. To repeat: "An artist's use of language is the most sensitive index to *cultural* history, since a man can articulate only what he is, and what he has been made by the society of which he is a willing or an unwilling part" [my italics] (xv). (Matthiessen says "artist" here, not "critic," but given his un-mediated reading practices, we can arguably substitute the latter for the former.) Matthiessen's belief in "culture" and his identification of it with "society" could not fail to produce precisely the sort of regionalist, intensely culturalist, and ultimately elitist literary study that *American Renaissance* turns out to be, irrespective of its gestures towards democracy, and perhaps even because of these gestures.

Still, what remained so powerful for the Americanists who came after Matthiessen was this notion that the Renaissance writers sought "to give fulfillment to the potentialities freed by the Revolution" and tried "to provide a culture commensurate with America's political opportunity" (Matthiessen xv). These potentialities, whatever they might be, could outlive Matthiessen's blindnesses, and "America's political opportunity" was flexible and dynamic enough to survive the increased democratization that occurred in U.S. society and American Studies in the 20th-century. The manner in which Matthiessen framed the critical task--through his linkage of American political

potentiality and local aesthetic, or culture--allowed subsequent critics to continue to strive to repossess the past, to re-make the democratic myth adequate to the changing political and cultural environment of the present day. Above all, Matthiessen laid the foundation for a strictly national literature which would be put in the service, ultimately, of a national development and security. The critic herself ought to be reading in the mode of the jeremiad, which is to say that she should be seeking to show America its true self, in the arguments and symbols of its literatures. Quoting Louis Sullivan, Matthiessen wraps up the introductory "Method and Scope" with this injunction to the American critic: "His work must prove, in short (and the burden of proof is on him), that he is a citizen, not a lackey, a true exponent of democracy, not a tool of the most insidious from of anarchy...In a democracy, there can be but one fundamental test of citizenship, namely: Are you using such gifts as you possess for or against the people?" (xv-xvi). Invoking the critic's responsibility towards citizenship, democracy, and "the people," Matthiessen linked a literary responsibility with a political responsibility. Indeed, literary responsibility *as such* is weighted with liberal commitments.[17] This equivalence between culture, society, and State that Matthiessen draws is a synecdochal elevation of New England "culture" to the level of national "culture."[18] Matthiessen's claim that the Renaissance writers strived to "provide a culture commensurate with America's political opportunity" should not be underestimated. The choice of the word "commensurate" serves not only to invest "the potentialities freed by the Revolution" with particular meanings, but to locate those meanings as the possession of a minoritarian, politically unrepresentative though ascendant group. Matthiessen's efforts to "repossess" their "pattern of achievement," given the logic of his formulations, raises questions that ought

to be asked of the critics that lean so heavily upon him, especially when they seek to distance themselves from *American Renaissance*.

In Matthiessen's hands, literary criticism thus becomes a labor of citizenship, which means, here, that criticism labors to align, to make commensurate, the literary work of the past and the political work of the present. As we have seen, this labor does not therefore mean culture and society actually do become equivalent. In the first place, history is always happening, and criticism, where it is not actively shaping historico-political development, must strive to stay contemporary with it. The work of keeping abreast with history means producing readings that relativize literature vis-à-vis a perceived present. In other words, Matthiessen must produce literary objects that are intellectually commensurate with the present; they "speak" to and for the present, like an allegory. In construing his object, Matthiessen makes a part (New England) stand for the whole (America). This move is no doubt theoretically dubious, and it draws attention to a tendency in literary work to mistake historical contingency for cultural certainty. Once Matthiessen makes this move, there is nothing to stop him from locating and securing American democratic possibility in the literature of a relatively obscure corner of American intellectual life. The identification of this historical contingency with national cultural life does not necessarily make it appear as if American literary culture is New England culture writ large. On the contrary, national literary culture can be imagined to be free of the contingency that constitutes it. Those who imagine that there is such thing as a national literature forget that this literature does not spring fully formed from the head of "the nation." They forget the necessary political choices implicit in such an election and elevation.

Bercovitch

But even when one remembers that a national literature, in somewhat the same structural way as citizenship, represents the elevation of particularity to the status of universality, this by no means guarantees that the critic will be able to break with that structure in any meaningful way, if that happens to be his predilection. Indeed, according to Sacvan Bercovitch, Americanist criticism is profoundly caged within the dialectical "rites of assent" that constitute what he will call "the American ideology." Even when the critic is intent on breaking with this ideology, when she insists on imagining a radical alternative to the American Way, at such moments the peculiarly and specifically American ideology is most felt, its appropriating mechanisms most engaged, its shepherding function most intensified. Consider the following long excerpt from Bercovitch's book *Rites of Assent* (1993), published fifteen years after *The American Jeremiad* (1978) yet repeating the essential arguments of that book. In this passage, Bercovitch tries to encapsulate the economy of "the American ideology," and ends up dwelling on "two caveats":

> The first is that the term itself is somewhat misleading. *The* American ideology suggests something almost allegorical--some abstract corporate monolith--whereas in fact the American ideology reflects a particular set of interests, the power structures and conceptual forms of liberal society in the United States, as these evolved through three centuries of conflict, upheaval, transformation, and discontinuity. So considered, "America" is not an overarching synthesis, *e pluribus unum*, but a rhetorical battleground, a symbol that has been made to stand for diverse and

> sometimes mutually contradictory outlooks. My second caveat tends in the opposite direction--a qualification of the qualification. I would argue that, in spite of all that diversity and conflict, the American ideology has achieved a hegemony unequalled elsewhere in the modern world. For all its manifold contradictions, it is an example par excellence of the successful interaction between restriction and release. Ideology...arises out of historical circumstances, and then re-presents these, rhetorically and conceptually, as though they were natural, universal, inevitable, and right; as though the ideals promulgated by a certain group or class...were not the product of history but the expression of self-evident truth. (355-6)

This is a complex, revealing passage. First, Bercovitch recognizes that "the American ideology reflects a particular set of interests." Understood as a relation between the universal ("the American ideology") and the particular ("interests"), Bercovitch's analysis is close to my own on the question of the aporia of citizenship. But then comes an interesting move. Instead of saying that the national symbol "America" is the resultant prize of "mutually contradictory outlooks" and rhetorical struggle, he says that "America" stands "for diverse and sometimes mutually contradictory outlooks." In other words, for Bercovitch, "America" ideally encompasses or contains "mutually contradictory outlooks"; it is a heterogeneous symbol, or better a symbol representative of difference. And yet, "'America' is not an overarching synthesis, *e pluribus unum*"; it does not synthesize one out of many. Instead, it invites rhetorical conflict, always already supplying the terms of dissent, and transforms that conflict into its very *raison d'être*. How do we square the problem of "diversity" (a common euphemism for multi-

culturalism, racial, and ethnic difference) on the one hand with the quality of unity that "the American ideology" demands us to think?

The "second caveat," the "qualification of the qualification," does not settle matters. Here again, Bercovitch appears to affirm my analysis of citizenship: that the procedure of Americanization promotes the illusion that "the ideals promulgated by a certain group or class...were not the product of history but the expression of self-evident truth." But then: "in spite of all that diversity and conflict, the American ideology has achieved a hegemony unequalled in the modern world." On the one hand, Bercovitch is acutely aware of an aporia and procedure of "American ideology," rendering them in cultural terms. He was one of the first to see that this procedure actively promotes "diversity and conflict" and then extracts, or privileges, a particular set of interests, says that it stands for the whole, proclaiming it natural and timeless. On the other hand, "America" cannot then "stand for diverse and sometimes mutually contradictory outlooks." What Bercovitch has already shown, rightly, is that "America" stands, first, for hierarchy and exclusion in the consolidation of political power and, second, for the denial of this strategy and procedure. He then, somehow, wants to affirm this "American ideology," translated into a critical methodology, as a key to a politically, intellectually, and above all *culturally* productive and progressive futures. But the thought of heterogeneity is impossible without some epistemological standpoint that allows one to relate the heterogeneous elements. This is the recurring problem of relativism in this work. If America does come to stand for "diversity," then it is at one and the same time quintessentially *e pluribus unum* and representative of a judgment upon just what this *pluribus* is, what "it" is in its constitutive elements. In judging the quality and quantity of

diversity, "America" also ranks and prioritizes the "elements" of "diversity." We must question whether and how the diversity that Bercovitch imagines expresses itself decisively around the culture concept.

Above, Bercovitch simultaneously proffers and denies the efficacy of the definite article "the" in "*the* American ideology." He is not as ambiguous, initially, in his use of the culture concept. By immediately identifying "culture" with the national history taking place within the territory called the United States, Bercovitch represents the nation as a total culture. As a determinate totality, "the culture" becomes suddenly an object for discovery by, interestingly, a foreign observer...Bercovitch! Demarcating his personal experience as a Canadian national from United States "culture," Bercovitch conceives his outsider status as an epistemological passport and license: "When I first came to the United States, I knew virtually nothing about America. This book represents a long and varied effort to come to terms with what I discovered" (1). By interpreting his "self" as utterly foreign to "the culture," ("I knew virtually nothing") Bercovitch at once constructs a cognitive space not yet contaminated by the object he would discern and stages the very "process of acculturation" that he will soon call "the American ideology." The "strength" of this process "lie[s] in the sustained discrepancy between the journey's subject and object." Bercovitch writes: "It is a principle of socialization in the United States that the discovery of America is converted into a process of self-discovery, whereby America is simultaneously internalized, universalized, (as a set of self-evident absolutes), and naturalized (as a diversity of representative social, credal, racial, and ethnic selves)." Once set afoot on his own errand into the American wilderness, Bercovitch imparts to the reader his reason for the walkabout: "My subject is the discovery of an other America...:

negatively, as cultural otherness, and ambiguously, as a set of cultural secrets..." (5). Armed with a "hermeneutics of non-transcendence" whose key analytical terms are "reciprocity" and "dialogue," Bercovitch hunts for "a model of cross-cultural criticism." The aim, he tells us,

> is not to harmonize "apparent" differences (in the manner of pluralist consensus), but on the contrary to highlight conflicting appearances, so as to explore the substantive differences they imply. This entails the recognition of universals as culture-specific barriers to understanding; it is grounded in the faith that barriers, so specified, may become (within limits) avenues of discovery.

But "discovery" for whom, and at the expense of whom? Is Bercovitch's discovery of the national culture part and parcel of the self-discovery invoked above? Also, why is the discovery of "secrets" and "otherness" predicated upon "faith"? Does this declaration of "faith" indicate, ultimately, a critical foundationalism, a foundation in "culture"? I think the answer to this last question has to be in the affirmative. Part of the reason for this is that, in spite of everything, Bercovitch is committed to a metaphysics of the subject, expressing itself here in terms of a radically individualistic "self-discovery" (one need only note Bercovitch's absolute analytical dependence in the construction of his symbology on Emerson's famous essay "Self-Reliance" in the penultimate chapter of *Rites*). But it is not as if Bercovitch is not aware of this, and that is in part what makes his work, in general, so formidable and persuasive. Bercovitch is quite aware that when he uses terms such as "cultural otherness," "cultural secrets," "dialogue," and "reciprocity" he is bridging individualism with cultural belonging and its attendant

categories. His point is that this decision *is not up to him.* Once he has crossed over to this side of the national line, into the circle that is American culture, he becomes subjected to and subject of "the American ideology." Like the jeremiad form itself, Bercovitch becomes himself no longer. He is split, hyphenated, like all Americans. But the split is still predicated on subjective stability and wholeness. Self-discovery, then, is a metaphor for the purposeful reconstitution of cultural belonging; what is lost is now found vis-à-vis cultural otherness. He is thus constrained to "highlight conflicting appearances, so as to explore the substantive differences they imply." How else is Bercovitch going to find himself except through such cultural criticism? To make matters even more difficult, whatever protest Bercovitch makes against this ideological procedure, since it is already formally accounted for by this ideology, represents just one more American jeremiad. For Bercovitch, this capacity for absorption endlessly attests to a quite specific American ideological hegemony.

As Bercovitch has always made clear, the way out of this hegemony is the way in to it. Since the American Way, in the symbolic and literary form of the American jeremiad, is by definition inescapable, Bercovitch is left with a vision of internationalism based on this self-splittedness, so to speak--what Bercovitch famously calls "dissensus." This model, however, repeats the same formulas that we see above: international "dialogue" simply repeats the individual's encounter with its own "otherness" that took place within the borders of American culture. But this time the hyphenated American's individualism is writ large in the form of the hyphenated nation. It has now become the nation's turn to "replace the tautologies of exceptionalism with transnational categories of analysis (both aesthetic and cultural, from genre to gender); to extend the problematics

of 'art and expression' to accommodate works produced by marginal or excluded groups" (Bercovitch 375-6). Far from refuting a logic of difference, such overtures of inclusiveness affirm it, and reiterate a similar cultural logic we saw operative in Matthiessen.

Donald Pease, an astute critic of Americanist traditions and genealogies, is fully aware of this when he writes that "The same all-or-nothing logic was at work then [Matthiessen] as now [Bercovitch]: either you use the terms sanctioned by the form, or, as a person literally outside of the shared language of the American people, you lose the possibility for representation in the scene of public persuasion altogether" (251). For Pease, this constitutes specifically a Cold War logic. How is one to conceive, Pease asks, this "shared language of the American people" in conjunction with the language of "a person literally outside" this "shared language"? Pease's point is that Matthiessen and Bercovitch employ totalistic conceptual frameworks within which they perform their literary interpretations. Also, given that they are both interested in the symbolic or ritual facets of literature vis-à-vis the nation construct, some version of the culture concept becomes a useful way of marrying aesthetico-rhetorical and political commitments. I have tried to point out above that a similar logical structure limns the political mechanism of liberal citizenship. In its transcending movement, citizenship extracts its empty formal essence from civil "substance," even though it never wholly leaves behind this substance but only "selects" which substance it wants to sublate. Indeed, this substance, or "culture," becomes a necessary, albeit contingent, supplement for the work of citizenship. Moreover, for this civil substance to take on meaning, citizenship works to continually locate, exploit, and otherwise maintain limits of differentiation. This is a procedure both

internal and external to the State, and it leads directly to the evaluation and hierarchization of group identities inside and outside of the national boundaries. This procedure encourages, indeed demands, that beings be bound to identities, call them cultural or something else. Matthiessen and Bercovitch are engaged in very different projects to be sure. But whether they are identifying the deep-structure of the American political-aesthetic imaginary (Matthiessen), or, literally, describing the rhetorical limits of the national symbolic (Bercovitch), both writers flirt with affixing a national-cultural essence. By totalizing a national culture, by conceptualizing it as a whole, they must also then conceptualize the substance inside that whole. Which is to say that they must pluralize this substance. For by identifying a total essence at the level of the national, these writers must project a fundamental differentiation within the nation out of which they imagine and construct the analytics of aesthetics, symbology, ideology, and above all culture. This is a logic that closely, if not in all essentials, mirrors the logic of the aporia of citizenship. It is not surprising that, given their realism, Matthiessen and Bercovitch end up in an Emersonian space, making the word one with the thing. In other words, given that, for Bercovitch, the American Way represents a rhetorical and "material" hegemony, one might reasonably deduce that he would, as a politically progressive thinker, try to think an alternative to such a state. Indeed, one senses that he desires this, but his theory precludes such a thought by definition. Bercovitch thus ends up ambivalently affirming, even accommodating, this hegemony.

Pease

Before closing this Introduction, I want to briefly turn to the work of Pease himself, since, in my view, he is presently most influential among Americanists in his

articulations of exit strategies from the ties that bind Matthiessen and Bercovitch. At the heart of such strategies lies the same question that Matthiessen and Bercovitch faced, namely what is the relation among the theorist, the theory, and the object of research? With Matthiessen and Bercovitch, we saw writers attempting to create "usable pasts" as a means for buttressing contemporary political and institutional concerns. The so-called "classic," or "American Renaissance," writers were called upon and then re-called to speak to contemporary political concerns. In other words, these critics did not simply find literary repositories full of answers to questions they had about their own day and age. On the contrary, like some species of literary anthropologist they searched, explored, and, finally, willfully constructed what amounted to proof texts for their own literary, political, and institutional theories--a predicament with no easy solution, it must be said, to which this dissertation no doubt sometimes falls prey. In the cases of Matthiessen and Bercovitch, their theories were profoundly related to their understandings of literature as cultural artifact, meaning that it was conceived as the rightful property of groups of individuals. My argument has been that this presupposition --literature as cultural possession--cannot but lead to judgments about human communities in society where they are conceptualized or thought within the register of the culture concept. An important corollary of this development is that once the culture concept becomes an acceptable analytic, positive racial and national judgments cannot be far behind, and indeed are concomitant with it. In short, Matthiessen and Bercovitch could not but construe literatures in the U.S. as, in the final analysis, national literatures. Their medium was the message.

In *Visionary Compacts* (1987) and subsequent writings, Donald Pease goes to great lengths to flex the cultural insights of Matthiessen and Bercovitch into acceptable constructs for a critical era that has come to terms with the constructivist logic underwriting all socio-political identity. The social determination guiding Pease's entire analysis in *Visionary* is that a "general crisis in cultural legitimation" rules "the days of our present lives" (*xi*). From the beginning, the reader is to assume that "cultural" and "our" refer to the "we" that is the United States citizenry, although the reader is offered no terms with which to make sense of this culture's substance or what Pease actually understands by culture. In the nineteen-eighties, the decade of this book's publication, and the years preceding it, it is precisely this "we" that finds itself in trouble: "Cultural legitimation becomes a problem when citizens base their personal identity as well as their nation's identity on a refusal to acknowledge the authority of institutions inherited from the nation's past. Without a past to inform their present lives, individuals have no basis for present identity" (7). It is this turning away from "the nation's past," from "the authority of institutions," that disturbs Pease. And, interestingly, it is a further bother "when citizens base their personal identity...on a refusal...." I truncate this quote to emphasize Pease's fundamental hostility to what he will interchangeably call "modernity," "negative freedom," and the "Revolutionary Mythos." Modernity is causing the Pease of *Visionary* untold disquiet because it encourages people (not necessarily Americans) to reduce "each moment into abstract discontinuity" and reproduce "endless novelty in place of change" (43). The past, tradition, becomes "untold" and untellable because it is rendered obsolete by modernist schemes. As a result, the very historical presuppositions of meaningful "cultural change" become

impossible. The loss of tradition, the loosening of the individual's relation to that tradition, and the community it implies translate into a fracture between "cultural activity" and "political activity." Under the corrosive influence of modernity, individuals and collectivities no longer possess any motives to achieve collective political goals. Each simply lives for himself according to, we might assume, a capitalistic mode of production and consumption. Common purpose--"vital moral and political energies"--is lost, and "the principle of participatory democracy upon which the nation was founded" is jeopardized (47).

Pease will use the culture concept in more than one way here and elsewhere, though he rarely gets around to matters of definition. Of particular interest is his balancing of culture with his critiques of modernity and "modern theory." Sometimes Pease will use culture as if he is simply talking about literature. Other times, like Bercovitch, he will refer to "the culture" as a means of equating "the people" with the contours of the nation-State, as in, "the American culture." Pease writes that the so-called American Renaissance writers "searched for forms of cultural agreement more lasting than the mere opposition to a past sanctioned by the Revolutionary mythos" (*Visionary ix*). "Cultural agreement" might take the "form" of a particular novel or volume of poetry. He also insists on the Renaissance writers' "value as a cultural reserve, a store of unrealized cultural motives, purposes, and political processes..." (48). As we will see below during our discussion of *Moby Dick*, Pease lifts up Melville, in particular, as an author whose literary import lies in his text's capacity to work through mutually unpersuasive discourses; the Melvillean mode offers the nation a regenerative cultural-political strategy in the face of modern cultural-political dissipation and

obsolescence. So, on the one hand, Pease will use culture to refer to the national totality. In particular, culture names those reading and writings activities, practices, and rituals that the whole nation can use in a self-preserving but not pre-ordained way. On the other hand, reading backwards in Pease's bibliography, we see another, this time intensely individualistic usage. In "*Moby Dick* and the Cold War," Pease employs the "by now received idea of culture as a space for individual performances..." (115). These individual cultural performances allow "the fear of dispossession by a private personality to be converted into a political act, with the particular form of the act, as well as its effect, dependent on the individual's consciousness of the form of cultural anomie in demand of being 'acted out' on the Cold War stage." Here we encounter a "cultural" agency whose thoughts and deeds are not always already figured by a national-rhetorical discourse or consensus, as one arguably finds in both Matthiessen and Bercovitch. The individual is not persuaded by the nation's ideological arguments, and her performance in response to these arguments, conditioned but not ultimately determined by them, exceeds the ideological limits of the State. In this way, one can cite in Pease's work moments in which he attempts to theorize beyond both Matthiessen's consensus and Bercovitch's dissensus. Through his attempt to break with the Manichaean terms of the so-called Cold War consensus (within which Pease situates Bercovitch, finally), the culture concept becomes useful for Pease in that it allows him to speculate on "the cultural and psychological demands" of individuals, demands that for him offer a release from the Cold War ideological prison (114).

For Pease, then, culture is both singular and plural, and we might infer that, for him, the nation represents a culture that is, potentially, comprised of as many singular

cultures as there are citizens.[19] But one might also infer from Pease's remarks that a danger lies in individual performances taking on too much unchecked authority. Visionary compacts, after all, are needed for a reason. An unrestrained individuality threatens to unleash an anomie, perhaps better called anarchy or even nihilism, that knows no boundaries. Buried in his distrust of the Revolutionary Mythos is the equal and opposite worry that without visionary compacts there will be nothing left to bind together the newly released performative energies. Is there not even the threat that individuals will begin to reject all efforts by the nation-State to prescribe the terms of individual and collective identity?

In *Visionary* and elsewhere, Pease appears to be working through a Hegelian political model at the level of the nation-State in which the (liberal) individual and the national collective live out a positive, productive tension that promises to transform both poles of the relation into an open-ended future of political possibility. In this sense, Pease would seem to want to inject a sort of dynamism into the rigid Bercovitchean model of dissensus. In Pease's hands, Bercovitch's American ideology would always be radically bound not to permanent ideological and narrative structures located in the mythic past but to renewed and renewable processes of cultural-political engagement. A key word here is "processes," for the sense of change this word implies is what will prevent a calcification of national identity and the cultural violence implicit in that hardening. For Pease, the five "Renaissance" writers represent a return to, as the subtitle to *Visionary* indicates, "cultural context." Recalling the national thrust of both "culture" and "context," Americans should avail themselves of the profound "political and cultural deliberation" of the Renaissance writers as a mean to renewing their own national

commitments (*Visionary* 48). Pease's point is not that Americans today should use Emerson's and Hawthorne's writings, for example, as blueprints or prescriptions for socio-cultural organization and renewal but that they should benefit from these writers' commitment to "a common cultural mission," however different these missions may be (47). They offer, in general, a heterogeneous process of "deliberation" and not the fixation of a theory.

But an important question we should put to Pease is change towards what? What future does Pease project, and how is this future related to his stated desire for the reconciliation of the cultural and political spheres? To grasp Pease's response to these questions we must address his vision of the social function of the New Americanist, the new cultural historicist Pease sees supplanting the old consensus-model scholar in American Studies.[20] Of the responsibility of the New Americanists, Pease positions them as "*liaisons* between culture and public realms..." ("New Americanists" 31). "Unlike other American identities, New Americanists subsist at the intersection between interpellation and exclusion" ("National" 9). "Moreover, as representatives of subjects excluded from the field-Imaginary by the previous political unconscious," writes Pease, "New Americanists have a responsibility to make these absent subjects representable in their field's past and present" ("New Americanists" 31). In occupying a sort of limit-space between "culture" and "public," between "interpellation" and "exclusion," the New Americanists carve out a critico-political space wherein they learn to "understand themselves as multiply interpellated" ("National" 8). Pease offers several sets of vocabulary for grasping what he is after, among them the opposition of national/postnational:

> Within the national narrative, these categories [race, class, gender, etc.] are declared resolvable social problems and result in a social process whereby the subjects constructed out of these categories are identified as universal norms. In postnational narratives, that universalizing process was redescribed as dependent for its efficacy on an overcoming of surface differences between dominant and dominated social groups. But if a national identity recognizes the difference between the meta-social person with whom he had identified himself and what he discovers, in an intranational encounter with alternative social objectifications of national materials, he could have become, then this person--formerly gendered "male," now gendered "differently"--discovers s/he is dislocated from his/her national identity and, in this surplus historicity, discovers alternative constructions.

Who is this "meta-social person" that Pease is addressing here? Not unlike Bercovitch's itinerant Canadian scholar, Pease's New Americanist appears to be an intellectual and cultural outsider whose socio-political conscience depends upon "discovering" his/her "true" self (an "effect"; an absolutely artificial and arbitrary interpellation) through "intranational encounters with alternative social objectifications of national materials." New Americanists, Pease imagines, possess an utterly unique gift ("unlike other American identities") that equips them to circulate in society seeking out "alternative...objectifications." How will the New Americanist know when a contact has been made? Because s/he will have already established a "Primary identification with the sociopolitical strategies of social movements."[21] It was these "emancipatory social

movements" that "exposed the national meta-narrative as an ideological construct productive of imaginary relations to social movements and subsequently reactivated the divide between a fully objectified national identity and performative capacities that emerged with the consciousness of its partiality" (9). Three registers are at work here. First is the national meta-narrative, or national hegemony. Second is the performative social movement in a more or less constant process of emergence. Third is the New Americanists' mediating relation between the previous two registers. Whatever else one might say about such a conception, Pease foresees the New Americanist acting as a mediator between the performative, even spontaneous sphere of civil society and the more or less constative, hegemonic public sphere. There is much more to be said on this score. For now, suffice it to say that Pease understands the New Americanist as the Gramscian "traditional" intellectual who has learned the secret of the "organic" intellectual, and has taken up that secret into its own critical consciousness.

It further appears that this traditional intellectual does not yet fully grasp the aporia of citizenship and thinks its national identity is a universal norm, independent of those constitutive identities necessary for the transcendent procedure of national identity formation. At a basic level, Pease is thus calling upon these scholars to relate their literary activity to the "truth" of their social existence. An admirable goal, perhaps, but what does it mean? This relation of literary activity to social existence is to take the form of the resituation of "canonical values" from the sphere of the "national meta-narrative" to the sphere of the "postnational."[22] The activity of the New Americanists is achieved once "ongoing social movements and the new field of American Studies" intersect. At this juncture, "postnational surfaces are traversed by the power to produce...as many

different instantiations of national identity as ongoing social movements demand" (9). One deduces, among other things, that American Studies thus becomes a sort of identity production factory, dictated by the demands of "emancipatory" social movements. While Pease's political aims appear progressive in that he wants to represent historically excluded populations not only in American Studies departments but also in liberal-democratic society, it is not at all clear how the endless ascription of identity to social movements (which the participants in those movements cannot, apparently, articulate themselves) departs from the trappings of current multiculturalist politics.[23] Indeed, one is hard-pressed to see anything "postnational" about a politics that essentially reaffirms the aporia of citizenship. For as I have tried to show, citizenship as a category of equality depends upon the production and maintenance of differential, and thus unequal, subjective social identifications, claims for the provisional quality of such identifications notwithstanding. When we read in *Visionary*, then, Pease's appeals to the good that is "the public will," "a collective memory," and "a common cultural mission" (46-7), one would not want to forget the necessary exclusions such formulations carry within them as they apply to the sovereign community itself. Given the terms of Pease's vision of the function of the New Americanists in American Studies and English departments, these scholars cannot fail but to construct socially effective historical identities even as they attempt to dislocate meta-national narratives in literature. Furthermore, these postnational identities will continue to have a scholarly currency only insofar as they are positioned over and against oppressive socio-national apparatuses. Thus, the inescapable conclusion: delimited as this problematic is by the nation concept, the end result must be

that the suppressed content underwriting the meta-national narrative will change, but that there will remain a meta-national narrative can never be doubted.

Several outcomes appear possible in light of this, in both the political and the literary fields. In terms of the latter, reading practices will continue whose goal it is to demystify the social and political hierarchies and return them to their socio-logical underpinnings. This is a worthy practice, and one which I shall attempt below. Politically, the terrain that Pease proposes remains, in my opinion, vague, and potentially treacherous. The criterion of situating interpretive practices in contexts of "emancipatory social movements" whose ultimate horizon of emancipatory possibility is the nation-State at best leads to a liberal-democratic proceduralism, that is to say, a context of adjudication within which subjects participate in an ongoing struggle for recognition and rights. At worst, such criterion will lead to the historical description and explication of cultural pluralism, which can only lead to racisms in new guises and the translatability/untranslatability opposition endemic to racial logic.

But for all the foregoing criticism towards the projects that Matthiessen, Bercovitch, and Pease have articulated, there is much to be learned from their work. Indeed, the present dissertation would be practically unthinkable without them. The lesson that I would like to expand upon in the chapters that follow, everywhere approached in their work but nowhere written, is simply this: what happens when literature stops being read in terms of culture (national, racial, and otherwise) and is read in terms of political and existential relation? What would be the criteria or protocol for such a reading practice, and what would such a reading practice mean for the future of

American Studies and the institutionalization of literature in general? The remainder of this dissertation attempts to provide some answers to these questions.

Political Subjectivity, Finitude, and the Unsacrificeable in Hawthorne

> If the guillotine, as applied to office-holders, were a literal fact, instead of one of the most apt of metaphors, it is my sincere belief, that the active members of the victorious part were sufficiently excited to have chopped off all our heads, and have thanked Heaven for the opportunity!
>
> Nathanial Hawthorne, *The Scarlet Letter* 154

> The desire to belong to any community whatsoever, the desire for belonging tout court, implies that one does not belong....This can have political consequences: there is no identity. There is identification, belonging is accounted for, but this itself implies that the belonging does not exist, that the people who want to be this or that are not so in fact....This is why the family...is never a state.
>
> Jacques Derrida, *A Taste for the Secret* 28

> "Nothing" affirms finitude and this "nothing" immediately leads existence back to itself and to nothing else. It de-subjectifies it, removing from it any possibility of its being appropriated by anything other than its own event, its advent. This sense of existence, its sense proper, is unsacrificeable.
>
> Jean-Luc Nancy, *A Finite Thinking* 75-6

In the third epigraph, Jean-Luc Nancy asks us to consider what happens when the "nothing" that at once "affirms" and limits finitude--makes finitude what it is--is not free to perform its "de-subjectif[ying]" function. Could finitude ever not be free? We are solicited to think about what happens when the finitude of being is not allowed to be and

become, when "it" is not allowed access to the nothingness that is infinitely definitive of "it"? This "nothingness," after all, is what binds together, infinitely, the "community" of those who share nothing in common.[24] One answer to this question--the what-happens-when of finitude--is that finitude is subjectivized, in a liberal modality, *qua* "individual," through a plurality of predicates, of qualities, and properties of being, properties which bind beings together according to politico-historic-economic and ideological itineraries that are at once related and held apart, heterogeneous. This differentiation and inequality that structures the relation of these itineraries--visible in every conceivable ideological formation, racial, nationalist, Statist, and so on--in a sense sediments being, crushes it beneath the unbearable weight of identity, and cuts it off at the neck from an infinitely more generous sense of sharing. Hawthorne's custom-house purveyor, not merely a man, but a man of "pride" and "sensibility," a man of "interests," which is to say a man, like all "men," of identity, thinks in world of the utmost practicality. Things have gotten out of hand when former political officers are so vilified by their opponents that decapitation becomes something potentially more than a clever metaphor. On the other hand, the aptness of the metaphor is due, perhaps, to its effectiveness in identifying the limit-case, the exception, that makes peaceful political succession a desirable possibility. This present chapter is about, if not this limit-case *per se*, then the limit that this limit-case names. Is it possible to de-sediment identity and political being, to strip away the layers of social meaning that expose beings to, as it were, the guillotine of political inclusion/exclusion--the backslash falling like a knife upon the neck of singularity? And how would such de-sedimentation begin to approach the kind of social generosity we

seek? These questions continue to plague us, in the context of an ongoing historical engagement with the subject.

Two examples from that eminently canonical work of American literature, *The Scarlet Letter* (1850), coupled with a certain tradition of critical response to this work, can together, perhaps, enable us to articulate a problematic worth inhabiting, on the one hand, and displacing, on the other. I have already tried to provide evidence that the work of the destructuration of the subject in cultural studies--which is to say the destructuration of cultural studies itself--must continue. Before turning to that task, I want to solicit a response from "Hawthorne" on this matter of the sedimentation of being, to see if this text can at the very least assist us in constructing a problematic worth bringing to bear on Americanist criticism.

In the twentieth chapter of *The Scarlet Letter*, the hapless Arthur Dimmesdale enters a maze similar to the one that Hester Prynne has been forced to endure from the very beginning of the narrative. It is a maze governed by certain unspoken rules, rules that the wayward may or may not yet know, may or may not yet have learned. In the way that the maze itself is subject to another law, we are in a territory not unfamiliar to a figure like Kafka. But, finally, this will not be an anonymous law; there are identifiable subjects and sovereigns. In the events leading up to this chapter, Arthur has just left an encounter with Hester and Pearl in which he and Hester hatch a plan to return to the Old World in an effort to escape the moral, and possibly political, disaster into which they have fallen, or have been trapped. Pearl is not so fond of the idea, and it is she that, before crossing the brook to join her mother and the minister on the other side, obliges Hester to replace the scarlet letter on her chest that Hester had just tossed off in a spirit of

defiance and permanent riddance. The replacement of the badge of dishonor, of "shame," the text repeatedly tells us, reunites mother and child--Pearl leaps over the brook and embraces Hester--but does not perform the same function for father and daughter. After Arthur kisses the reluctant child (Hester practically forces the kiss; Pearl is not consenting), Pearl runs to the brook to wash "the unwelcome kiss" away (*Scarlet* 301).

After leaving this wild, undisciplined pair (Pearl is the symptom of Hester's recalcitrance), Arthur is more perplexed than ever. Partly due to his own moral cowardice, protected by the mantle of authority, he remains the unrecognizable father to Pearl, the unknown sinner to the town, and the vexed and vexing, though not wholly known, nemesis to Roger Chillingworth. Eventually, Arthur is barely able to recognize even himself. In the narrator's phrase, the "vicissitude in his life could not at once be received as real" (*Scarlet* 303). Arthur's mind is characterized by "indistinctness and duplicity of impression" and "strange disquietude." It is the beginning of a vicissitude of being, perhaps, the same vicissitude into which Hester is thrown two chapters earlier in what the narrator describes as her "moral wilderness," her unwillingness to take up her shame in a penance suitable to her community (290). Like Hester, Arthur receives Nature's sympathy while in the apparently lawless state of the maze, and this disorientation accompanies him as he re-enters the town. His own church appears to him "so very strange, and yet so familiar" that Arthur cannot decide whether he is asleep or awake (305). The narrator suspects that Arthur's encounter with Hester in the forest "had wrought this transformation," and though Arthur knows this town to be his own, "the same minister returned not from the forest." This moral crisis leads the "startled" Dimmesdale to entertain all kinds of "wicked" (and comic) thoughts and acts--

blaspheming in the presence of an old deacon, arguing against the immortality of the soul to an aged woman, and teaching children to swear, among other evil-doings. This thinly-veiled version of Jesus's temptation in the wilderness is concluded with Dimmesdale's "commun[ing] with himself" (308). It is an act of self-communion in which Dimmesdale attempts to recover his own "self," as if there was a self to recover. But as soon as he attempts to, as it were, pull himself together, Mistress Hibbens, significantly, appears to ridicule him for his moral ineptitude and suggests to him that two commune in a time and place more suitable to fellow evil-doers--in the forest, at midnight.

But while the reader, on the one hand, is encouraged to believe that Arthur teeters on the brink of a kind of imminent moral death, it turns out that Dimmesdale's soul is not nearly so imperiled, for he has not fully retreated from the high moral code he holds so dear. He has not displaced the system that entraps him. As the narrator makes clear, he has merely, and temporarily, taken leave of one side of his current moral code for its other, darker side:

> The wretched minister! He had made a bargain very like it! Tempted by a dream of happiness, he had yielded himself with deliberate choice, as he had never done before, to what he knew was deadly sin. And the infectious poison of that sin had been thus rapidly diffused throughout his moral system. It had stupefied all blessed impulses, and awakened into vivid life the whole brotherhood of bad ones. Scorn, bitterness, unprovoked malignity, gratuitous desire of ill, ridicule of whatever was good and holy, all awoke, to tempt, even while they frightened him. And his encounter with old Mistress Hibbens, if it were a real incident, did but

> show his sympathy and fellowship with wicked mortals and the world of perverted spirits. (Hawthorne 310)

Wickedness and evil have simply switched places with goodness in Dimmedale's, and the narrator's, moral economy, which they must in any limited economy. "Wildness" and "Nature" play, as they have throughout the work, contrapuntally to their supraordinate contraries, "civilization" and "humanity." On the one hand, Dimmesdale rejects the law of religion and society for the "wilderness" that is so conducive to two reprobates like himself and Hester. On the other hand, and inversely, it is precisely "the wilds of New England" with the unacceptable choice between "an Indian wigwam" and "the few settlements of Europeans" that encourages him to see in the "Old World" a moral code that suits them.[25] In any case, we see in this mere moral "between-ness" vexing Arthur and Hester--a dialectical yet non-sublative scurrying between the poles of the same closed economy--an example of a kind of moral and political misrecognition to which *The Scarlet Letter* relentlessly and restlessly draws the reader's attention.

Notwithstanding what the narrator may impute to be the proper "office" of the scarlet letter, it may be plausibly argued that the letter petitions (or we from it) another question or set of questions along the lines with which this chapter began. Because for all of Arthur's and Hester's consternation and incertitude about their ultimate relation to their community and themselves, they finally appear able to live and think only within the limits of the reason of community and self, the reason of the subject. One could risk the phrase *raison d'etat*, thus invoking the ultimate statelessness of "family," "nation," "humanity," even the State itself, described in Derrida's epigraph above. Indeed, this is the question: can we consider the "maze" into which Dimmesdale drifts and the

vicissitude into which he is thrown there an oblique invitation to a reconsideration of the very limit of subjectivity, particularly political subjectivity, and perhaps begin to read *The Scarlet Letter* as a meditation on this limit as well? Could such a reading force a different kind of effect than a "choice" between subjectivity and non-subjectivity, which is not really a choice at all? I want to revisit the first scaffold scene, briefly, in an effort to continue to define this problematic.

At the beginning of the romance, Hester has just begun serving her three-hour stint in the center of the market-place, before she is returned to prison. In this time she is both subject and object of experiences that reveal her position in the community as one of both enormous tenuousness and permanence. The "miserable eminence" of the gallows affords Hester a kind of omniscience of her own life, in addition to the superficial view of the multitude gathered in the market-place to gaze upon her. She is not allowed to hide her face for shame, not even from herself, her memory of herself. It is no doubt part of the gallow's function as an instrument of torture that it should cause Hester to see "the entire track along which she had been treading, since her happy infancy" (*Scarlet* 167). She sees "her native village" in "Old England," and the faces of her father and mother. She sees her own face, "glowing with girlish beauty, and illuminating all the interior of the dusky mirror in which she had been wont to gaze at it." And she sees yet another face, that of a hunch-backed, bleary-eyed scholar whose "bleared optics" nevertheless possess a "strange, penetrating power, when it was their owner's purpose to read the human soul" (168). Lastly, Hester sees "in memory's picture-gallery" the scenes of a possible future life in a "Continental city," with its "intricate and narrow thoroughfares, the tall, gray houses, the huge cathedrals, and the public edifices." There, she sees herself

still companioned by the "misshapen scholar" living a "new life, but feeding itself on time-worn materials...." But these "materials" of a past community abruptly give way to the "rude market-place" of a "Puritan settlement." Hester is astonished that her social existence has changed so much. "Could it be true?" she wonders.

Hester's scaffold experience interposes for her a radical difference between "that" and "this," "here" and "there." In Lauren Berlant's words, the law behind the scaffold "makes things possible" (54). The scaffold supplies the structural coordinates whereby Hester can fill these "differences" with the substance of memory; it "functions as a fulcrum for the production of collective identity" (58). It is as if the legal technology of the scaffold and Hester's subjection to its violence, or potential violence, exposes a scission between not only Hester's being in the "New World" and the "Old," but between socio-political communities. Between her memory of family faces, public buildings and thoroughfares, and so on, from the past and her present moment upon the gallows, a hard break seems to have fallen—"all else had vanished!" (Hawthorne, *Scarlet* 168). This "instrument of discipline" together with its attendant technologies, the guillotine and stockade, force upon Hester a recollection and, more particularly, the representation of a recollection, of her own deepest experiences. Indeed, it is almost as if Hester's "experience" itself, which is to say the re-collection of it, only becomes possible within this context of constraint. In the dangerous situation that she inhabits, Hester's life literally passes before her eyes; she is made to see and recall some essential past self that has been left behind and supplanted by another. The scaffold coerces her to remember the past, to re-member its constituent parts and to re-collect them before her inner eye as a coherent memory and narrative. In short, Hester is forced to confess that, indeed, this is

her past, and that it has led inexorably to this moment. Again, she cannot hide her face for shame, not even from these fantasies of self. The hunchback's strange, penetrating gaze, which will severely preoccupy Dimmesdale for the romance's duration, succinctly captures this revelatory injunction and process. It is this searching quality, this interior exposure of her self to herself that characterizes Hester's subjection. Under the withering demands of the law, manifested in the gallows, and the memory it perversely inspires, Hester disciplines her own selfhood and in so doing reduces her myriad experience--in truth, infinite in relation and scope--to a handful of concrete details that construe her presence on the gallows as the tragic outcome of an inexorable history.[26]

If the scaffold's deictic character demands an interior revelation, it demands an exterior one as well. Hester is subjected as "the object of severe and universal observation" before "a whole people," an "intense" subjection that knows little relief (*Scarlet* 169, 172). She will have reason, in a moment, to hope for their "sympathy," for the hunchback scholar from her past suddenly appears on the "outskirts of the crowd, a figure which irresistibly took possession of her thoughts," as in times past. Chillingworth's "heterogeneous" foreignness, visually figured, like Natty Bumpo, as a white Indian (he is "clad in a strange disarray of civilized and savage costume" and is accompanied by an Indian), is only increased by his half- "savage," half-scientific attitude and inclination "to look inward" in an attempt to assimilate "external matters...to something within his mind" (169). Furthermore, seated "directly over the platform on which Hester Prynne stood" is Governor Bellingham, come "to witness the scene...." Bellingham is described as "the head and representative of a community" whose "forms of authority were felt to possess the sacredness of divine institutions." Bellingham is

therefore at once sovereign politician and representative on earth of the highest Sovereign. When Bellingham therefore comes to "witness," it is the witness of a doubly patriarchal sovereignty.

Hester is thus pinioned between at least three competing claims on her being: Chillingworth's paradoxically savage, scientific glare, Bellingham's sovereignty, and the crowd's sympathy. In this context, fearful of the singular natures or functions of Chillingworth and Bellingham, "she seemed conscious...that whatever sympathy she might expect lay in the larger warmer heart of the multitude," a prospect under which "the unhappy woman grew pale and trembled" (*Scarlet* 173). She trembles, for while Hester finds "shelter" from the evil Chillingworth and the patriarchal Bellingham in the buffer that the multitude provides, she does not recognize much sympathy in the visages that greet her in the market-place. They do not look upon her trial as their own. At the moment in which Hester most desires the sympathy of the multitude, she receives the least from it. She literally finds no home in the community's ex-position--their public self-exposure--except as an objective bearer of guilt, a sacrificial victim.

Of course, the multitude itself is not even a single entity. The unity of the crowd, in its relation to Hester, quickly dissolves into multiplicity; it is riven with difference of opinion and conjecture. To certain individuals, Hester's punishment has been all-too-lenient. One woman rues that "At the very least, they should have put the brand of a hot iron on [her] forehead" (*Scarlet* 162). Another of the "self-constituted judges" says, "This woman has brought shame upon us all, and ought to die. Is there not a law for it? Truly there is...." Upon witnessing the effect of the magistrate's punishment, namely the imposition of the scarlet letter, "the crowd" further denounces Hester as proud, a "brazen

hussy," suggests that she be "stripped" of her "rich gown" and that her embroidered letter be replaced by a "rag of...rheumatic flannel" (164). Hester's presence not only draws out a certain impossibility in the concept of sympathy among the "multitude" (any consensus binding them is qualified by their opinions about the quality of Hester's punishment), it also makes clear that at the moment of her most public exposure, at the moment when she is most identifiable as a member of her community, she is most estranged from it, most foreign to it.

Together, what these examples illustrate is the manifold nature of subjectivity, not only in the sense that "one" is subject to, obedient to some State, principle, or being (Dimmesdale), but also as subject of one's destiny and future, one's thoughts, memories, and desires (Hester). The identity of subjectivity, its singling out within the totality of its relations, thus becomes, for my purposes, a two-fold concern: first, identity happens within a force-field of coercion, which may be articulated, at its limit, as a friend/enemy distinction; second, and paradoxically, even where identity happens, it fails to permanently cohere, must fail to permanently cohere. While both Dimmesdale and Prynne both undergo ideological and physical torment, it is also true that they must undergo this torment in spacetime if identity is to appear at all--it cannot happen once and for all; it must be constantly repeated. It is as if the various states that work to capture them--the family, the community, the nation (here, the town)--worry that something may escape them, and so they must always repeat their coercive strategies.

But is there something about Hester and Arthur that belies their status as individuals, some "thing" that they share that resists every human attempt at appropriation, and that can only be buried under a regime of sacrifice or destruction but

never finally silenced nor successfully forced to hide its face? How else can we understand Derrida's claim that "There is no identity"? Nancy will call this infinite resistance of being to identity the "unsacrificeable" (Nancy, *Finite* 75-6).

Thus, as a kind of subtext and subthesis, this chapter tries to incorporate a polemic into its arguments that it hopes will complement the various disciplinary skirmishes it attempts to provoke in American Studies below. In addition to questioning the basis of identity, political and otherwise, in general, it will also take up the problem of finitude in the context of Schmitt's formula of the political as a fundamental matter of the decision on the friend/enemy relation. If politics in its most radical sense can never be anything but the decision on the friend/enemy relation, it may be desirable to search for a way of thinking about relationality that offers, at "bottom," something other than the mere oscillation between friend/enemy alignments. A future that offers nothing but Schmittian politics may be no future at all. In order to skirt Schmitt, if such a thing is possible, it will be necessary to identify an "identity," however minimal, that by its logic refuses to be collected into any concrete collectivity, including the political, but that in refusing absorption into a political collectivity does not simply become nonpolitical. We could call it the spacetime of non-identical identity.[27] The point of theorizing such an "identity" is to displace the political, or at least to cause its concept to tremble at the limit of itself, to continue to think its circuitry and systematicity, and not capitulate to what appears to be a *fait accompli*.[28] In a situation in which, according to Schmitt, one either belongs or does not belong to a political collectivity, it becomes paramount to identify a spacetime that resists if not confounds this either/or reduction.[29] I have already begun to argue that this resistance is necessary. One consequence of failing to articulate this

resistance is that other crucial social values such as "freedom" and "justice" can only ever be relative matters and subject, willy-nilly, to whatever side of the political line one happens to belong. In my opinion, this is an unacceptable dilemma, and the problematic of finitude enables us to at least attempt a response.[30] But, as I shall show, this finitude will not constitute an identity, at least not in any conventional sense.[31] The reader need not decide on Dimmesdale's "maze" in the same way that he has decided upon it, need not exit it so as to put the trial of identity (or, in Hegelian terms, *of the negative*), on the one hand, to rest and, on the other hand, to work on behalf of any particular moral or political economy. Instead, the reader may read in this text, in conjunction with certain other of Hawthorne's writings, a call to another responsibility where political subjectivity is concerned. Another approach to "Hawthorne" can further tease out that resolute resistant in every subject that refuses absorption in and sacrifice to regimes of identity and communion, Statist and otherwise, despite certain socio-political and institutional desires that they would. [32] In particular, one more Hawthorne can still be read today against a currency of American nationalist, Statist political value and the strict political restrictions that this identification places on the access of being to a more generous, hospitable relationality. It is to this currency that I now turn.

Identity, Once More: A "New Americanist" Dilemma

Americanist criticism, where nineteenth-century literatures are concerned at least, has tended to constrain itself within the limits of the American nation-State in its appropriation of texts, even where the State is explicitly called into question. It is called *Americanist* criticism for a reason. Until quite recently, Americanists have tended to construe in the American nation-State a certain horizon of intelligibility and

interpretation as it concerns literature produced within its political borders.[33] The resulting criticism has tended to take one of two paths in respect to what one might call the moral and ethical constitution or substance of the American nation-State, which is to say the substance of its subjectivity.[34] In general, Americanists have either sought to cultivate so-called "cultural" differences and articulate them within the nation-State as a single, national political identity ("American," citizen), often while keeping these alleged cultures distinct from one another, untranslatable to each other, as they must be, logically; or they have sought "non-political" spaces where identity can flourish and even influence the State and yet not be dependent upon the State for their being. In shorthand, Americanists tend to operate according to a dialectical historicism in which all cultural identity is sublated into the life of the State and its future, or according to a structural historicism, a version of which sees heterogeneous knowledges and discourses articulating themselves counter to and in spite of the "repressive" apparatuses of State. In either case, cultural identity remains the construct the critic often cannot bear to relinquish. Even where a critic recognizes that State identification ultimately provides an unsuitable account of the "individual" or of putatively non-political cultural identity, activity, agency, and so on, the conceit of identity as the indispensable critico-political analytic survives unmolested. And there is good reason for this: the political--Schmittian, liberal, otherwise--would be unthinkable without identity. Furthermore, political and social progress, conventionally conceived, would be equally unthinkable without an identifiable subject-community engaged in the collective work of history-making over and against some other subject-community. This is the problematic that Hawthorne will ask us to consider yet again.[35]

In the "Introduction" above, I show how this tendency in American Studies to define new times and spaces for inventions and interventions of subjectivity within the context of the American nation-State reaches back at least as far as Parrington, Matthiessen, and Miller, continues in the work of Bercovitch, Rowe, and Pease, and culminates today with writers such as Priscilla Wald, Wai-chee Dimock, Russ Castronovo, and Lauren Berlant, to name only a few of the more prominent and visible representatives of the tendency.[36] The intervention these latter so-called *New* Americanists tend to want to perform, in different ways, is in fact a critique of a dialectical approach to the State that surrenders too much identity, in the form of citizenship, to the State, its laws, and its supposed sovereignty. Michel Foucault's *History of Sexuality* is a crucial intellectual source here. On the authority of Foucault's writings, particularly his theorization of non-Statist, non-sovereign networks of discursivity, knowledge, and power, Americanists have articulated communities of subjects around "non-political" identities capable of contesting the marginalizing, subordinating, even annihilating effects that "official" practices and narratives of State law and citizenship force upon the most politically vulnerable inhabitants of the State. These critics are rightly troubled by the fact that the liberal State does not appear constitutively able to negotiate "difference" justly, that is without suppressing some "difference" while elevating other "difference."

But it is precisely this possibility of the non-political that is at stake, since in a allegedly "biopolitical" environment--another Foucauldian term--everything and everyone have become utterly politicized. Russ Castronovo's observation that "U.S. political identity" is "an artifact built on the repression of nonpolitical elements of

subjectivity" is typical of a scholarship unhappy with the liberal State's promises and concrete disavowals of freedom and "more complexly lived subjects" (17, 6). For Castronovo, the "nonpolitical" manifests itself in "forgotten everyday practices, submerged cultural heritage, and non-normative desires," those "material prehistories" that citizenship leaves in its formal wake. "Nonpolitical" is clearly meant here to tactically confine "political" to the sphere of legal personhood. Drawing on the work of Althusser, Hall, and Marx, Castronovo's intellectual labor will then consist of reconstructing and reintroducing "materialist counternarratives" that contest the "necro ideology" informing citizenship. Necro ideology, the discourse of national citizenship, "levels out the differences between men and women, enslaved and free, rich and poor" as it incorporates the national body of the citizenry (12). In the process, this "ideological operation" "overcomes cultural meanings invested in particular bodies." Because this abstraction away from "cultural meanings" leaves an "alienated and depoliticized" citizenry, "notably people of color," it will be necessary "to show that the dead at the very least have a history" (249).

One is tempted to read in Castronovo's project a certain intention: the intellectual desire to recover lost or suppressed histories and educate oppressed populations about themselves in the interest of new forms of "political" mobility and possibility. But this critico-"political" tactic runs perilously close to those tactics we saw operating on Hester Prynne--tactics that compel confession, transparency, and otherwise a full-disclosure of identity. Of note is the single instance of citation that Castronovo grants Foucault, located in the context of *The History of Sexuality* where, to quote Castronovo, Foucault constructs a "Modernity...typified by incitements to confess, study, and speak openly

about sex" (65). Castronovo's project encourages a similar incitement in the realm of "culture": in order to overcome political alienation, one must "confess, study, and speak openly" about one's "cultural heritage." To refuse to do so, to refuse the injunction that one can, should, must inhabit a culture, either results in a continued alienation or a kind of quietism vis-à-vis the privileges that citizenship bestows upon those who benefit from its abstracting processes. Castronovo leaves us with the choice between the production and consumption of cultural history, on the one hand, and a complicit endorsement of liberal politics on the other. And although he does not press his insights far enough in this direction (in fact, he resolutely cuts them off), Castronovo's cultural theory leads to a political theory that is more or less Schmittian in orientation, that is it props "culture" up to a politico-national ideal insofar as any particular cultural grouping is capable of transforming itself into a political entity, thus assuming the capacity to decide on who its friends and enemies are. But, finally, he settles for a notion of "Human emancipation and social justice...framed by the pragmatic workings of citizenship and democracy" (247). In other words, he settles for the liberal State, its structures, and its procedures. Just at the moment, in other words, where the ascription of identity becomes decisive, that is where it threatens to break out into a real political situation--that of friend and enemy--Castronovo retreats into a liberalism that effectively defangs the political force of his argument.

As a New Americanist, it is not surprising that Castronovo begins *Necro Citizenship* with a nod to Hawthorne, particularly the Hawthorne-narrator's description of Hester Prynne as having a face "like a mask; or rather, like the frozen calmness of a dead woman's features" (qtd in Castronovo *xi*). Hawthorne and, in particular, *The Scarlet*

Letter have long served as a kind of literary synecdoche for a nationalist criticism that offers, in my opinion, two equally unacceptable alternatives to the question of political subjectivity: one the one hand, criticism has offered a liberalism that seeks to harmonize political difference within the State and, on the other hand, a challenge to liberalism that sees in an agonistic politics the endless production of identity and, ironically, a certain amenability of all identity with the liberal State.[37] This latter tendency, according to Schmitt, can only be interested in ultimately forming a total State. But rather than stating its claims in terms of the limit-case--the friend/enemy distinction--it grounds its arguments, instead, in "culture," and attempts to massage the State so that it might be more receptive to the supposed plurality of cultural belonging that lies at the foundations of political struggle. But, by itself, this only leaves open the ever-present possibility of identifying an internal enemy.[38] Even where theory would seek to circumvent this "cultural" problem by appealing to the existential, humanist "individual," it does not effectively break with an analytical reliance on a principle of subjective identity, the presumption of individuality, its identity, and its ultimate inclusion in some social, possibly political, collectivity.[39] Castronovo's attempt to bracket the political as a fundamental matter of the State completely ignores Schmitt's warning that the State presupposes the political.

The ideal of *e pluribus unum* is never far from the thoughts of Americanists. The recurring major question for a political tendency of literary investigation in America has been how to reconcile plurality--at individual and group levels--within the State (and indeed in the world) with the State's own putative ideal of a unified political body. But one must recognize the astonishing optimism in those critical approaches that find a

future justice in socio-political equality, on the one hand, and affirmation of "cultural" difference, on the other. It is an optimism that enables even a theorist of "dissensus" like Bercovitch, a frequent reader of *The Scarlet Letter*, to say, misquoting Whitman, "[T]he American Self can contain multitudes" (*Office* xvi).[40] But it is also an optimism, in my opinion, that underestimates the nature of political affiliation, particularly the duplicitously coercive nature of its identity logic. Duplicitous not because coercion takes place in identity formation but because coercion takes place differently and therefore unequally, a point emphasized repeatedly throughout this dissertation. "Multitudes" can no doubt be "contained" within the State, but they cannot be contained as subjects possessing identities of equal value. Only as abstract legal persons was this ever presumed to be possible, a fallacy rightly denounced by Americanists. At the analytical moment of differentiation, however mimetic of "reality" and "history" such a moment is claimed to be, the subjects so differentiated must be presumed to have belonged to an asymmetrical order of discipline. This is objectionable for two reasons: first, it sustains, as I have already pointed out, the possibility of identifying an internal enemy; second, it sustains the possibility of identifying an external enemy. In one and the other case, "war" (as both metaphor for dissensus and the literal limit-case) is at once posited and disavowed as the inexorable future. By and large, liberal theory refuses to recognize this dilemma and continues to believe that, on the one hand, politics can be limited in its influence on social life and, on the other hand, that multiple identities can be at once created and justly conserved within the liberal State. Meanwhile, the liberal State continues to act as the horizon of intelligibility for this problematic.

One could read the New Americanist project, if there is *one*, as an attempt to break with a logic that sees all possible criticism of the viability of the nation-State as always already anticipated, so to speak, by the nation-State and its rhetorical and symbolic resources and strategies. This was essentially Bercovitch's point, and conclusion, when he tried to think about how "three centuries of conflict, upheaval, transformation, and discontinuity" could result in, on the one hand, an "overarching synthesis" (citizenship) that ignores or suppresses "difference" within the polity, and, on the other hand, the continuity of "manifold contradictions" in spite of that synthesis (*Rites* 355). The overwhelming power of "American ideology" and "hegemony" lie in their paradoxical capacity to simultaneously produce, sustain, and ultimately comprehend, in every sense, historical conflict. According to Lauren Berlant, Bercovitch's significance was to show that "the logic of national-utopian discourse has produced antithetical models of national temporality that are fundamental to what has been the dominant mode of American self-description" (*Anatomy* 32). Not only does the discourse of "America" produce manifold contradictions and conflicts that enable it to abstract from this hodgepodge of difference a single, identifiable self-description, it temporalizes these differences; that is, it discursively positions socio-political difference itself along a time continuum, a continuum of modernity, which allows for the (ideal) judgment of the relative value of difference based upon their location on the timeline. This type of thinking is co-originary with the rise of the social sciences in the nineteenth-century, and continues in our own day.[41] Socio-political difference within the nation, then, is always a matter of both space and time. This insight is not lost on Berlant, who reproduces in exemplary fashion the utopia-ideology antinomy:

> The national fantasy in whose utopian promise Americans...have invested identities and bodies, for the sake of happiness, addresses persons in their set of particular identities, and reconstrues them in two ways. Through the National Symbolic, they receive the mantle and the privilege of collectively held affect, a fantasy of boundless identity. This requires each subject to shed her attachment to her other, local identities, and to enter a new synchronic political order, which has a mystical relation to everyday history. In contrast, through political parties, citizens are distributed along hierarchical lines in the political public sphere according to the value of their gender, class, ethnic, racial, and regional identities.

Several points are worth noting about this diagnosis. First, Berlant places the "National Symbolic" in a kind of subject-position: this Symbolic acts in the world, "reconstrues" "particular identities" or "local identities" into a "mystical" and "affective" sphere--citizenship--essentially emptying out the body's "everyday history." This analysis exhibits strong sympathies with Castronovo above. So a first question might be, What is the material "reality" of this Symbolic? How can something as ephemeral and, presumably, immeasurable as "affect" be turned into an axiom of analysis? Positing the feeling of the National Symbolic as a total, utopic *sense* seems different in this respect from the particular ways that particular institutions, such as legal or educational institutions, for example, directly or indirectly influence subjectivity. To abstract from these particular instances, themselves heterogeneous, to some coherent National Symbolic seems precipitous.

Second, Berlant asserts a double transformation or removal of identity from "particular" or "local identities," first to the Symbolic level and second to the "public sphere." In this way, Berlant constructs a three-tiered identity schema according to which subjects possess "local," "public," and "national" identities. The "national" assumes the position of the utopic and the mystical shroud of equality presumed embedded within it. The "public sphere" is responsible for the hierarchical difference that constitutes and qualifies the utopic. In constituting the national Symbolic, the public in turn exposes that utopia to be something far less; the public in effect demystifies the pretense of equality of the Symbolic and lays bare its spatio-temporal emplacements of beings along hierarchical axes of identity. Against this two-fold structure, half affective, half material, Berlant is able to posit a kind of reserve of identity--the "local"--that will act as a source of subjective agency when she theorizes "counterhistories." Irrespective of the level of identity one inhabits in the schema, one must always have an identity, which is to say one must always *be subject to* an identity.

On the one hand, Berlant clearly reconstructs the national mechanism operative in the above in Marx. Apart from her own possible mystification of the National Symbolic, she astutely theorizes the possibility of identity and different within the nation. On the other hand, she clearly intends to go beyond that structure-agency deadlock and locate another agency that can be used to unwork that relation:

> the subject who wants to avoid the melancholy insanity of the self-abstraction that is citizenship, and to resist the lure of self-overcoming the material political context in which she lives, must develop tactics for refusing the interarticulation, now four hundred years old, between the

> United States and America, the nation and utopia. She must look, perhaps to her other identities, for new sources of political confederation. She must break her attachment to abstract political fulfillment. (Berlant 217)

The refusal of the nation/utopia dialectic and "abstract political fulfillment" is not accompanied by a simultaneous refusal of the second-tier "public sphere" identities indicated above. When subjects are asked to "look...to...other identities," they are asked to look to their "public" identities as well as others. These "other identities" are the aforementioned "local identities" that exist below the radar, so to speak, of public sphere identities. These are the Foucauldian/Nietzschean "counter-memories" that are supposed to supply that agency that escapes National Symbolic dictates, both at the "national" level and in "public sphere" identities. Crucially, these "counter-memories" do not "oppose official memory but [exist] alongside it, recording information about the dominant culture without situating it as the only important site of activity and meaning" (9). Counter-memory addresses "the same time and place marked by official memory, but here the traditional State and public apparatuses appear as dominant elements *among many* that provide the structures of identity for the citizen-subject." This theory provides that "local" and "dominant" identities occupy "the same time and place" and yet exist "alongside" one another. Counter-memory does not therefore appear to exist autonomously vis-à-vis "official memory" but is a residual effect of it. "Local" identities are therefore subject to "official" and "public" identities while also agents of apparently new and unprecedented national identities. They are, in effect, the same memory, the only difference being that one is unconscious, in psycho-political terms, while the other is conscious. It should be stressed that no mere one to one relationship exists between the

counter- and the official, or national, according to Berlant. Instead, there exist a plurality ("*among many*"), perhaps an infinity, of counter-memories, according to this logic. And all of these memories must be induced to speak in order to fully grasp the truth of the official/counter-memory relation. In theory and practice, this relation could never be exhausted, and the National Symbolic, while productive of local identities cannot resolve these identities into it dominant, "official" narratives.

With Berlant and Castronovo, Americanist criticism arrives at (or repeats) a kind of threshold of identity politics. For if the State must always, in some sense, be maintained for the production of equal and opposite liberatory counter-narratives, narratives which are never merely "local," then what these critics have committed themselves to is the endless iteration of identity without even the theoretical possibility of a praxis other than, ultimately, Statist praxis (to the extent that the State is the ultimate determining force in identity/subject formation). Political alliances can shift according to liberal democratic terms within the State, but the State itself ultimately decides on the friend/enemy distinction, inside and outside itself, which firmly identifies it for what it is--a subjective, political community. But even if one was interested in locating a non-Statist political agency through the writing and dissemination of counter-narratives, it would still not overcome the problem of identification with a State, on the one hand, and the political, on the other. In any State, the proliferation of identity cannot budge the concept of subjectivity, in all of its senses. On one side of Americanist criticism, then, a commitment to the national-State apparatuses, including symbolic representations, for the negotiation and resolution of identity and difference. On the other side, a commitment to putatively non-Statist models of identity politics accompanied by the commitment to

competing cultural identities. In either case, Americanist criticism remains indebted to identity politics and stubbornly unresponsive to certain poststructuralist critiques that see in identity, first, a spectral non-identity supplementing every identification, and second, a "nothing" that, thought in its double sense, can either be appropriated by and for a self-same identity or not appropriated. Americanist criticism, whatever other strengths it possesses, appears under the spell of what David Johnson and Scott Michaelsen call the "border effect," that "sense of individual cultural completeness, logically extended to its maximum--to the culture that is the combination of all independent culture" ("Border Secrets" 15). Once could call this meta-culture the State, depending on how cultural nationalisms are thought to relate to the State, or one could call this meta-culture "culture," a determinate entity that is alleged to ultimately transcend State belonging. But it does not really matter what one calls a political entity so long as it *political*, in the Schmittian sense. In either case, the decision on the border that completes "culture," whether in Statist or non-Statist modalities, is also a decision on the political subjectivity of that culture. This decision, in turn, is therefore subject to critiques that see in that decision a power-gambit in which "culture," or *whatever identity*, is decided upon in the political interests of one self and at the infinite exclusion not of other selves but of other beings. As Derrida's epigraph above makes clear, every attempt at forging a belonging, any belonging, at any level of "society," and whether from majority or minority subject positions, will necessarily carry within it the truth that "there is no identity." Individuality, family, culture, nation, humanity, State--all of these determinations collapse under the same logical necessity: wherever being is said to exist is precisely the place where it runs up against its limit, which is nothing.

Retreating the Subject: "The Minister's Black Veil"

Published fifteen years before *The Scarlet Letter*, "The Minister's Black Veil" offers a condensed version and prototype of the double political logic I see operating in Hawthorne's more famous work. Briefly, it is a logic that both advances and withdraws political subjectivity: it certainly affirms historical identity, but it is an affirmation based solely on historico-political contingency. Because the production of identity is essentially historico-political, ascription of any ontological essence to beings is precluded, in a sense, and identity, instead, takes on the status of a function whose purpose it is to separate "friends" from "enemies." Such an approach does not therefore leave subjectivity undisturbed for refusing it being-comfortable in identity. On the contrary, in drawing out the intensity of the subject's radical embeddedness in relation, it raises the principle of relation itself, a kind of infinite extension of finite form, to a position of privilege. This "principle" in turn negates the very substance that allows its initial recognition as substance. With respect to identity, this logic first says "yes" to identity (in the recognition of binary relations and their respective, dissymmetrical values), but it does not then seek to bestow on these relations any absolute ethical legitimacy; that is, identity ceases to be the condition of possibility for politics, the ground for politics. This does not mean that any binary relation cannot be simply inverted along with its values; it can, and perhaps must. But it does mean that such an inversion cannot seriously overcome the original, unequal oppositional structure, the systematicity of the structure. What I am trying to think, following Nancy, as infinite-finitude puts an abrupt theoretical halt to the inherent partiality of identity by identifying that in beings that is shared infinitely, which is to say *nothing at all*. As a commentary on

this problematic, "Minister's" helps us to place in relief the Americanist interest in mobilizing texts in the interests of this or that Statist agenda. "Minister's" lays bare the structuration and movement that make all claims of nation-State identity complicit with the endless appropriation of finitude. This appropriation of being I will theorize as *sacrifice*, a difficult concept which we will only be able to briefly comment upon below. My contention is that the New Americanists' headlong pursuit of historico-cultural subjectivities opens itself to criticism when theory reminds itself what makes subjectivity "real" and what always and everywhere exposes the "reality" of subjectivity to the nothingness of its finitude, which is only to say its conceptual limit.

Parson Hooper's strange behavior and the community of Milford's reception of Hooper's actions perform the double gesture at once critical and sacrificial, critical *because* sacrificial, drawing the reader's attention to the double inclusionary/exclusionary nature of subjectivity's sacrifice. Hooper's actions might be usefully understood as a theoretico-political intervention into the complacency of Milford in relation to its self. Whether or not Milford gets the point is another question. Hooper's performance and its reception also alert the reader to the radically evanescent nature of Milford as a religio-political totality. What that community needs in order to maintain its subjectivity is, of course, subjects and the force necessary to keep subjects in subjection. By drawing this possibility into question--turning this possibility into a question--Hooper threatens the very foundation of the community and is, as a result, transformed into a sacred man of a different sort. No longer parson nor person, Hooper becomes an unsacrificeable thing in relation to the community's self-knowledge, and as such his being cannot be sublated into

a higher, positive identity. On the contrary, his being simply exposes Milford to its limit--which is nothing.

Derrida remarks that the statement "I am not one of the family" represents a "performative" or illocution and does not simply describe a fact (*Taste* 28). To say "I am not one of..." signals a philosophical and political commitment to a disengagement from identity politics. "Minister's" represents a most strange performance, equaled perhaps only by Melville's "Bartleby" for its sheer negativity. Parson Hooper (or someone) blindsides the citizen-parishioners of Milford one Sabbath morning with an unexpected countenance. Covering Hooper's face is a black veil consisting of "two folds of crape, which entirely concealed his features, except the mouth and chin..." (Hawthorne, "Minister's" 372). This being (for neither the reader nor the narrator are ever privy to Hooper's actual face), simply by obscuring his face, scandalizes Milford. Shot through with consternation, "With one accord they started," and as one expressed "more wonder than if some strange minister were coming to dust the cushions of Mr. Hooper's pulpit" (371). Unnerved and unsettled that something beyond strange or foreign has denuded them of expectation, they try to reassure themselves that indeed this is the good reverend: "But what has good Parson Hooper got upon his face?" Their habitual mode of seeing and relating immediately falls away, and they are left gasping for identity: "Are you sure it is our parson?" This failure on the part of Milford to positively identify Hooper results in an immediate shift away from an undifferentiated, univocal, objective expression of "a people" into subjective perspectivism. Before Hooper's arrival, there is the single, mob-like "throng"; afterward, "the people" begins to speak in separate tongues: "I can't really feel as if good Mr. Parson's face was behind that piece of crape" (372). "I don't like it,"

objects another. "He has changed himself into something awful, only by hiding his face." Finally, the logical pronouncement in the face of this assault on all reasonable behavior: "Our parson has gone mad!" Hooper's performance has quite literally left the community beside itself. Not only do the metaphorics of the text draw Milford's and the reader's attention to the *prima facie* assumptions about faces, that they authentically represent only themselves and are not masks concealing some deeper truth, they also compel in their suggestion that individual and community subjectivity depend, finally, on a recognition and the association of faces with particular communities. To recognize a face means, at least, to recognize its subjectivity within a community; it is to recognize the community itself in the face. That is why Hooper is not merely a stranger to Milford; his strangeness is excessive because he at once does and does not belong to Milford. They think it is him, but they are not sure, and, in any case, they cannot appropriate his being to the needs of their community.

Two problems are thus at stake in this reading: the first is the question of binding among members of a community, naming the principle of identity that binds beings together and effects in them a sense of self equal, from the point of view of the community, to every other self inside that community. The second question is whether such a principle may be refused, if only theoretically. In a discussion of State belonging (and belonging as such, implicitly), Giorgio Agamben writes:

> What the State cannot tolerate in any way...is that the singularities form a community without affirming an identity, that humans co-belong without any representable condition of belonging. The State...is not founded on a social bond, of which it would be the expression, but rather on the

> dissolution, the unbinding it prohibits. For the State, therefore, what is important is never the singularity as such, but only its inclusion in some identity, whatever identity. (*The Coming Community* 86)

I take Agamben here to be commenting on every state as well as the State, since every conceivable state in which beings commune has at its center an identity-principle without which no communication and no subjectivity could take place. Agamben also seems to say that any communication that does take place is arbitrary and contingent, and that the important thing, from the State's point of view, is the prohibition of the dissolution of the community, "the unbinding" that the State "prohibits." Coupled with Saussure's insight that signifiers operate differentially and arbitrarily, we can posit that whatever positive identity a community may exhibit, State or otherwise, exists by virtue of a sheer differential and arbitrary signifying economy, which is to say in relation to other identity-communities.

Milford's process of dissembling in the wake of its "crisis" is the other face of Hooper's alleged self-concealment. Worth noting in this respect is what the local parishioners fail to say upon sighting Hooper. They do not address him to his face, so to speak. Nor do they even positively identify the black crepe but only say, in so many words, What is that? The reader overhears an interrogation aimed at no one in particular, an idle gossip that barely conceals a negative sense of shame and embarrassment, at what is not there. It is as if Hooper's concealment and Milford's denuding were co-efficients. When Hooper, on his deathbed, cries, "lo! on every visage a Black Veil!", he is doing something other than uncovering a universal "conception of original sin" (Hawthorne, "Minister's" 384; Rowe 56). Indeed, Hooper is not uncovering anything; the

community's subjectivity is not a matter of false-consciousness or alienation. Nor does Hooper's veil/face conceal, hide, or privatize identity. Hooper's threat lies in the immanent exposition of his gesture, its expository power, which does not and will not answer affirmatively to the name that summons him, in any simple way. It is as if Althusser's ISA was being heard but misrecognized. Is this a matter of a voluntary act on Hooper's part or is the text trying to say something else about community's exposition? If it is not a matter of voluntarism (which would too much embroil Hooper in a bourgeois modality), what secret is the text attempting to disclose?

The community, of course, assumes that Hooper is hiding something: "to their imagination," the veil figures as "the symbol of a fearful secret between him and them" ("Minister's" 377). This provocation of secrecy inherent in Hooper's performance elicits a searching, spectacular curiosity among the citizenry; they want to know everything about him, just as Chillingworth will promises Prynne that her reluctant lover will be known ("But he will be known!—he will be known!—he will be known!" [*Scarlet* 171]). Hooper's whole body, his language, even his soul, are subject to this search. Elizabeth, his fiancée, says to him, "Your words are a mystery too" ("Minister's" 378). Another paranoiac identifies the part with the whole: "The black veil, though its covers only our pastor's face, throws its influence over his whole person" (375). Nothing ought to escape the eye of the community, no measure of being ought to remain without measure. The perhaps more detached elders in the town come a bit closer to articulating the core paradox: "A few shook their sagacious heads, intimating that they could penetrate the mystery; while one or two affirmed that there was no mystery at all" (374). Presence of mystery, absence of mystery: this question, if nothing else, occasions a self-reflexivity

on the part of the subject-community. Like the mirror's tain, which is excluded from a mirror's reflexivity even as it is the condition of reflexivity's possibility, in Hooper's "concealment," Milford longs for self-reflection, but it does not want to admit the condition of that reflection's possibility.[42] It will be content to forget, to always forget while at the same time rehearse, the tain of exclusion that makes its subjectivity knowable in the first place. The figure of Hooper, which appears finally the merest possibility of a (non)existence, utterly confounds meaning-minded Milford, and its members rush to fill this secretive figure with a content that can assuage their guilt, shame, even terror at what Hooper exposes for them: the infinite impossibility that makes their identity possible.

Parson Hooper, as the years pass, becomes known by the reverential name Father Hooper and takes on certain characteristics that will mark Hester Prynne and Arthur Dimmesdale as at once identical to and radically different from their dominant community. Like Prynne in her later years, Hooper's enigmatic symbol "enabled him to sympathize with all dark affections" ("Minister's" 381). And like Dimmesdale, Hooper becomes a "very efficient clergyman" and is eventually invited to deliver an election sermon, so passionate and persuasive has his oratory become. Also like Dimmesdale, Hooper's "conscience tortured him for some great crime, too horrible to be entirely concealed, or otherwise than so obscurely intimated" (380). In these parallel characteristics, we witness Hawthorne's abiding concern with the singling-out or scapegoating that takes place when a community must reassert its own sense of subjectivity, that is the identity that it must re-establish once its previous one has been exposed. A theory of sacrifice resides here no doubt, where the sacred becomes at once

an object of reverence and punishment. Part of the punishment of being sacrificed is the forced acceptance by a single being *within* a community of the originary "crime" that constitutes that community--a part is assumed to reflect the whole. It is thus made to appear as if Milford's sacrifice of Hooper--if a sacrifice takes place--is the result of Hooper's own individual actions and not the effect of the community's self-absorption, the appropriation of its own finitude. Hooper is thus stigmatized: "All through life that piece of crape had hung between him and the world: it had separated him from cheerful brotherhood and woman's love, and kept him in that saddest of all prisons, his own heart; and still it lay upon his face, as if to deepen the gloom of his darksome chamber, and shade him from the sunshine of eternity" (382). The narrator mistakenly believes that it is Hooper's inability to free himself from himself, through confession of sin or contrition perhaps, that veils him from the eternal light of sympathetic community. Another reading, however, shows Hooper to be the exclusion that serves, finally, to hoop the community around itself. Even in the event of Hooper's death, the veil is still "awful" in the community's "thought" (384). The veil has fallen, perhaps once and for all time, between the community and the surety of its own self-sense: "still veiled, they laid him in his coffin...." The dangling participle "still veiled" dangles, veil-like, between the community--"they"--and the truth of what "Hooper" signifies for them: they, still veiled, lay Hooper's dead body in the grave. The narrative soon breaks off, but not before mentioning the "moss-grown" "burial stone" veiling Milford from "the thought" of "the Black Veil!" With Lauren Berlant, we could take this textual opportunity to "participate in a history-*making* process" and transform Hooper's tombstone into an occasion "that involves the continual re-creation of invested 'spaces' for different generations of

subjects who live in the same territory" (Berlant 47-8). But recognizing the seriousness of this proposal, namely the reiteration of the very structure of subjectivity, it is important to decline the opportunity. Another history-making (can one ever not make history?) awaits. It is the making of an unmaking in which we recognize in Hooper's relationship to Milford the unsacrificeable.

Biopolitics and the Unsacrificeable

Milford cannot imagine a "Hooper" that does not bear an identifiable form and function, as a work that must be put to work on behalf of the community. It is noteworthy that Hooper continues throughout in the role of a parson, fulfilling a parson's duties. Milford extends to him a certain tolerance as a result. In this sense, the sense of work, Hooper's refusal to be identified is not exactly like Bartleby's, who simply prefers not to. The important point with regard to Hooper is that once Milford is asked to simply recognize his existence, which is only the bare life of each member of the community, it is thrown into paroxysm. That Hooper dies at the end of the narrative, followed by the beginnings of a recuperation or commemoration of his dead body into the life of the community, reiterates a general structure I have tried to underscore repeatedly. First, a being is always exposed to the limit that ties it to a collective identity (and every collectivity implies every other collectivity, at least one more). Second, this exposure to the limit of the sense of identity requires a "decision," in every sense, by the sovereignty of the collectivity on, so to speak, the height and breadth of the community, its normative shape and practice. What "The Minister's Black Veil" does so well is to simply trace the non-simple possibility of the extreme case where the very embodiment of the religio-political order becomes partially but decisively indefinite, undecidable. Something about

Hooper escapes the grasp of the *raison d'etat*, a minimal escape almost imperceptibly re-marked.

Before trying to say what this "something" might be, I want to briefly revisit a the joint question of privacy and the political broached above. Is Hooper engaged in a political relationship with Milford? We are dealing, after all, with a relationship between an individual and a collectivity, and Schmitt has said that the political is always a matter between two collectivities, national "peoples" organized into political States. In Milford, Salem, and Boston, one finds, arguably, political States, inasmuch as these entities are depicted as semi-autonomous or autonomous in their religious and legal decision-making. But they are not explicitly opposed to other States; at least these opposition are not thematized explicitly. Rather, these are States madly embroiled in the activity of self-constitution, and what they appear to be fundamentally engaged in is the identification and exposure of others against which their sense of self can be retroactively organized. Hester's return to the colony after an absence of several years, and her qualified acceptance by the town (she continued to live on its outskirts), particularly by the women of the town, does not lead one to identify her as an other or stranger in the same way that one would identify an opposing collectivity as other or stranger, that is, as enemy, as one that may be killed on the battlefield. For Schmitt, the former is a matter for the "private sphere," where the Christian law "love thy enemy" only makes sense, and the latter, the truly political, is a matter for the public (*Concept* 29). In an actual political situation, to love one's enemy, for Schmitt, could only signify stupidity and suicide--"It certainly does not mean that one should love and support the enemies of one's own people." Schmitt, then, might not see anything at all political, in the strict sense, about the texts under

consideration here, since he would appear to reserve the status of the political for "a people," "one's own people."

Can we think the political beyond the private/public relation? Interestingly, one of Giorgio Agamben's first gestures in *Homo Sacer* is the displacement of Schmitt:

> The fundamental categorical pair of Western politics is not that of friend/enemy but that of bare life/political existence, zoe/bios, exclusion/inclusion. There is politics because man is the living being who, in language, separates and opposes himself to his own bare life and, at the same time, maintains himself in relation to that bare life in an inclusive exclusion. (8)

For Agamben, before the friend/enemy distinction comes the constitutive fact of political existence at the level of "man." In a way, Agamben is simply expositing Schmitt's initial thesis: "The concept of the State presupposes the concept of the political" (Schmitt, *Concept* 19). Before the State, temporally, spatially, existentially, "man" is a political being. Whether organized into a State or not, man will continue, indefinitely, to be a political animal. This political being of man is located at the juncture at which man "separates and opposes himself" to himself. Existentially, man is political being for Agamben. This does not represent a moment in a general *telos* but is a constitutive, structural thesis. On the other hand, Agamben does identify a history of man's political being when he turns his attention to the modernity of biopolitics. In the chapter "Biopolitics and the Rights of Man," Agamben identifies the modern "system of the nation-State" and its foundation in citizenship as the source of a radical conflation, and

confusion, between bare life ("natural life") and political life. In the course of a vigorous attack on humanist rights-based discourse, Agamben writes:

> Declarations of rights represent the originary figure of the inscription or natural life in the juridico-political order of the nation-State. The same bare life that in the ancien régime was politically neutral and belonged to God as creaturely life and in the classical world was (at least apparently) clearly distinguished as zoe from political life (bios) now fully enters into the structure of the State and even becomes the earthly foundation of the State's legitimacy and sovereignty. (*Homo Sacer* 127)

Agamben attempts to establish that with the rise of the nation-State system a conception of human being also emerges that only makes sense from the perspective of citizenship and the State. The "very natural life" that grounds this modern development is exactly what is effaced by the citizen. For Agamben, like Etienne Balibar, the answer to the question "who comes after the subject?" is the citizen.[43] The iron-clad relation of nation and State--in which the political order (the State) is only legitimate where the nation is sovereign--represents an equally iron-clad relation between bare life and political sovereignty: "The fact that in this process the 'subject' is...transformed into a 'citizen' means that birth--which to say, bare natural life as such--here for the first time becomes...the immediate bearer of sovereignty" (128). Agamben's investment in historicizing this "development" becomes clear when he underscores a "hidden difference between birth and nation" that gets buried after WWI and results in the forms of "Nazism and fascism"; belief in the identity between birth and soil, "*Blut und Boden*," supplies the cornerstone for "National Socialism" (129). "[N]atural life" has become "the exemplary

place of the sovereign decision." The reasoning behind Agamben's attack against rights-based discourse (like Arendt, whom he affirmatively critiques, he takes aim at the "French Declaration of the Rights of Man and Citizen") might therefore be well-founded: rights-based discourse, its logic obscured by a desire for an absolutely universal, all-inclusive principle of right, papers over the fact that there is a difference between "natural life" and political life. Agamben, too, will talk about "nonpolitical life," like Castronovo and Berlant, but it is not *cultural* life to which he draws our attention, it is a certain structurating principle of political life--bare life or existence as such. One arrives at a deceptively simple conclusion:

> One of the essential characteristics of modern biopolitics...is its constant need to redefine the threshold in life that distinguishes and separates what is inside from what is outside. Once it crosses over the walls of the oikos and penetrates more and more deeply into the city, the foundation of sovereignty--nonpolitical life--is immediately transformed into a line that must be constantly redrawn. (131)

What represented for Schmitt the decisive difference between a properly political and non-political relation has been turned inside out here. The "nonpolitical" or bare life--the enemy, in Schmitt's vocabulary--no longer sits outside the city walls but subsists on political life as such everywhere. The body itself has come to house the enemy, bare life, which must constantly be kept at bay, prevented from disrupting the very norms and discourses of the biopolitical body for whose construction bare life is appropriated. In a rights-based political environment, however--whose utopian presuppositions Agamben finds highly disturbing--the reality of bare life is only understood as belonging to those

who do not possess the body of a citizen. Because they draw attention to "the difference between birth and nation," refugees become the historical agents "in the order of the modern nation-State"--which is to say inside its structure--that "put the originary fiction of modern sovereignty in crisis." The refugee, Agamben will say, "is truly 'the man of rights'." As long as man fails to recognize the existential refugee-status of his own political being, Agamben seems to everywhere imply, the actual, historical refugee will continue to be the modern scapegoat and sacrifice of and to this blindness.

For Agamben, at the core of the concept "homo sacer" is the possibility that "*it may be killed and yet not sacrificed*" (*Homo Sacer* 8). This only makes sense from an existential point of view. Because political existence for Agamben represents the merest of separations between a man and itself, the bare life of man is precisely that--bare, nothing. On one side of man's modern political existence is bare life, on the other is a certain sovereignty. All of the meaningful content of life happens in the sovereign sphere of the political subject, which in all essentials is assumed to coincide with the nation-State system. Bare life acts, therefore, as a kind of limitless source of negativity, subject to *whatever* permutations and appropriations in the service of sovereignty's consolidation; the nothingness of bare life, in other words, is, in its ideality, simply the negative, inverse side of sovereign identity. To say that *homo sacer* can be killed but not sacrificed is to say that the "death" of negation must be an ever-present possibility, but this death is not, as a result, sacrificed, in the Hegelian sense that it is taken-up into the dialectical life of the sovereign subject, the State and, ultimately, Spirit. The separation between bare life and sovereignty must be infinitely maintained, according to this

schema. In schematizing the existence of political man in this way, Agamben really does no more than Schmitt when the latter writes:

> The distinction of friend and enemy denotes the utmost degree of intensity of a union or separation, of an association or dissociation. It can exist theoretically and practically, without having simultaneously to draw upon all those moral, aesthetic, economic, or other distinctions. The political enemy need not be morally evil or aesthetically ugly; he need not appear as an economic competitor, and it may even be advantageous to engage with him in business transactions. But he is, nevertheless, the other, the stranger; and it is sufficient for his nature that he is, in a specially intense way, existentially something different and alien, so that in the extreme case conflicts with him are possible. These can neither be decided by a previously determined general norm nor by the judgment of a disinterested and therefore neutral third party. (Schmitt, *Concept* 27)

Bare life "need not" be anything in particular so long as it qualifies and quantifies "a union or separation"; bare life need only supply, from the point of view of sovereignty, the thinnest indication, the alibi or rumor of an indication, of "something different and alien" that may be worked up, should the exceptional moment demand it, into the status of enemy. As a description of a certain ineluctable pragmatics of the nation-State system as such, this scenario reflects upon the most extreme, dangerous, and egregious forms of political calculation, and tries to explain, in the most minimal theoretical terms, the logic behind the identification, exclusion, and death of the other, as well as the life of the "subject." In this sense, Agamben at once sustains and vitiates Schmitt's political

distinction as belonging to a people. The modern political State certainly identifies, organizes, and disciplines beings in the shape and content of "a people," but the very "people" it constructs is not therefore structurally immune from becoming inimical to sovereignty in its turn. *Bios* and *zoe* have become irreducibly confused.

What would it mean to disrupt the theoretical systematicity or economy of the zoe/bios distinction, the first term of which will always be available for appropriation by the second, however intimate their relation? What would it mean to think a bare life that could never give rise to an appropriation by sovereignty, instead infinitely remarking sovereignty's own finitude? *The Scarlet Letter* helps us stake out this problematic. At the very beginning of "The New England Holiday," the reader sees that *homo sacer* has already penetrated "deep into the city." When Hester and Pearl arrive in the market-place, "It was already thronged with the craftsmen and other plebeian inhabitants of the town, in considerable numbers; among whom, likewise, were many rough figures, whose attire of deer-skins marked them as belonging to some of the forest settlements, which surrounded the little metropolis of the colony" (*Scarlet* 313). The outside has already become inside; the savage roughs circulate in the market-place uninhibited. Pearl wonders at the presence of so many strangers in the town: "But, see, mother, how many faces of strange people, and Indians among them, and sailors! What have they all come to do here in the market-place?" (315). Notably, the narrator reserves the title of most strange, most foreign for "the seafaring class," a motley crew who "Transgressed, without fear or scruple, the rules of behaviour that were binding on all others; smoking tobacco under the beadle's very nose, although each whiff would have cost a townsman a shilling..." (318-9). The presence of such riff-raff, pirates really, in the market-place

exemplifies "the incomplete morality of the age" and the market-place itself as the symbol of this crisis--something Donald Pease sees as indicative of the Revolutionary Mythos, a modernity asserting "the need to consume every moment as an assertion of power over it" (*Scarlet* 319; *Visionary* 52). And, yet, these pirates do not bring with them to land and market the threat of anarchy; they are not yet "the enemy." While the sea is "subject only to the tempestuous wind, with hardly any attempts at regulation by human law," the land signifies a more human resolve in imposing law and order. Thus, "it excited neither surprise nor animadversion when so reputable a citizen as old Roger Chillingworth...was seen to enter the market-place, in close familiar talk with the commander" of this particular band of swashbucklers (*Scarlet* 319).

This semblance of a general political disorder is belied by a more subtle play of force. For this is the day "on which the new Governor was to receive his office at the hands of the people," and "on which the political year of the colony commenced" (*Scarlet* 313, 317). Buoyed by a kind of residual nationalism left behind "in proud old London,"

> The fathers and founders of the commonwealth--the statesman, the priest, and the soldier--deemed it a duty...to assume the outward state and majesty, which, in accordance with antique style, was looked upon as the proper garb of public or social eminence. All came forth, to move in procession before the people's eye, and thus impart a needed dignity to the simple framework of a government so newly constructed.

This "dignity" represents something more than a benign bestowal of virtue upon "the people." This "simple framework" likewise signifies something other than a mere formal

structure that "the people" inhabit and to which "they" consent. It points towards a structure of force, rather, anchored by the State, the clergy, and the police, a "force of law," as Derrida might say, suggesting that the "the people" will need to be radically curtailed, the line distinguishing inside from outside constantly re-marked. When the narrator, in distinguishing this "people" and "their" customs from the English, reduces a multiplicity to "the great, honest face of the people," he for one appears confident that the political lines--or the determination as to who or what belongs, potentially, to either side of the political line--have already been drawn. Likewise, the "Puritan elders" are able to "smile not unbenignantly at the clamor and rude deportment" of the seamen, Indians, and the rest. They are equally confident that a force exists that can reassert the privileges of the citizenry if necessary, and prevent a general slide into indeterminacy between subject and citizen, *homo sacer* and sovereignty. "The New England Holiday" thus stages a political, religious, and military show of force, and to smoke beneath the nose of the town beadle is therefore only a kind of narrative admission that the beadle protects a "people" from which the mariners are excluded.

This show of force represents a general communication and communion that causes us to question whether Agamben's analysis does not in its particular modernity elide a condition and structure to be found wherever one finds "political subjectivity," that is, not as a distinction between subject and citizen, or at least not only as that, but as a distinction between identities in community (when are identities ever not in community?). If, as Schmitt says, the State presupposes the political, then it is the location of the political that is crucial, and not its particular Statist formation. But, contra Schmitt, one would also want to question why the political can only surface between two

collectivities, two "peoples," or question what a collectivity is in the first place. Against the idea that Hester's ordeal would not constitute a matter of politics, one could say this: the demonization of Hester, Pearl, the Indian companion of Chillingworth, the mariners, Mistress Hibbens, and so forth, by the State indicates a certain potential enemy formation that, while overdetermined, nevertheless shares in common the minimal criteria required of the enemy: that it be "foreign" and "strange." In this sense, Agamben's calculation of rights-based discourse as being especially guilty of obscuring the origins of its iteration would itself appear to obfuscate a general political structure where identity, any identity, is concerned. Moreover, "the great, honest face of the people" only remains great and honest in the most empty, formal way, since the bodies constitutive of this "people" are utterly and everywhere substitutable.

Every example or illustration of the political nature of identity therefore becomes a two-fold process. First, the determination of the particular historical formation of identity is necessary in order to locate the political exception. Second, once this location is determined, it serves to reflect upon a general, "transhistorical" structure of the political. One can see, for example, that the political violence which pervades Boston in *The Scarlet Letter* is not wholly different from the violence unleashed by the judges at the 1692 witchcraft trials. Indeed, *The Scarlet Letter* can be read precisely as a commentary upon how such a disaster was possible, and how political subjectivity requires the identification of, at least *in potentia*, the enemy. Likewise, the (liberal) political decapitation that ends "The Custom House" preface, however humorously or benignly depicted, reflects historically and structurally on the founding days of Salem as well as on Boston. At the foundations of Salem's communion one finds everywhere, as one would

expect, communion's detritus. The Hawthorne-narrator traces his own contemporary political malaise and crisis to his very own progenitor, "that first ancestor," a "man of war and peace," of "good and evil," that "bitter persecutor of Quakers," whom the latter have remembered "in their histories" as the agent of a "hard severity towards a woman of their sect..." (*Scarlet* 24). This adamic figure enables the narrator to mythically figure the origin of the community as one of an ongoing sacrifice, a perpetual offering-up of itself for itself. The communal body, if it exists, wherever it exists in spacetime, instigates and is instigated by a cutting differentiation that at once establishes what it imagines to be the other to its own self and the self that is the effect of this cutting.

One sees this in "The Prison-Door" chapter as well, where the prison is described as "the black flower of civilized society" (*Scarlet* 158). The "wild rose-bush," offered to the reader as a "sweet moral blossom," is "rooted almost at the threshold" of the prison door from which Hester will emerge (159, 158). While alluring in its wildness and fragrance, the rose-bush also pricks the careless touch, as if to say that one may not enjoy the pleasures and privileges of identity without the pain of death and imprisonment, which is to say sacrifice. Ann Hutchinson knew this, the text suggests, as the rose-bush may have "sprung up under [her] footsteps." So does the narrator when he speculates on precisely who the multitude might expect to issue from the portal of the Massachusetts Bay penal system. Sensing some "awful business at hand" in the market-place, the patriarchal "bearded physiognomies" might expect to see a "sluggish bond-servant, or an undutiful child" stepping forth,

> an Antinomian, a Quaker, or other heterodox religionist...to be scourged out of the town, or an idle and vagrant Indian, whom the white man's fire-

> water had made riotous about the streets...to be driven with stripes into the shadow of the forest. It might be, too, a witch, like old Mistress Hibbens, the bitter-tempered widow of the magistrate, was to die upon the gallows. (160)

Any body--for Agamben, every body--is vulnerable to being forcibly appropriated as an instrument of reflection, differentiation, and exclusion by and for the sake of the subject-community. These allegedly exceptional identities, from the point of view of the Boston puritan community, if there is one, do not pose a threat, in the first place, by virtue of some positive traits or characteristics they may or may not possess. Nor is it the case that these identities are excluded solely because of unjust laws, however likely the possibility that such laws exist. The point is that these exceptions to the rule of Bostonian unicity are, symbolically and physically, part and parcel of that unicity itself, in all its ideality, or as the narrator calls it "Utopia." This structure of the exception will be remarked in every historical determination where sovereign community, of any sort, is supposed to exist.

To return then to the beginning: What happens when the "nothing" that infinitely limits subjectivity is not treated for what it "is"? Or, what happens when finitude undergoes a treatment, is burdened with the alibi, in the form of the enemy, for a subjective, political appropriation "among friends"? One answer is that finitude is sacrificed at the alter of community and identity in all its forms. This is the pervasive and general stake of the political to which this chapter has attempted to describe and continue to problematize. But a further reply is also in order. If Agamben can be said to have sealed off finitude from the possibility of ever resisting appropriation, Jean-Luc Nancy generalizes that resistance to the "ground" of being itself.

In the text "The Unsacrificeable," Nancy writes that "finitude isn't a 'moment' in a process or an economy. Finite existence doesn't have to give rise to its meaning with a burst that destroys its finitude. It's not just that it *doesn't* have to do it but, in a sense, it simply *can't* do it.... '[F]initude' means that existence can't be sacrificed" (74). Finitude means that existence can't be sacrificed. Parson Hooper's body would have to simply expire before it could be appropriated for the sake of "a process or an economy." "Finitude" most precisely names that "property" that is neither a personhood nor a humanity, that belongs to "everyone" yet can be the positive possession of no one, neither of a person, a relation, or a community of any sort, much less a State. Infinite in its exposition, finitude is also radically singular yet always plural: it counts where bodies are concerned, and yet, because no body ever exists in solitude, finitude is not reducible to the bare life of a single body. Finitude is, thus, other than *homo sacer*. Whereas the latter only makes sense vis-à-vis the modern State and its sovereignty, the former will have always already preceded the appropriation of existence in the name of this or that regime, economy, system. Finitude is the appropriated premise or presupposition of every meaningful process or economy. This is why we have tried to single out finitude as a relation--indeed, the relationality of relation--that is not reducible to a political modernity (the rise of the modern nation-State) and, in fact, whose very closure instigates "the political" in Carl Schmitt's sense of the friend/enemy opposition.

In the final pages of *The Scarlet Letter*, the narrator, translating Hester's own thoughts ("so said Hester Prynne...") muses on the bearer of "a new truth" that would "establish the whole relation between man and woman on a surer ground of mutual happiness" (*Scarlet* 344). Hester, of course, is not supposed to be that "destined

prophetess," as she "vainly imagined" herself to be. Whereas she exists in "dusky grief," the authentic prophetess comes through "the ethereal medium of joy" (345). Until the very last, then, Hester's finitude is doubly captured: first, she is sufficiently disciplined by the community (and by Dimmesdale's cowardice and Chillingworth's treachery) to describe and circumscribe her-self as something significantly less than what is to come, the "lofty, pure, and beautiful" announcer of "the coming revelation." Second, related to the first, the "sacred love" that "should make us happy"--that which is to come--"must be a woman" and this woman must enjoy the sacrifice of sacred love. An irony and perspective should be remarked here: Hester in fact is the bearer of this sacred love after all: her sacrifice, the sacrifice of her body by and for her community, is sacred love. She becomes so radically reconciled to the political and theological dreams of her community--love of family, of God, of the State, of subjectivity--that her humility in the face of such subjugation takes the form of a disavowal. It is not her community that has made her thus, but rather it is the result of "her own free will" (344). Because, from the point of view of community, in fact Hester is the prophetess of the future, she has come, and her message is one of sacrifice and sympathy. Finally, Hester announces the infinite sacrifice of finitude for community's sake.

Now Hester nearly escapes, and, after Dimmesdale's demise, for a certain unknown period of time she and Pearl do disappear from the colony. Only Hester returns, as the narrator relates, to take up "her long forgotten shame" (*Scarlet* 343). Pearl's whereabouts and condition, on the other hand, are almost wholly unknown. We do know, of course, that Chillingworth "bequeathed a very considerable amount of property, both here and in England" to her, and that she may be living in England,

perhaps as the wife of a nobleman (342). In any case, Pearl can now afford many pearls as she "became the riches heiress of her day, in the New World." Two things remain intriguing about Pearl from the perspective of the problematic of finitude, subjectivity, and community. First, no obvious appropriation of Pearl's being takes place, finally. She "escapes" in the sense that she is no longer subject to the subjectivizing mechanics of the colony; the fate of her famously "wild" origin and character is suspended for the reader. Her existence is quite literally lost to every reader, including Surveyor Pue and the Hawthorne-narrator. It perhaps signals a loss without remuneration for the community. In a banal sense, of course, her property only consists of money and the things money can buy, some of which supposedly arrive at Hester's doorstep. More abstractly and symbolically--and this is the second point--Pearl becomes property, but it is a property for which no narrative can account. The Hawthorne-narrator tries. He, like Pue before him, "faithfully believes...that Pearl was not only alive, but married, and happy, and mindful of her mother" (344). In short, the descendents of the colony want to continue to bring Pearl, "the demon offspring," to account according to the sanctioned terms of the community. Her relation to their community becomes a matter of faith. But her being, finally, really only ever becomes the stuff of rumor, much as Hooper's identity, and much as the entire narrative of *The Scarlet Letter*, as something more and less than a twice-told tale. Could it be that all identity, along with all the meaningful and material supports that have lead to its institution and institutionalization, have been but the stuff of rumor?

The romance, then, leaves off where it begins, with a set of probabilities and potentialities. If *The Scarlet Letter* begins with the Hawthorne-narrator's finally indeterminate reconstruction of a narrative bricolage inherited from Surveyor Pue, it exits

with rumors of prophets and profits. The question for finitude will continue to be whether or not "it" will become the stuff of profit, appropriated for the sake of property and the value of property. Furthermore, the question of finitude will continue to be whether or not the futures entailed in it and for it will also be sacrificed for profit in the form of a "having come." Or will we begin, once again, to solicit a prophet without profit, a messianism without messianism, in Derrida's words.[44] In Pearl, one discovers an intimation of this promise, approaching from the future, announcing the merest outline of a surprise, "like a shapeless piece of driftwood tost ashore, with the initials of a name upon it" (342).

Interrogating the Moral Contract in Ruiz de Burton's *The Squatter and the Don*

> No, I don't blame the squatters; they are at times like ourselves, victims of a wrong legislation, which unintentionally cuts both ways. They were set loose upon us, but a law without equity recoils upon them more cruelly. Then we are all sufferers, all victims of a defective legislation and subverted moral principles.
>
> Don Mariano, *Squatter* 74

> [T]o remain a citizen one cannot always treat everyone as a human being.
>
> Adrian Oldfield 81

> ...said the lazy Indian.
>
> C. Loyal, *Squatter* 258

In chapter one, I argued that Hawthorne can be fruitfully reread with an eye towards the delimiting effects of finitude on immanent conceptions of subjectivity. Where discourses of the individual and the State are concerned, such a reading can serve to remind us not only that "projects" such as "the individual" and "the State" can and should never be completed but more radically that they can never really begin, except by means of a radically violent bracketing of finitude. Chapter two builds on this understanding of finitude's infinite "check" on subjective projects and processes by investigating more intensively the moment where individual subject and State coincide--in the identity of citizenship. María Amparo Ruiz de Burton's second novel *The Squatter and the Don: A Novel Descriptive of Contemporary Occurrences in California* (1885) will assist me in arguing, first, that citizenship is measured by a moral content that makes it infinitely less "pure" than the formal idea of citizenship suggests, and second, that such

a recognition, far from condemning citizenship, makes the decision on the moral contract that undergirds citizenship an excessively urgent question.

Important to my understanding of citizenship is Carl Schmitt's political ontology: the split between friend and enemy that defines the border of the polis, a border that extends, as we have already glimpsed, into the city as well as beyond it. Citizenship, the concept *par excellence* of the modern liberal State, is arguably the subject of *Squatter*, since the question of a just State belonging is everywhere at issue in the novel. By elucidating the character of citizenship as interpreted in *Squatter*, I intend to intervene in a general reading strategy of Squatter I will later call historicist. The citizen concept, I suggest, allows us to think against historicism in the same way that one thinks, for example, against diachrony through synchrony; that is, I want to arrest historicism insofar as it prevents us from identifying those structural characteristics of citizenship that do not change. One of these characteristics, I suggest, is the political formality called the moral contract.

There exists a relative dearth of explicit analysis on the problem of the citizen in *Squatter*. This is not because critics have failed to note the role of historical events in the making of *Squatter*; on the contrary, historiography and, to a lesser degree, legal studies have been central to nearly every critical encounter with the novel. The uses of history and legal studies are important here because *Squatter*'s emplotment strategies revolve around historical and legal "events," particularly the extension of citizenship to the conquered Mexican population after 1848. In general, this criticism has shown how *Squatter* reflects the volatile political landscape in California in existence in the years following the Mexican-American War, and particularly the effect this volatility has had

on the Californio population. What this body of analysis has given less attention to is the nature of the theoretical apparatus that enables one to even speak about history and law, and by extension citizenship, in the first place, particularly when what is at issue is the representation of them in narrative.[45] The task here will be, first, to initiate such a theoretical reflection, from the perspective of the citizenship concept, and second, to show how *Squatter* itself participates in such reflection through its representation and complication of the moral contract.

Two issues, then, are on the table in this first approach to *Squatter*: the citizen and the question of history. However, there will be no attempt here to write a history of citizenship in the United States, useful as such histories can be. Rather, I want to show how the joint problem of citizenship and the State (or political community or polis) impinges upon the narration of history as represented in *Squatter*. One could bring different sets of terms to this problem, for example the structuralist terms of form/content or, as I have said, synchrony/diachrony.[46] To get at these questions, a brief detour through the most significant scholarship on *Squatter* is in order. As I shall show, this scholarship tends to emphasize a certain historical quality and relevance, but what they minimize, in my view, is the inherently exclusionary premises of their own literary project--exclusions that find their most complete expression in the form of citizenship.

Historicist and Cultural-Nationalist Tendencies

More than twenty years have passed since Fredric Jameson reminded literary theorists to "Always historicize!", and although critics (particularly so-called New Historicists and their progeny New Americanists) have worked mightily to be true to that injunction, it is worth reflecting on Jameson's particular use of the phrase.

Historiography too often translates into mere historicism, that is into the tendency to interpret "history" in terms of discrete stages of unique character and quality.[47] Jameson, on the other hand, is perfectly clear: dialectical historicization can pursue "two distinct paths...: the path of the object and the path of the subject, the historical origins of the things themselves and that more intangible historicity of the concepts and categories by which we attempt to understand those things" (*Political Unconscious* 9). Every reception of "a given cultural text," in other words, is a social reception and act, an "act of interpretation, and presupposes, as its organizational fiction, that we never really confront a text immediately, in all its freshness as a thing-in-itself. Rather, texts come before us as the always-already read." Texts circulate in an ever-shifting historical socio-political climate, carrying in their very interpretive substance (i.e., their "contexts") the "sedimented layers of previous interpretations." To take "an essentially historicist perspective" means to read with the knowledge that all "readings of the past are vitally dependent on our experiences of the present" (11). An "authentic" historico-literary study, then, takes up "less the text itself" and more "the interpretations through which we attempt to confront and to appropriate it" (9). Acts of history become in this context not a matter of whether to historicize but how. They also place into radical doubt whether it is ever possible to articulate "the historical origins of the things themselves" in such a way that "the things" appear without the intellectual/theoretical mediation between now and then.[48]

The critical reception of *Squatter* bears out these observations. Since its "recovery" and introduction into Chicana/o and American studies by Rosaura Sánchez and Beatrice Pita in 1992, *Squatter* has acted as a kind of litmus test for competing views

on the relation between Mexican-American or Chicano pasts and presents. For Sánchez and Pita, this is clear in the reasonable and remarkable desire to read *Squatter* as the opening of a narrative space "for the counter-history of the subaltern" ("Introduction" 7). In another place, Rosaura Sánchez will cast *Squatter*, along with the Californio testimonial in general, as a means by an oppressed minority for "[reacquiring] a measure of imaginary control as a collectivity" against "hegemonic historiography" (303). Relying on a version of Jamesonian historicization as her *modus operandi*, Sánchez entertains "hopes of revealing insights into ensembles of relations and networks of ideological discourses still with us today" (304). One can easily detect, as John González does, Sánchez's desire to read *Squatter* "as expressive, or at least pre-figurative, of a greater communal resistance fostered by Chicano nationalism" of the 1960s and 70s (González 134-5). This is Sánchez's politically astute visionary compact, and it reveals (note the word "expressive") her strong historicism.

However, Sánchez flirts with obscurantism when she paraphrases Jameson as suggesting that "the past speaks to us about our present and about our future...struggles" (*Telling Identities* 304). What she routinely characterizes as "recovery" and "reactivation" is nothing less than an active historico-literary intervention and re-vision on her part. And it is right that this should be, since all "history" is re-visionism, according to the argument pursued here. Sánchez's political shrewdness in her characterizations notwithstanding, in truth "the past" never speaks to "us", that is, not without the proleptic movement that Jameson names through which "we" "speak" to "it" in its speaking-to-us. This is an important point for my purposes since Sánchez emphasizes the critical need to impose an "end" on literary interpretation, to make a

"work" of it. In the context of writing literary history, or any other kind of history, to impose an end on interpretation reflects a strong historicism in which all preceding stages of history acted as preparation for "today."

Sánchez and Pita are clearly interested in marshaling *Squatter* in this way, and in particular as a text that "speaks" with special significance to contemporary Chicana/o political struggles in the United States. In pointing this out, I do not mean to suggest that these critics err in limiting the so-called "writerly" nature of textuality. Every interpretation does that. Indeed, much can be said in favor of such a reading strategy from a progressive viewpoint that seeks to fight the fire of a colonialist nationalism with the fire of an anti-colonialist nationalism, a point I have already made. But what I want to suggest is that reading *Squatter* in a historicist vein and as a cultural-nationalist text diverts attention from a more politically radical interpretation. It is true that Sánchez herself has revised her own reading so that Ruiz de Burton comes to speak not only for "the Californio and Mexican collectivity" but "for all "citizens"" ("Dismantling the Colossus" 117-8).[49] And this represents an important point of departure for my investigation. For even with this mild adjustment, does not *Squatter* remain for Sánchez a text committed solely to the national-State subject, particularly when it is read as prefiguring a Chicano politics but not only then? Such analysis is committed, at best, to a vision of cultural and political pluralism, and a kind of *imperio en imperium*, that is one strong cultural-nationalism (Chicano) enveloped with another, stronger cultural-nationalism (white nationalism). No analysis is provided that could allow access to the limits of citizenship itself; no analysis is provided that enables a reader to identify that which the same in both "white" nationalism and Chicano nationalism, for example. I will

attempt a different approach to similar concerns, using the historical rise of contract and monopoly as occasions to broach the question of citizenship as a limit-question.

Equity, Contract, Justice

In his reading of William Dean Howells's *A Modern Instance* (1883), Brook Thomas describes a certain transition and dilemma in American history. Discussing the town of Equity, in which much of Howells's novel takes place, Thomas writes:

> If, on the one hand, the town of Equity evokes the image of an agrarian republic intent on establishing a reign of classical virtue, on the other, it evokes the image of a static, hierarchical society in which the "right reason" of a governing elite gives it access to higher laws of justice unavailable to the people at large. The breakdown of Equity's order...is thus double edged. Promising freedom from an aristocratic paternalism that blocks democratic development, equity's breakdown also threatens the moral foundation on which the United States promised to construct a more equitable and virtuous society. (27)

With the possibility of equity's collapse arises the dilemma of how to preserve republican virtue together with democratic development. Republican equity and liberal contract thus represent the two halves of a moral capitalist society, in a normative sense. In contrast to equity, Thomas tells us, contract "implies a universal standard in which everyone has the same duties as everyone else--even strangers" (28). In the quintessentially liberal, if not democratic, economic climate of contract, aristocratic hierarchy is threatened, but so is equity, which is to say justice itself. Defined by Aristotle as "the sort of justice which goes beyond the written law," equity is guaranteed by "unspoken agreements sanctified

by tradition..." (qtd in Thomas 26; Thomas 29). Contract threatens to negate equity's corrective antidote altogether. In contract, people are held "responsible only for actions considered legally binding." If custom and tradition are the guarantees of justice in an aristocratic world of status, law is the guarantee of justice in a liberal world of contract. But as a result of the latter, "people could violate unspoken codes of behavior without legal reprisal." In a world of contract without equity, the question is whence justice? But Thomas's quotation also implies that in a hierarchical world of equity without the universal standard implied in contract, the question remains the same: whence justice?

Published only two years after Howells's realist classic, *Squatter* represents yet another "modern instance" in its far less ambiguous attempt to reconcile equity and contract, aristocracy and democracy, republicanism and liberalism.[50] Ruiz de Burton wants her novel, in contrast to Howells's, to end in marriage and not divorce. The trouble is that the literal marriage between children of the principle families in *Squatter* is not reflected in the "marriage" of equity and contract. Instead, contract, particularly in corporate form, threatens to obliterate equity, and the novel's narrator is left to ponder alternative forms of justice to equity. In these alternatives, another justice emerges that is not the customary justice of equity. Rather, it is the justice of democracy, and it appears at and as the very limit of the law, in the form of the moral contract.

Squatter perfectly reflects the dilemma between republican equity and liberal contract that Thomas describes. In 1872, overlapping the time in which Howells's fiction is set, the agrarian, aristocratic Alamar family finds its means of subsistence, cattle ranching, threatened by squatters who care nothing for equity but only for the law. Don Mariano Alamar, the family's genteel head, is the virtual poster-boy for republican virtue.

He does not rule his 45,000-acre ranch so much as he moves about it with the noble comportment of an ancient Greek citizen among its well-ordered relations. To the Darrell family, Anglo settlers from New England, the Mexican Alamar men appear as "Englishmen" and "gentlemen" (Ruiz de Burton 85). Such classical and feudal associations affirm that a certain aristocratic handsomeness, in men and women, is the natural accompaniment of moral virtue in *Squatter*. The same cannot be said of the squatters themselves, whom the supposed evils of pure contract have reduced to ugly, mean, desperate figures. In an early scene, John Gasbang, one particularly despicable squatter, as he prepares to "claim" what he regards as his legally sanctioned piece of land on Don Mariano's rancho, gleefully exclaims, "This is what I call business...and all inside the law. That is the beauty of it--all perfectly lawful" (73). But Don Mariano, in equitable fashion, takes an enlightened attitude toward Gasbang's and the other squatters' actions:

> No, I don't blame the squatters; they are at times like ourselves, victims of a wrong legislation, which unintentionally cuts both ways. They were set loose upon us, but a law without equity recoils upon them more cruelly. Then we are all sufferers, all victims of defective legislation and subverted moral principles. (74)

Law without equity rules political economy in *Squatter*. Don Mariano, whose very name recalls the aristocratic, republican virtue supposed to check contract, knows that in a world of contract without equity no one is safe, ultimately, from anyone else, marking a return to a kind of Hobbesian state of nature. The complexity of customary relations are leveled to the point where individuals become mere economic units in a highly dynamic

but extremely insecure environment (Thomas 29). In this world, justice becomes subject to a marketplace rationality where one day the law protects individual property and the next day abandons it to contingent forces. Thus, when the Don's son, Victoriano, tired of being preyed upon by squatters, remarks, "I wish we were squatters," the Don wisely replies, "During litigation, yes; but there have been cases where honest men have, in good faith, taken lands as squatters, and after all, had to give them up" (Ruiz de Burton 74). Don Mariano knows that where legal contract alone rules, justice is purely arbitrary and catch-as-catch-can.

Squatter's discrimination between equity and contract is most felt in what separates the Alamars, the Darrells, and the double figure of the squatters, on the one hand, and the railroad monopolies, on the other.[51] Sometimes Ruiz de Burton's depiction of the Alamars borders the modern nostalgia in American literature one finds, for example, in Cooper's historical positioning of Amerindians in the Leatherstocking novels as a people whose time has come. Landed aristocrats with "Spanish" origins, the Alamars "never will be business men" in a political modernity increasingly ruled by capitalist interests (Ruiz de Burton 83). Like the Amerindians in Cooper, the Mexican Alamars are sometimes made to appear as the "vanquished, who no longer had rights in their patrimony, and must henceforth wander off disinherited, despoiled, forgotten" and "sadly fade and pass away" (81, 164). If the Alamars belong to a residual Mexican aristocratic class, the Darrells, by contrast, belong to a middle-class Anglo ascendancy. This is perhaps best exemplified by the way in which the Darrells' son, Clarence, and Mrs. Darrell complement one another. Clarence is the proverbial self-made man who, from "the sum of $2,000 bequeathed to him by Mrs. Darrell's Aunt Newton, when he was

five years old," has accumulated a massive fortune from speculations in silver mines and other interests (102). He inherited his wisdom for investment from his mother, apparently, who, in the novel's opening pages, speaks much of the "wisdom" of being "guided by...past history" and "experience" (55). Mrs. Darrell refers here to the Darrells' first excursion out West in 1848, immediately following the Mexican-American War, when Mr. Darrell (called simply "Darrell") mistakenly claims land belonging to a Californio and then loses that land, after having worked it, when a federal court affirms the Californio's title. Some twenty-five years later, Mrs. Darrell stipulates to her husband, "do not go on a Mexican grant unless you buy the land from the owner" (57). She further instructs: "If the rancho is still in litigation, don't buy land in it, or if you do, buy title from the original grantee, on fair conditions and clear understanding." The Darrells have thus already experienced the vicissitudes of a justice premised on judgments of a merely legal nature. In 1848, they gambled with such a system, and lost. To avoid this recurrence, Mrs. Darrell stresses equity-like principles of "fair conditions" and "clear understanding," principles that add an interpersonal dimension to a merely legal economic transaction.

But Darrell himself fears he possesses a "streak of perversity" that will not allow him to abide by the demands of fairness (Ruiz de Burton 56). The novel's unfolding bears him out in this fear as he eventually forgets his wife's advice, with disastrous consequences for both families. Darrell's streak of perversity is a moral failing that ties him to the squatters and the corporations, who "legally" dispossess people of their land with no thought for fairness, equity, or the like. The difference between an equitable contract and an inequitable one is summed up in the novel's definition between

"squatter" and "settler," between which Darrell is constantly shuttling. A squatter, Mrs. Darrell explains in the novel's opening pages, locates a claim "on land belonging to anyone else" other than the government. In doing so they cause "much trouble to people who never harmed them." A settler, on the other hand, Sánchez and Pita tell us, "is described in moral...and economic terms" (23). A settler is willing to pay the asking price for land, whether to the government or an individual owner. "[The settler] is thus an individual entrepreneur who can invest in land, cattle and seed crop. The squatter, by contrast, is landless, generally with no capital to buy the land, but at the same time a gambler of sorts who, land-hungry, is willing to work land that he may eventually lose." Settlers thus negotiate contracts (titles) for land with whomever they intend to buy from; they do not simply make a claim on the foundation of dubious law, which may or may not finally recognize such a claim. Proper, moral contracting requires certain manners and protocols, the novel suggests, and without the supplemental fairness that such manners add to mere contract there is only an ongoing violent dispossession of one individual or group by another.

Like the squatters, the railroad corporations are not willing to enter such interpersonal negotiations. They simply ride roughshod over any interests that appear to contradict their own. Their attitude in the novel conforms to the squatters': they "do not aspire to anything more than taking care of...business," in the words of Leland Stanford, one of the so-called "Big Four" magnates (Ruiz de Burton 295). When confronted with the fact that many will suffer as a result of his actions to stop a southern pacific route, he replies, "if I don't cause distress, someone else will. Distress there must be, bound to be in this world...." Together, the monopolists and squatters represent a moral impasse for

the equity-minded classes, despite the fact that the squatters are as subject to corporate depredations as the Alamars and Darrells.[52] C. Loyal, the narrator, finally denounces the monopolists in the harshest terms she can muster:

> These monopolists are essentially dangerous citizens in the fullest acceptance of the word. They are dangerous citizens, not only in being guilty of violation of the law, in subverting the fundamental principles of public morality, they are dangerous citizens, because they *lead others* into the commission of the same crimes. Their example is deadly to honorable sentiments; it is poison to Californians, because it allures men with the glamour of success; it incites the unwary to imitate the conduct of men who have become immensely rich by such culpable means. (338)

From C. Loyal's point of view, "commercial honor, business morality, should be based on strict rectitude, on the purest equity" (294). The corporations and squatters, however, "defy the law and use their power to the injury of others." "Law" here appears as *natural law*, as opposed to positive law. The corporations and squatters are not dangerous because they violate any actual statute. Indeed, their collusion with federal and State governments contributes to the very fashioning of positive law, guaranteeing, to the extent possible, that their actions conform with law. They are dangerous, rather, because they undermine what in the novel is called "fundamental morality" (200). This natural law underwrites, or ought to underwrite, all positive law, since it is the ground of natural social existence, what Thomas, following Maine and Tönnies, calls "*Gemeinschaft*" (Thomas 29). Quoting Spencer, one character says that "'the inferences of political economy are true, only because they are discoveries by a roundabout process of *what the*

moral law commands'" (Ruiz de Burton 200). "Law" thus means something different in the mouths of the aristocratic Alamars than it does in the mouths of the squatters and corporations. It is the difference between equity and contract, to be sure, but it is also the difference between a justice rooted in the timelessness of natural law (thus its basis in "sentiments" or feelings) and a justice commensurate with market dynamics.

If equity corresponds, generally, to a form of civic republicanism, in which the political good depends upon a certain civic comportment or manner, and contract corresponds to a liberal logic of personhood, in which such persons vie with one another in a free marketplace, what can be said to ground this distinction itself? One answer, of course, is capitalism. Here, republicanism and liberalism become alternative means of harnessing the productive potential of capitalism for the benefit of the State, which is to say "the people," or at least for particular interests that use the State as a means to their own ends. From this perspective, typically associated with a thinker like Marx, republicanism and liberalism name ideologies of bourgeois political community, i.e., the State, and provide sets of norms, or laws, for mediating between the State form and its capitalist base. But *Squatter* does not take such a position. It argues, rather, that the State should supply the equity that contract alone lacks, and that such regulation will suitably tame contract for society's general well-being--a circumstance symbolized by the marriage between the republican-minded Mercedes and the liberal-minded Clarence. A serious critique of capitalism is not to be found here. Operating wholly within the horizon of capitalism, *Squatter* presumes that contract without equity will ruin society, since no moral ground exists in contract itself to tie its function to the general welfare of the political community, or the State. Equity, beyond its existence in sheer custom,

requires, in Don Mariano's words, "that the legislators of a nation [be] the guardians of public morality, the teachers of what is right and just" (Ruiz de Burton 161).

The idea and practice of equity--"the sort of justice that goes beyond the written law"--implies, as Aristotle also says, "a correction of legal justice," and thus moral and ethical dimensions (1020). In *Squatter*, the State is supposed to provide such corrections to law. But can we be so certain that contract, and liberalism generally, lacks a properly moral dimension, or does its socio-economic expression simply amount to, as one corporate type says, "business principles," according to which "everyone is for himself," and money becomes "the sole requisite upon which to base social claims" (Ruiz de Burton 292, 324)? This notion of "business principles" can arguably be considered a "morality" in its own right, even though its basis is the dynamic, ever-changing, and thus insecure, law itself. But there may be a stronger way of grasping liberal contract's moral dimension. To get at it we must switch from a discussion of historical contract, as in "the Age of Contract," to contract as a liberal philosophical idea, or social contractarianism (Thomas; Friedman).

From the Racial to the Moral Contract

To cut through the enormity of the literature on contract, I will focus explicitly on Scott Michaelsen's rebuttal of Charles Mills's understanding of the "racial contract." Michaelsen's view of the more fundamental "moral contract" will assist us, in turn, in articulating the common reference point that civil republicanism and liberal individualism share in common. The point here will be that the fiction that is the moral contract constitutes the basis of State identity, or citizenship, whatever its balance between republican and liberal ideals happens to be. In this context, the question of justice does

not end at the limit of equity, since the latter is enfolded within the moral contract. Rather, justice becomes a question of thinking the limit of the moral contract itself.

In his attempt to purge a certain contractarian tradition of its potential complicity in racism, Mills constructs the notion of the "racial contract" as a special, non-fungible contingency in an otherwise "useful" contractarianism (Mills 137). "For me," Mills writes, "it is not the case that a Racial Contract *had* to underpin the social contract....I believe contract theory can be put to positive use once this hidden history is acknowledged..." (136-7 n9). But, from another point of view, the question is not what "positive use" can come from a racism-free social contract; rather, the question is whether the writing of "this hidden history" of the racial contract, which is to say its exposure as a non-essential contingency within the social contract, can indeed free the social contract from the kind of structural exclusivity that racism exemplifies. In other words, is social contractarianism capable, theoretically, of non-exclusivity?

In "Between Japanese American Internment and the USA PATRIOT ACT: The Borderlands and the Permanent State of Racial Exception," Scott Michaelsen answers this question negatively. Michaelsen locates the basis of Mills's racial contract in the moral substratum of classical contractarianism itself, particularly in Hobbes and Rousseau. If Mills understands the white racial contract as the contingent basis of liberal political exclusivity, Michaelsen sees it as epiphenomenal to a more radical fiction called the "moral contract." Michaelsen writes:

> the problem that Mills does not acknowledge, and apparently cannot see, is that the crucial discrimination for comprehending the racial contract is in fact *the same* discrimination that undergirds the totality of the moral

> contract. The moral contract, through and through, turns upon the divide between those who are fully human and those who are less so. The moral contract is guaranteed only by the labor or elevation of the citizen. (101)

In other words, what is at stake in Mills's study of the racial contract (a political exception beneficial to whites) is the moral criteria that determines who is to be consider a fully human person, in the liberal sense, and who is not. The moral contract thus represents the political measure for who shall be considered a candidate for citizenship and who shall not. As such, the moral contract serves to draw a line between person (fully human) and non- or sub-person (less human): "no matter how universalized [whether within the State or beyond, in a version of liberal cosmopolitanism, for example] the granting of personhood, the figure of the 'subperson' continues to lurk as an available, and necessary, related category" (102). The necessary availability of the subperson, at the beginning and end of liberal polity, "*necessarily provides the purchase for the categories of race, ethnicity, nation, and the like.*" The overlap between personhood and citizenship is considerable here, as is that between personhood and human being. Indeed, as communitarian philosopher Adrian Oldfield has said, in the clearest possible terms, "to remain a citizen one cannot always treat everyone as a human being" (81). Oldfield speaks from a republican perspective, to be sure, but it is undoubtedly a logic that belongs to liberalism as well. For the liberal construct of the individual and its liberties is entirely dependent on the State for the recognition and protection of those liberties. Thus, for both republicanism and liberalism a clear line must be drawn between those who meet the minimal requirements of membership and those who do not.

At the limit of the subject-citizen there is the moral difference between the subject-citizen, or person, and its other, the subperson.[53] This is a first requirement for the State, liberal, republican, or otherwise.[54] A second requirement is that this moral difference manifest itself for the State. The subhuman, the being that does not meet the requirements of being a liberal person, must appear to the State, so as to be identified, but its appearance need not take a particular form--as non-white skin, for example. The marks of the subhuman, theoretically, can take *whatever* form. These marks conform to Balibar's definition of "neo-racism": "the phantasm of prophylaxis or segregation...articulated around stigmata of otherness" (17-8).[55] In this sense, the State may put to use whatever "stigmata of otherness" it finds convenient for the constitutive work of the moral contract, which is to say the singling out and excluding of the "subhuman."[56]

As I have shown, since Sánchez and Pita reintroduced *Squatter* to the American academy and public over a decade ago, most critics have tried to situate it and Ruiz de Burton's first novel, *Who Would Have Thought It?* (1872), within a historical narrative of Mexican-American resistance to U.S. imperialism, including the Chicano Movimiento of the late 1960s forward.[57] One exception is Kate McCullough's reading of *Squatter*, which interprets gender roles in the novel as structuring the public and private spaces of the novel's political imaginary. But whether critics have focused on the legally sanctioned subordination of Mexican-Americans (race) or women (gender), none have argued that these particular manifestations, important as they may be, are symptomatic of the moral contract itself. In Michaelsen's terms, they have attended to the "racial contract," primarily in a historicist modality, but they have left the moral contract

undisturbed. José F. Aranda Jr.'s reading of *Who Would Have Thought It?* is instructive on this point.

Aranda Jr. has tried to complicate the literary heritage that reads Ruiz de Burton as a prototype for today's "resistance theory" by reading the text of her first novel against, on the one hand, biographical data and, on the other, "the cultural moment that reproduced her work," namely the series "Recovering the U.S. Hispanic Literary Heritage," under whose auspices Ruiz de Burton's novels were reissued (Aranda Jr. 553). A reading that discovers "who [Ruiz de Burton] actually was," Aranda Jr. argues, "compensates us" for the "loss" engendered by those biographical and textual moments that render Ruiz de Burton not so much as a figure who resisted U.S. imperialism as one who was complicit with it (555). Aranda Jr.'s own traditionalist view of biography leads to conclusions consistent with a strongly historico-culturalist methodology. Late in the piece, for example, after he has assembled his biographical data, Aranda Jr. concludes that "Ruiz de Burton's perspective...is different from those of Anglos and African Americans because she brings to her writing a different colonial tradition" (571). Aranda Jr.'s contrast of Ruiz de Burton the individual with the sets "Anglos" and "African Americans" reveals that this critic sees in Ruiz de Burton's biography the biography of Mexican-Americans themselves; the latter are uncritically reduced to the former. Positioning himself, again without critical comment, within this group, he is thus able to ignore throughout his piece any examination of those structures, like the moral contract, that make all colonial differences the same, as well as different. One result is that no matter how many "complexities and idiosyncrasies" Aranda Jr. is able to draw out of Ruiz de Burton's texts and life, she will continue to serve a critical agenda premised on

assumptions of discrete cultural belonging, just as she did when she was twisted into a figure of mere dissent. Aranda Jr. thus misses the opportunity to imagine what all political subjects share in common, which is to say the moral contract, the very ideological and fictive ground of every possible Statist inclusion and exclusion.

In my view, John González's "The Whiteness of Romance," published one year before Aranda Jr.'s essay, takes a more critically challenging approach to Ruiz de Burton's work, particularly *Squatter*, because its energies are more directly invested in critiquing political ideologies and institutions such as liberalism. But here too there are problems. Drawing on José David Saldívar's seminal work *Border Matters*, González at first appears to invite a reading along the lines of the moral contract. For example, he argues that *Squatter* reveals American liberalism as "*only* operative on the 'white' side of the color line" and, citing David Roediger, "not able to suggest alternatives to a reinscription of the national wages of whiteness" (González 164, 173). González has in mind here C. Loyal's attempt to yoke the fate of the Californios to a nascent Anglo volk republicanism and the violent rejection of such efforts at solidarity by the Anglo squatters.[58] González argues, further, that "Communities marginalized by national hegemonies but nonetheless incorporated into racialized regimes of labor have actively contested the methodological and narrative legitimation of the nation" (173). Following Saldívar and Homi Bhabha, González recognizes beyond the outskirts of "national allegory's hegemonizing project" a "persistent agency in contesting the establishment of national hegemony." Without ascribing an attitude of resistance to Ruiz de Burton herself, as if in anticipation of Aranda Jr.'s critique, González recognizes in marginalized communities a willful refusal of "national hegemony," or, in this case, white volk

republicanism. For González, the Indian Chapo's racial exclusion from the white nation, which in *Squatter* potentially includes the Alamars, "demonstrates the ideological necessity of excluding racialized labor within the narrative of national hegemony and simultaneously acknowledging the foundation of nationalism upon the labor of subordinated communities" (176). Racialized labor, González shows us, is at once excluded from and included in the construction of white national hegemony. The ground is thus prepared to recognize in Chapo the figure of the always-already-excluded that is the essence of the moral contract.

But things go in a different direction once González affirms Paul Gilroy's double political strategy of national hegemonic resistance outlined in *The Black Atlantic* (1993): first, claim "participation within modern democracies and their Enlightenment claims of liberty, equality and fraternity"; second, keep "visible the historical limits of the politics of fulfillment and thus those of modernity itself" (González 179-80). In this way, the double inclusion/exclusion of the "subaltern" is kept in play. Gilroy's "historical limits" are "manifested in the groans and cries of...vernacular politics," claims González (180).[59] Because González wants to think both sides of the limit of the State, he requires a concept that will allow him to do this. Hybridity, however undefined by Gonzalez, is that concept.[60] On the near side of hybridity lies the liberal State itself: "modern democracies and their Enlightenment claims." On the far side of hybridity, the side of agency, González names, somewhat contradictorily, the "heterogeneous, conflicted, hybrid" as the site for national hegemonic resistance (177). Hybridity thus really only stands for the "vernacular" (i.e., cultural/racial), which is to say for "subordinated communities" themselves, whose politics are born "in the experiences of diaspora"; hybridity represents

"forms of consciousness" of "transnational community" that are irreducible to "the juridical confines of the nation" (178). With this last phrase, "juridical confines," González appears to name the State, but again conflates that concept with "nation." The result is a two-fold confusion: first, as González's reading of Chapo indicates, he cannot neglect the role of the State without ascribing particular cultural traits to subordinated populations, as when he claims, for example, that "Living on 'Indian' time isn't living on nation time"; second, ironically, he cannot imagine a form of justice that does not fall within the orbit of the State itself. Cultural identity is not about justice, for González, it is about political domination and resistance. And since cultural identity is the only basis for political activity for González, it is also the basis for the other, properly political dimension of Gilroy's double strategy--affirmation of and inclusion within modern democracy and its Enlightenment claims. In short, subaltern cultural identity is viewed as absolute Other of the State *and* absolutely beholden to it for its political possibilities.

Squatter *and the Moral Contract*

What happens if we try to think about *Squatter*, in particular, and the State, in general, from the perspective of the State itself, through the fiction of the moral contract? Such an exercise may enable us to take stock of what is truly exceptional, quite literally, about the State form, and what this (moral) exceptionalism might mean for the problem of justice. Toward this end, this essay remarks two instances in *Squatter* in which State law institutes, or appears on its way towards instituting, a moral exception distinguishing the person from the non- or sub-person. The first instance is fairly conventional, and it involves a reading of key sections of *The Treaty of Guadalupe Hidalgo*. The second instance is, frankly, unorthodox, in that it tries to read the rise of monopolies in *Squatter*

as the emergence of a kind of "race" that eventually finds State affirmation in the Fourteenth-Amendment. These examples serve a two-fold purpose: first, to show that the moral contract can manifest itself in *whatever* form; in other words, the stigmata of otherness can appear as fictional entities, like corporations, as well as "human" bodies (fictions in their own way). Second, the sub- or non-person can appear as a "positive" construction to be protected by the State; it need not only manifest itself as a being to be excluded and denied rights and liberties. In this way, the moral contract structures the interiority of the State as much as its exteriority.

The first exception under consideration here takes a racial form, in the anthropological sense, and it refers us back to the figure of the Indian Chapo. Chapo's scarce appearance in *Squatter* itself signifies, in part, his symptomatic status as an excluded figure of labor, everywhere working for the benefit of the Alamars and others but kept resolutely "off screen," as it were, suppressed beyond recognition in the novel. In this sense, Chapo clearly serves as a metonym for the constitutive laboring subject of capital, as González might agree. But Chapo's description by C. Loyal as a "lazy Indian" need not be read as a sign of subaltern resistance taking the form of "Indian time," as González says, as if all Indians possess this sense as a result of the experience of oppression (258). Alternatively, the terms of Indian and Californio exclusion and their difference appear in the text of *Guadalupe Hidalgo* as the contingent epiphenomenal possibilities of the moral contract itself. We can thus recognize examples of the State's means of moral exclusion and provide an account of the mechanism behind such exclusions, yet avoid a descriptive account of cultural belonging. Indeed, what this

strategy seeks to avoid above all else is the reduction of being to the terms of the moral contract.[61]

The Treaty of Guadalupe Hidalgo (1848) performs a central role in C. Loyal's argument for U. S. federal recognition of Californio land rights. It provides the legal foundation for her contention that the property rights of the Californios should be protected against theft by squatters and the railroads. But the federal passage of the Land Act of 1851, which forced Californios and others to prove to the State that their land titles were legitimate, appears to contradict the terms of the *Guadalupe Hidalgo*. In the chapter entitled "The Don's View of the Treaty of Guadalupe Hidalgo," Don Mariano expresses his displeasure in this clash between the *Guadalupe Hidalgo* and the stipulations of the Land Act. Referring to the latter, he says, "There are some enactments so obviously intended to favor one class of citizens against another class that to call them laws is an insult to law..." (Ruiz de Burton 64). In contrast, Don Mariano expresses unbridled optimism about the terms of peace in *Guadalupe Hidalgo*. In response to the comment by George Mechlin, a white eastern gentleman engaged to one of Don Alamar's daughters, that "the rights of the Spanish people were protected by [the treaty]" the Don points to "the *foundation* of the relations between conqueror and conquered," that is, "the spirit of peace and friendship" (65). Further, he notes: "The treaty said our rights would be the same as those enjoyed by all other American citizens." While Don Mariano recognizes that laws can favor one class over another, he does not see this possibility as being intrinsic to law as such. Indeed, he does not even see this possibility as being intrinsic to a peace agreement concluding a war. In this old problematic that situates declarations of abstract rights against the discrepancies of practical politics and history,

we see the Don taking a stance that attenuates the discrepancies of history without abdicating the promise of law's universality. In other words, he wants laws that are equitable and that meet the requirements of universal principles. It is therefore possible to imagine Don Mariano embracing the "spirit" of "peace" and "friendship" as general philosophical principles of law capable of standing on their own. This is no doubt another example of the Don's commitment to natural law. But if we consider that *Guadalupe Hidalgo* was founded all along on the moral contract, not natural law, then its double inclusionary/exclusionary language begins to make a strange kind of sense.

Article XI of the treaty, for example, begins by identifying the "savage tribes" living in Alta California as subject to force and punishment by the U.S. government should "incursions" into Mexico by these tribes occur (*Treaty* 190). Specifically, this article seeks to establish the United States's "true spirit and intent" in protecting any Mexican property, including slaves, from being bought and sold where it had been previously stolen by Indians. The document is careful to point out that the U.S. federal government will take the preemptive measure, "when providing for the removal of Indians from any portion of the said territories," "not to place [these] occupants under the necessity of seeking new homes" (191). At best, this means that by removing Indians from federal territories the government intends effectively to quarantine [i.e., remove to reservations] them from any possibility of contact with Mexican properties. At worst, it means extermination. And the worst was what happened. According to Griswold del Castillo, after 1848, "The Indian population within the State [of California] declined by more than 100,000 in two decades" (Griswold del Castillo 69). Article XI is a clear example of the moral exclusion (of Indians) that makes political inclusion (of Mexicans)

possible. Here, "Indian" simply represents the *savage* condition of possibility for the *civilized* political recognition of Mexicans as persons capable of owning property, among other rights and liberties.[62]

This discrimination in *Guadalupe Hidalgo* between "Indians" and "Mexicans" is indicative, I am suggesting, of a simple structural exclusion constitutive of legal (i.e., State) identity. But this structural problem has its necessary temporal corollary. For González, this is where the subaltern's cultural agency appears. But there is another way of approaching this problem. The moral contract, in addition to being exclusive as a matter of structure, also has a performative or agential dimension, but it is not the performance of "culture." Rather, it is the performance of the decision against the fabric of law. Consider, for example, Article IX of the ratified version of *Guadalupe Hidalgo*:

> The Mexicans who...shall not conserve the character of citizens of the Mexican Republic...shall...be admitted, *at the proper time* (*to be judged of by the Congress of the United States*) to the enjoyment of all the rights of citizens of the United States according to the principles of the Constitution; and *in the mean time* shall be maintained and protected in the free enjoyment of their liberty and property.... [emphases added]
>
> (*Treaty* 190)

In "Force of Law," Jacques Derrida says that "every constative utterance relies, at least implicitly, on a performative structure" and that "the dimension of *justesse* or truth of theoretico-constative utterances...always thus presupposes the dimension of justice of the performative utterances...which never proceeds without a certain dissymmetry and some quality of violence" (256). This is true "particularly in the domain of the theory of law."

In Article IX, we see the temporal supplement to Article XI. First, citizenship is promised to Mexicans, and with it the full schedule of rights accorded by the Constitution. But this promise is not precisely constative, since the statement is not strictly illocutionary, that is, it does not itself effect the promise of citizenship--it simply registers a promise. Cutting across this promise are contradictions of time and decision: "at the proper time; "in the meantime"; "to be judged of by the Congress of the United States." If Mexicans remaining in the United States will be extended citizenship *at the proper time*, what guarantees their protection *in the mean time*? In other words, if the full force of the Constitution is deferred for these potential citizens until the "proper time," what force of law will protect them until that time? One might call this necessarily deferred promise of citizenship an example of mere law without the *justesse* of the performative utterance. Significantly, this notion of "proper time" is dependent on congressional decision, and this decision will in fact be dissymmetrical to the promise that it is intended to keep--which was that "The Mexicans" shall be admitted at the proper time. But decisions take time because information must be gathered, beings sorted out, criteria for membership created and met, protocols and procedures instituted. Who, for example, is "Mexican"? Who has voluntarily given up their Mexican citizenship in exchange for American citizenship? The difference between mere law and the force, or decision, of that law means that there can be no "horizon of expectation" with respect to the content of the actual decision (Derrida 256). The time it takes to make a decision--and the decision *must* take time--means that "some quality of violence" will emerge at the moment of decision. This is because no authentic or responsible decision is possible which does not in some shape or form distinguish itself from the legal norm upon which

it decides. This act of distinction, or criticism really, is violent. And this violence is necessary for political progress itself: "each advance in politicization obliges one to reconsider, and so to reinterpret the very foundations of law such as they had previously been calculated or delimited" (257).

Two points emerge from this discussion: the first is that the moral contract, in this case taking the epiphenomenal form of Articles XI and IX in *Guadalupe Hidalgo*, requires a structural exclusion for its internal consistency; the second point is that this structure itself depends upon a performative decision in time that reiterates and thus reaffirms the initial structural inclusion/exclusion. Articles XI and IX represent a kind of literal performance of this two-fold necessity. In this way, we can recognize the philosophical significance of the Land Act of 1851 with respect to *Guadalupe Hidalgo*. The Land Act, rather than contradicting the terms of *Guadalupe Hidalgo*, actually represents the "truth" of the treaty, insofar as the latter is founded upon the moral contract. Michaelsen writes: "if [the moral contract] cannot be eliminated, and if a legal order always must think, first at the moment of its founding and incessantly thereafter, about the question of its own interiority/exteriority, then the question of 'race' and its many analogues...remain in play" (103). The Land Act of 1851 is an example of this "incessantly thereafter."

The moral exception of the financial corporation in the law functions no differently, but this time the exception is included with the polis and benefits from that inclusion. In *Squatter*, it is this exception, more broadly ruinous than the Land Act, that ultimately threatens C. Loyal's future vision for the United States. Conversely, the Indian exception in *Guadalupe Hidalgo* is wholly forgotten in the text. If the Indian

Chapo represents the excessive, forgotten remainder of the moral contract's racial exception in *Squatter*, then the corporation proper represents the excessive remainder of the "racial" exception's inclusion within the moral contract. Specifically, for *Squatter*, if Chapo figures as but one of an open set of moral exclusions necessary for the construction of the liberal State and is membership, then the corporation figures as the last inclusion that may spell the demise of the State's economic viability.

C. Loyal reserves some of her strongest invective for the "dangerous citizens," the corporate monopolies. The corporation subverts "the fundamental principles of public morality," she says, and their bad example "is deadly to honorable sentiments," leading to other unfair economic practices. The corporation follows the code of "BUSINESS," Doña Josefa, Don Mariano's wife, tells us, which "justifies in the pursuit of riches everything mean, dishonest, rapacious, unfair, treacherous, unjust, and fraudulent" (Ruiz de Burton 335). This kind of "business" violates Doña Josefa's "sense of justice and her ideas of moral adjustment of men's actions with principle..." (335-6).[63] The corporation is bad because it practices, in Don Mariano's words, contract without equity. It arrogates to itself the assumptions of possessive individualism, which is to say of liberalism, but it rejects the checking role of republican virtue, or equity, on the individual's right to contract. *Squatter* argues this problem strictly on moral grounds, however. Therefore, at issue in the novel is not how the moral contract can supply the necessary terms for the legal conception of the corporation. Rather, *Squatter* concerns itself with an injured moral sensibility with respect to normative uses of labor and capital. Morality and law thus get conflated, and the result is that any capitalist practice injurious to a certain *sense* of fairness, a *feeling* of equity, is deemed illegal.

But the very terms of the corporation's legal empowerment do reflect liberal precepts of the individual. Such a phenomenon represents a rather strange example of how the moral contract can be used to create, in quasi-Frankensteinian fashion, "persons" that are not human but nevertheless count as citizens. Consider Mr. Mechlin's, a friend of Don Mariano's, (non)anthropocentric description of the corporation:

> These men--this deadly, soulless corporation, which, like a black cloud, has shut out the light from San Diego's horizon--will evermore cast the shadow that will be our funeral pall. But let them look to it; they might yet carry their heartless rapacity beyond limit. The mighty monopoly, that has no soul to feel responsibility, no heart for human pity, no face for manly blush--that soulless, heartless, shameless monster--might yet fall of its own weight. (Ruiz de Burton 296)

This is highly suggestive language. The plural "men" in apposition with the singular "corporation" reflects the deadening effect that the corporate absorption of the individual has on "real" individuals themselves. Precisely what makes the corporation what it is, in this passage, is its lack of sentiment, which was described earlier in terms of *equity*. The corporation cannot feel; it has no heart; nor can it blush. It is the corporation's fundamental opposition to equitable contract that makes it monstrous.

The corporation has always had a "monstrous" history, at least from the time of *Dartmouth College v. Woodward* (1819). In this decision, Marshall famously described the corporation as "an artificial being...existing only in contemplation of the law" (*Dartmouth College* 257). "[T]he mere *creature* of law," the corporation may possess any quality that a State charter may decide to ascribe to it. Marshall says that "the most

important of these are immortality, and, if the expression may be allowed, individuality." Such attributes enable a corporation to practically "act as a single individual" in the face of the changing plurality of "real" individuals with it. In *Santa Clara Co. v. South Pacific Railroad* (1886), published one year after *Squatter*, the Supreme Court decided negatively that this immortal soul, however fictitious, was indeed a "person" and privy to due process and equal protection, just like actual human persons: "The court does not wish to hear argument on the question whether the provision in the Fourteenth Amendment to the Constitution, which forbids a State to deny any person within its jurisdiction the equal protection of the laws, applies to these corporations. We are all of opinion that it does" (qtd in Horwitz 173-4).[64] Notwithstanding Morton Horwitz's claim that this "decision" (Justice Waite's statement actually precedes and introduces the ruling of *Santa Clara*) is "totally without precedent," there does appear a rather remarkable relation between the law and personhood, specifically the law's role in the *creation* of personhood.

We have seen above how *Guadalupe Hidalgo* instituted certain terms of humanity itself. While Mexicans figured ambiguously in those terms, the same was not true for Indians. They were baldly excluded as savages. In the case of corporations and their legal history, the question is to what extent they participate in a similar *moral* process of inclusion and exclusion. The judges in *Santa Clara* could have decided, for example, that corporations are not legal persons and, therefore, do not share the same rights as flesh and blood citizens. After all, what we are dealing with is historical contingency, not necessity. Here, the significance of the State's recognition of corporate personhood lies in the possibility that it may be but one more epiphenomenon of the moral contract. If

the moral contract exists, then its sole purpose is to separate the legitimate members of political community from illegitimate members. In the context of corporate citizenship, Oldfield's remark that "to remain a citizen one cannot always treat everyone as a human being" thus takes on an even greater significance. It not only suggests that citizens need not be "human beings," as in the case of the corporation, it also implies that "human beings" themselves are constructs subject to the disciplinary apparatuses and functions of the State. These apparatuses and functions are part and parcel of the moral contract.

The Return of Justice in Squatter

To conclude this chapter, I want to remark two astonishing moments in the novel, amplified by their arrival on the very final pages. To review, briefly: C. Loyal's pleas for equity have gone unheeded by the railroad corporation, and both "squatter" and "don" are crushed by this newly emerging, monstrous form of corporate contract. Having exhausted her call for equity, C. Loyal does not know which way to turn. Perhaps her narrative strategies have failed, as González and Kate McCullough suggest, and she is able to do nothing but recapitulate what may be the single most conservative narrative gesture in all of modern literature--the wedding. It is as if C. Loyal's jeremiad fails to convince even her, as no legislation appears forthcoming that can right the wrongs of the Californios, and so she completes her fantasy-marriage of equity and contract in one form while abandoning it as a viable historical possibility. Despairing that the State possesses the will to stop the corporate takeover, she can only hope for a miracle: "If they do not [legislate accordingly], then we shall--as Channing said--'kiss the foot that tramples us!,' and 'in anguish of spirit' must wait and pray for a Redeemer who will emancipate the white slaves of California" (Ruiz de Burton 344). The racial qualifier should not come as

much of a surprise. Part of *Squatter*'s racial strategy all along has been to align Californios and Anglos along the axis of whiteness, since such a local majority might, on the one hand, have persuaded the Anglo squatters to quit squatting and, on the other hand, forced the corporations to respect this majority's will. The call for a Redeemer is the real surprise. It is a call, in effect, for divine intervention in a legal domain that has driven nearly everyone in the novel to the wall by virtue of what has been repeatedly called the moral contract. The real irony here, as *Guadalupe Hidalgo* shows, is that C. Loyal pinned her hopes to the moral contract only to have it, in Don Mariano's words, recoil upon her more cruelly. To complicate matters somewhat, there is a second call for intervention directed squarely against the immoral monopolists: "It seems now that unless *the people of California take the law into their own hands*, and seize the property of those men, and confiscate it, to reimburse the money *due the people*, the arrogant corporation will never pay" (Ruiz de Burton 338). For C. Loyal, "the people" means Anglos and Californios, as we have seen. The moral contract has meant the exclusion of Indians, for example, in the form of *Guadalupe Hidalgo*.[65]

How might we think about the narrator's call for a religious intervention, on the one hand, and a populist/democratic intervention, on the other? Perhaps the first thing to say is that these are calls for justice. The question of equity--"the sort of justice that goes beyond the written law"--therefore returns at the end of *Squatter* as a kind of final appeal for justice. In this sense, C. Loyal simply repeats an argument she has made in other forms throughout the novel. But another question immediately emerges: what kind of equity is it that comes in religious and populist forms, if these are indeed calls for such justice, rather than in the form of a judge's conscience, for example, or other traditional

guises of equity? Strictly speaking, it is difficult to characterize these interventions as equity at all, since equity, historically, has always played a recognizable role with respect to law, specifically common law. Something rather more drastic is being considered here. The first call for a Redeemer recalls Carl Schmitt's insight that "All significant concepts of the modern theory of the State are secularized theological concepts," and that, historically, "the omnipotent God became the omnipotent lawgiver" (*Political Theology* 36). C. Loyal's call for a redeemer may therefore also be understood, in secular terms, as a call for the renewal of law by an omnipotent lawgiver. Such a desire would not be foreign to C. Loyal's discourse, which repeatedly invokes the need for wise rulers. But can such renewal occur democratically, and what would democracy mean in this case? C. Loyal's call for "the people" to take the law into its own hands certainly carries overtones of populist vigilantism. Would such a movement be undemocratic? It all depends on how one conceives democracy. The illiberal Schmitt, for example, characterizes democracy as resting "on the principle that not only are equals equal but unequals will not be treated equally" (*Crisis* 9). He continues: "Democracy requires, therefore, first homogeneity and second--if the need arises--elimination or eradication of heterogeneity." Given Schmitt's own historical circumstances, such a definition provokes a certain terror. But what if there is some truth to such a formula? What if democracy, in one form or another, has always only been possible as the result of a moral contract, for example, that supplies the terms for homogeneity, on the one hand, and heterogeneity, on the other? Such is the dilemma which caused Derrida, for example, to never stop thinking about a democracy, and a justice, to come. Such is the dilemma that Ruiz de Burton's novel also gives us to think.

Sovereign Ordeals: Decision and Violence in Melville, Calhoun, Apess

> The women and men of our time have, indeed, a rather sovereign way of losing their footing without anxiety, of walking on the waters of the drowning of sense. A way of knowing precisely that sovereignty is nothing, that it *is* this nothing in which sense always exceeds itself. That which resists everything--and perhaps always, in every epoch--is not mediocre species instinct or survival instinct, but this very *sense*.
>
> Jean-Luc Nancy, *Sense* 2

> Sovereign is he who decided on the exception.
>
> Carl Schmitt, *Political* 5

> Who's over me?
>
> Ahab, *Moby Dick* 140

Chapter two probed the relationship between the "moral contract" and the State in *The Squatter and the Don*. There I tried to show that *Squatter*'s narrative strategies are motivated in large part by a need to represent a legitimate political belonging for the sake of a rights-based appeal for political and economic justice. The ideological limit of that political legitimacy I called the moral contract. I read *The Treaty of Guadalupe Hidalgo* and the rise of the corporation qua rights-bearing "individual" as they appear in *Squatter* as epiphenomenal rehearsals of that moral contract, a fiction that only exists through its rehearsal. Chapter two ended with a reading of C. Loyal's double invocation of sovereignty at the end of *Squatter*. Reading this invocation against Derridean and Schmittian critiques of sovereignty, I noted that the moral contract must undergo a certain

ordeal of the decision in order to keep open the possibility of justice. Where the State is concerned, this ordeal of the decision is the ordeal of sovereignty itself. Chapter three takes up this question in more depth and in the process questions the very possibility of the sovereign decision.

At the finale of *Squatter*, the narrator calls for a total transformation of the relation between the subject-citizen and the State. C. Loyal calls for, on the one hand, a god-like intervention by a savior, and, on the other hand, a populist, democratic uprising. In this call, she names a structural dyad that oscillates endlessly between the stability of law's norm and the volatile (Schmitt says irrational) decision that destroys the law and institutes a new one. The State, "law in its greatest force," fears such "*founding* violence" (Derrida, *Force* 268). Founding violence is "able to justify, to legitimate, or transform the relations of law, and so to present itself as having a right to right and to law" (268). The possibility that some entity other than the State itself may be able to claim a right to law is what is unacceptable to the State. But founding violence, for Derrida, does not arrive "from outside the law" (269). Rather, its possibility is "immanent" within law (270). It is "in law, what suspends law," what Derrida calls the "mystical" foundation of law. This mystical foundation of law grounds itself through a "*coup de force*," says Derrida, "a performative and therefore interpretive violence that in itself is neither just nor unjust and that no earlier and previously founding law, no preexisting foundation, could, by definition, guarantee or contradict or invalidate" (241). This would seem to be the case not only where law as such is overturned in favor of a new law, as in a political revolution; more significantly, it would seem to be part of the law's very institutional make-up and intelligibility. If "the mystical foundation of

authority," or law, is immanent, this "foundation" is therefore always at stake each time law is made. What the State finds so threatening, therefore, is not only that another State may claim sovereignty over it, but that its own mystical foundations will be put in question. The sovereign decision simultaneously institutes law, guarantees the State in and through law, and also, albeit secretly, affirms the historicity that made the *coup de force* necessary in the first place. Following Derrida, I will have occasion below to call this historicity "play."

In the quarter-deck scene in *Moby Dick*, one finds a "Statist" situation, one of the most famous in all American literatures, in which the law is re-founded, contested, and, as the result of the suppression of dissent, re-affirmed (the repetition involved here must be stressed because of the "mystical" foundation upon which every sovereign decision rests). I am referring, of course, to Ahab's decision to hunt Moby Dick, Starbuck's refusal of that decision, and Ahab's suppression of Starbuck's dissent. When thought against certain articulations of sovereignty and their common reference to the State, this scene and the process it represents, first, returns the reader to sovereignty as a radical question of State limits, and second, reminds the reader that the structure of sovereignty, if there is one, mimics a structure one might attribute to signification in general. Part of this structure of signification is the decision that actually arrests the play, or *différance*, that conditions the decision itself. Thus, a Statist concern (sovereignty) is broadened in its analogical relation to and reflection of signification as such. The capital S might therefore be dropped from Statist to reflect this structure's relevance not only for thinking the State but for thinking other states as well, states of signification, literature, being, and so forth.

To complicate matters further, from a deconstructive point of view sovereignty and decision are indispensable to "justice," in the Derridean sense. From this point of view, justice presupposes decision. In juridico-political discourse, a legal procedure, to be just, cannot simply impose a set of pre-existing rules upon whatever critical or historical situation the decision-maker happens to encounter. To be just, the law, that is the decision about the law, must pass through the ordeal of the "undecidable," which Derrida describes as "the experience of that which, though foreign and heterogeneous to the order of the calculable and the rule, must nonetheless...deliver itself over to the impossible decision while taking account of laws and rules" (*Force* 252). In other words, the decision must take time and "deliver itself" over to time. But even if the decision passes through this ordeal in time, exposing itself to the unknowable in time, the justness of the decision itself is never assured. Indeed, time radically undermines the surety of justice. Thus, the possibility of justice is always also the possibility of injustice. "At no moment it seems," says Derrida,

> can a decision be said to be presently and fully just: either it has not yet been made according to a rule, and nothing allows one to call it just, or its has already followed a rule...which, in turn, nothing guarantees absolutely; and, moreover, if it were guaranteed, the decision would have turn [sic] back into calculation and one could not call it just. (253)

If a decision is made without rule, it cannot be just, but no calculation guarantees the justness of the rule in any case. The result is that "The undecidable...deconstructs from within all assurance of presence...." Derrida asks: "Who will ever be able to assure and ensure that a decision as such has taken place, that it has not, through such and such a

detour, followed a cause, a calculation, a rule, without even that imperceptible suspense and suspension that freely decides to apply--or not--a rule?" An aporia is being posed here: for a just decision to happen, rules must be followed, and yet a just decision cannot be rule-bound. Rules must be obeyed *up to a point*, but the responsible decision (i.e., a decision that has passed through the ordeal of the undecidable) finally breaks with the rule. The difference between the responsible decision and its other--the rule-bound "decision"-- may be "imperceptible" finally. For who, as Derrida says, can tell where calculation ends and the freely applied rule begins? And yet nothing is more important than this imperceptible distinction to the possibility of the just decision. When one therefore traces "such and such a detour" of calculation with respect to a responsible decision, one criterion for determining whether a decision has actually taken place would be the extend to which the putative decision-maker puts an end to calculation and "freely decides to apply a rule--or not--a rule." One must try, in other words, to perceive the imperceptible. That effort alone requires a decision and an interpretive violence.

When Ahab asks himself (and Starbuck) "Who's over me?," and responds, "Truth hath no confines," he at least puts in play the terms for the logic at stake here--the calculation of *who*, that is the decision-maker, and, despite Ahab's own self-certainty, the relation between limitation and "truth" (Melville 140). For his part, Ahab is performing his sovereignty in the very act of asking this not-merely-rhetorical question, and claiming the infinite, unlimited domain that is proper to sovereignty. Such a performance appears to affirm certain classical definitions of sovereignty. For example, Jean Bodin describes sovereignty, whether one is talking about "the people or the prince," as "absolute," "perpetual," "the highest power," "not limited either in power, or in function, or in length

of time" (Bodin 2, 1, 3). Hobbes says that whether the sovereign be a single man or an "assembly of man," the sovereign's "rights" are "incommunicable and inseparable" (Hobbes 139). Locke writes that "there can be but one supreme power...to which the rest are and must be subordinate" (Locke 337). Rousseau writes: "the Sovereign authority is simple and single, and it cannot be divided without being destroyed" (Rousseau 111). Each of these statements, in its own way, affirms the illimitable character that Ahab ascribes to sovereignty and limits sovereignty to a single "who," whether that who be a single person or a collective. Anticipating a separate approach, Schmitt says in *Political Theology*: "About an abstract concept there will in general be no argument, least of all in the history of sovereignty" (6). "What is argued about," he continues,

> is the concrete application, and that means who decides in a situation of conflict what constitutes the public interest or interest of the state, public safety and order, *le salut public*, and so on. The exception, which is not codified in the existing legal order, can at best be characterized as a case of extreme peril, a danger to the existence of the state, or the like. But it cannot be circumscribed factually and made to conform to a preformed law.

Thus, Schmitt lays before the reader terms of the sovereign decision that are not unlike those given by Derrida[66]; Derrida's case for the undecidable is echoed in this passage by Schmitt. It would be absurd to say that the sovereign's decision on the exception is already codified in the existing legal order. In this case, sovereignty would not even emerge as a possibility or a question since the law would always already have "circumscribed factually" the unforeseeable event.[67] But this is precisely what law

cannot do. On the other hand, the sovereign decision comes from "within" the law; in Derrida's language, it is "immanent" to law. This is because the law is finite. When new occasions arise that exceed its competencies, a decision is required.[68] Abstract definitions of sovereignty, therefore, cannot remain abstract in a "situation of conflict." This situation of conflict itself is the moment that calculation, or law, and decision collide. It is in this imperceptible chasm between the law that defines the State, up to a point, and sovereignty that interrupts, institutes and reinstitutes the law that this chapter plays.

The "Quarter-Deck" thus emerges as an exemplary occasion for a reading strategy that tries to redeploy the political content of American literature around this double question of sovereignty and law. In particular, I want to show how calculation and decision are locked in a kind of violent embrace that captures the double problematic I have only begun to sketch above. This violent embrace, I will argue, must be kept *in play* if justice is to remain an authentic possibility. I will then broaden the generic scope of my analysis by turning to two important historico-literary instances of this sovereignty problematic, the nullification crisis provoked by South Carolina and John C. Calhoun and the Indian nullification provoked by the Mashpee Indians and William Apess in Massachusetts. I read Calhoun's "A Disquisition on Government" as a meditation on the structure of sovereignty that fails to grasp the significance of decision in the Derridean sense. Against Calhoun, and in conclusion, I read a textual moment in Apess's *Indian Nullification* as, simultaneously, a playful refusal of calculation, the acceptance of the necessity of the decision, and the return of the Derridean signature as the paradoxical figure of justice.

The Limit of Ishmael's Romantic Discourse

To recall, briefly, the skeletal outline of the novel, Ishmael, amateur philosopher, melancholic, and raconteur, ships aboard a whaler, *The Pequod*, to relieve his anxiety--"the hypos"--of living on land (Melville, *Moby Dick* 18). With typical Melvillean gallows humor, Ishmael imagines the sea to be a suitable "substitute for pistol and ball." Once aboard *The Pequod*, however, Ishmael finds his commander, Ahab, to be utterly obsessed with a certain white whale, which in a previous encounter off the coast of Japan managed to make off with one of Ahab's legs--right or left the reader does not know. Early into the voyage, and in contradiction to the ship's stated mission, Ahab persuades the crew that there has been a change of plans, and that rather than hunt for whale oil, *The Pequod* would now hunt and, if possible, kill the white whale, the semi-mythical leviathan that nobody, except perhaps Ahab, can even be sure exists. After a number of remarkable detours, encounters with passing ships, elaborate descriptions of the art and science of whaling, and many other wonderfully eccentric digressions, Ahab finally manages to harpoon Moby Dick after a memorable three-day chase. Not to be outdone, however, Moby Dick takes Ahab by the neck, as it were, along with the entire ship, and drags them down to bottom of the sea, never to be heard from again--that is, with the exception of Ishmael, who alone survives afloat a coffin to tell the story to future generations. *Moby Dick* is the story that he tells.

Before engaging the quarter-deck scene in some detail, I want to remark two other texts, one theoretical, one literary (an earlier chapter in *Moby Dick*, actually), that will help supply certain critical terms to guide the discussion. The theoretical text is another from Derrida, the renowned early piece "Structure, Sign and Play in the Discourse of the

Human Sciences." I want to read this text strategically, as opposed to, say, hermeneutically. In other words, I want to draw out certain strands of a possible problematic available through this text without simply using it as a *proof* text and reducing its signification to the status of "truth." Derrida begins this text by indicating, successively and synonymously, an "event," a "rupture," and a "redoubling" in the "history of the West" (*Structure* 278). Moving quickly, this *rupture*, to settle on one of the terms for convenience, separates, on the one side of this history, an understanding of structure grounded in "center" and "origin," and, on the other side of this history, structure as "function, a sort of nonlocus in which an infinite number of sign-substitutions come into play" (280). The rupture signals the moment at which, "in the absence of a center or origin, everything became discourse." To the one side, then, a centered structure, and, to the other side, a nontotalization triggered by the absence of center. In between, a rupture. Is Derrida offering the reader here a choice of alternative philosophical points of view or is he remarking a total problematic? Recalling that Derrida bids us to continue to "read philosophers *in a certain way*," I would suggest that this rupture signals for him not the negation of metaphysics and the advent of another philosophy but the possibility for a different kind of reading of metaphysics itself. For Derrida, "classical" thought of structure leads to empiricism and the pursuit of "facts" in the name of a previously determined (i.e., centered) structure. The rupture, however, introduces, famously, "the standpoint of the concept of *play*" or "supplementarity" (289). The effect is "a field of infinite substitutions...permitted by the lack or absence of a center or origin." The very idea of origin as "archē," as originary, metaphysical origin, so to speak, is abolished and replaced by one might call a *strange* sense of origin, where

there is never any natural origin or end but the possibility of infinite signifying substitutions at the holding-place of origin. The totalizing function or utility of origin is therefore not sacrificed, but what is sacrificed is the necessity that origin and end must mean something in particular and in advance. The sense of the origin, in other words, remains and must remain to come. Structure ceases to be a matter of gathering enough "facts" (or not) for the fulfillment of an always already determined structure; it is no longer of matter of there being "too much, more than one can say" (289). Rather, the standpoint of play conditions the sense of the origin to come. Derrida puts it this way: "Play is always play of absence and presence, but if it is to be thought radically, play must be conceived of before the alternative of presence and absence. Being must be conceived as presence or absence on the basis of the possibility of play and not the other way around" (292). "Play," then, takes on a "definition" not unlike *différance* itself: "the non-full, non-simple, structured and differentiating origin of differences" (Derrida, "Différance" 404). Derrida is quick to add: "Thus, the name 'origin' no longer suits it."

The second text, chapter 23 of *Moby Dick*, "The Lee Shore," is a provocative example of a certain literary game that interests Ishmael throughout the novel, a play of words entangled in the constitutive, conceptual makeup of the story he is telling. Ishmael's own verbosity reflects this play: it seems to go on forever, without limit, on the one hand, and it is in constant search of the *bon mot*, just the right word, on the other, thus marking the singular plural relation at stake here. "The Lee Shore," described as a "six-inch...stoneless grave," first appears as a text of mourning and a eulogy to the sailor Bulkington, first observed in the Spouter Inn by Ishmael and the epitome to him of the stoic type (*Moby Dick* 96). One of the few instances in which he forecasts his

adventure's tragic end, Ishmael compares Bulkington to a "storm-tossed ship," and, in summing up their similar characters, tries to articulate "the unmentionable" that always interrupts descriptions of the "Wonderfullest things." At play here is the opposition of land/sea that has provided so much critical traction over the years. Bulkington, like *The Pequod*, is said by Ishmael to look upon the landed port as something "pitiful" (97). Whatever is associated with this symbol, whatever is "kind to our mortalities"--"safety, comfort, hearthstone, supper, warm blankets, friends"--is Bulkington's "direst jeopardy." Stoic indifference to such creature comforts is Ishmael's explanation for Bulkington's return to sea directly on the heels of "a four years' dangerous voyage" (96). Following this metaphor that has the ship as the vehicle for the tenor of a man resisting all domesticity (with the figure of woman implicit in such trope), all "hospitality," which is to say the land, Ishmael apostrophizes Bulkington's very thought: "Know ye, now, Bulkington? Glimpses do ye seem to see of that mortally intolerable truth; that deep, earnest thinking is but the intrepid effort of the soul to keep the open independence of her sea; while the wildest winds of heaven and earth conspire to cast her on the treacherous, slavish shore?" (97). For Ishmael, thought, synonymous with soul, is pure, negative freedom, and in league with the sea. Deep, earnest thinking, or mind, yearns for infinity, not the determined shore. But Ishmael's thought everywhere admits limitation, which is to say calculation, into his thinking. The "slavish" lee shore, metonym for man's own body, is one such limit. Ishmael's "intolerable truth" is that above or before this body stand "the wildest winds of heaven and earth," malevolent, one might say sovereign, forces that "conspire" to limit man in the sovereign reach of his own mind. Were the reader to stop here, she might salute Ishmael's ingenious attempt to balance universality

and particularity, infinity and finitude. But Ishmael does not stop here, and in not stopping, he takes a step from "earnest thinking" to faith:

> But as in landlessness alone resides the highest truth, shoreless, indefinite as God--so, better is it to perish in that howling infinite, than be ingloriously dashed upon the lee, even if that were safety! For worm-like, then, oh! who would craven crawl to land! Terrors of the terrible! is [sic] all this agony so vain? Take heart, take heart, O Bulkington! Bear thee grimly, demigod! Up from the spray of thy ocean-perishing--straight up, leaps thy apotheosis!

At stake here is at once a death-wish (or death drive) and a confusion. The death-wish lies in Ishmael's desire that Bulkington conform his will ("better to perish") with that of the sovereign, "that howling infinite." He desires Bulkington's absolute subjection to sovereignty--better that "death" than to experience the mortal terrors implicit in finitude. His confusion is apparent in his shifting lexicon. In the previous passage, the "open independence" of thought's "sea" was locked in struggle with the howling infinite. But in the second passage "landlessness" is "the highest truth." "[I]ndefinite as God," this "truth" can only be God. In disconnecting the infinite from the finite, Ishmael stops calculating the body in relation to the infinite; the abject bulkiness of the former in no way serves to delimit the latter, to ground, condition, or qualify it in and through particularity. In Derrida's language, "play" has ceased to be the condition of possibility for the "presence" of "land" and the "absence" of "sea." Bulkington's future, Ishmael implies, belongs to the absolute assumption to the infinite without any mediating remainder; his apotheosis must leap "straight up," conveyed by nothing more than the

ineffable ocean spray. In this formulation, Ishmael forgets that the infinite sea (the infinite soul) presupposes land (the mundane body) as its mediating condition of possibility. In the opposite direction, he forgets that the infinite sea is likewise necessary for finite determinations. The *différance* between the two escapes Ishmael's recognition. In a sense, he is not wrong, therefore, to refer to Bulkington as a "demigod," for he is, in Ishmael's mind, at one and the same time soul and body; he is literally half a god. But in the dialectical realm--the strange dialectic at stake here--Bulkington could never simply sublimate from body to soul, like an iceberg sublimating into water vapor. Short of impressment, he could never have returned to sea minus the decision to do so. But in the face of such a decision, working against it and conditioning it, lies an infinite complexity, ultimately incalculable, of spatio-temporal relations. By radically underestimating decision's relation to such relations, to this "freedom," as Ishmael calls it, and the way in which finitude "breaks into," ruptures, or (most appropriate for a whale book) breaches the infinite, and must do so if thought or language are to be possible at all, Ishmael can only fall back upon religious poeticisms. The least that can be said about such a vexed discourse is that it puts in play a certain polarity that one must come to grips with if sovereignty and its relations (if there are any) are to be grasped.

Play is at once singular and double, in Nancy's language "singular plural."[69] Neither singular nor double thought separately, however, play "keeps itself beyond this opposition, announcing...the unity of chance and necessity in calculations without end" (Derrida, *Différance* 400). Calculations must happen without end in a general epistemological atmosphere or environment in which chance and necessity meet. Calculation both constitutes and reflects such an environment. "The Quarter-Deck" can

be read as a kind of allegorical textualization of such a "problematic." It begins with a certain affirmation of "play," in the form of a stage direction: "(*Enter Ahab: Then, All*)" (*Moby Dick* 136). From this first direction, indicating that a dramatic, playful demonstration is beginning, the reader is asked to perform the standard stage recognition: first Ahab arrives on the scene, then everyone else. The colon deserves special attention here. It indicates, conventionally, that the text to the right will explain or clarify the text to the left; it signals that these two sides are irreducible while also being different. The stage direction thus moves in both directions across the colonic bridge, and it performs a kind of conditional function, as if to say, "If Ahab enters, then All," or, "As a result of Ahab entering, all else appears." Ahab is the precondition for All; the latter does not exist without the former. But All is also the fulfillment of Ahab; without All, no Ahab. His subjectivity only becomes actualized through unification with an "objective" world, All. This double movement, which must be thought in its radical simultaneity, anticipates the relation between the would-be-agent of decision, i.e. the sovereign, and the structure that conditions and confronts it. What is to be avoided, above all, is the interpretive slip into a discourse that reflects "the activity of a subject manipulating objects according to or against the rules." The point, rather, is to force an interpretation that engages the objective elements of the scene, the subjective engagements with those elements, and the structure and difference that relates these two "spheres" without in any way reconciling them.

Initial descriptions of bodies and their relations in "The Quarter-Deck" mimic the double movement of the stage direction, and put in play a play beyond, or, better, *before* subjects and objects. Consider, for example, the strange relation between Ahab's own

body and the world. The sound of his "ivory stride" upon the wooden planks is audible as he takes his usual morning turn above deck; Ishmael hears Ahab's "presence" through the ship, before he sees him appear (*Moby Dick* 137). The planks on which Ahab treads are "all over dented, like geological stones, with the peculiar mark of his walk." Like Ahab's own brow and the white whale's "peculiar snow-white wrinkled forehead," the planks are "ribbed and dented," and they mimic the "still stranger foot-prints" of Ahab's "one unsleeping, everpacing thought" (155). Ship (object), man (subject), and beast appear to reflect one another in a kind of *mise en abyme* of relation and an infinitude of play. From Ishmael's romantic point of view, "it all but seemed the inward mould of every outer movement" (137). Less symmetrically, Ahab is rendered at once reflective of the totality of the scene and differentiated from it. Such a representation would be thoroughly romantic, in the Schmittian sense, if the relation between the inward and the outer was never anything but engaged in mere circularity, if Ahab's thought never appeared as anything other than "unsleeping" and "everpacing." For every phenomenon would simply appear as the occasion for remarking the infinite of being, as was the case for Bulkington. The antidote to such a metaphysics, what Schmitt calls "occasionalist," is the finite decision. In this respect, Ahab's textualization mimics Ishmael's own in "The Lee Shore." Both are represented as tarrying with the limit between infinite relation, undefined relation, and the decision that ruptures this infinitude and orders its relations, however fleetingly.

Moby Dick is increasingly being read with an eye toward poststructuralist criticism, as if the book must now be reinterpreted in the wake of the Cold War, which dominated critical strategies for decades.[70] But at the end of the Cold War, Donald Pease

was already seeking a way out of such a historically limited reading. In his acute discussion of Emersonian self-reliance's complicity in political abdication, he remarks that "nothing and no one resist Ishmael's power to convert the world that he sees into the forms of rhetoric that he wants," in this case a mystical rhetoric of sovereignty (*Visionary* 271). Contesting Matthiessen's long-held notion that Ishmael's "freedom" stands in direct Cold War contrast to Ahab's totalitarianism, Pease wonders "whether Ishmael, in his need to convert all the facts in his world and all the events in his life into a persuasive power capable of recoining them as the money of his mind, is possessed of a will any less totalizing than Ahab's." For Pease, the answer is clearly no. Like Emerson and at least a certain Matthiessen, Ishmael is only interested in separating the "rhetoric of motives" and "actions," and "Ahab is [his] way of maintaining this separation." Why? Because Ahab, according to Pease's specific, psychological sense of the "national second person," speaks for Ishmael, satisfies his unrequited desire for a decision, and still allows Ishmael to continue to dream, as in Bulkington's case, of spiritual apotheosis. Ahab is the fantasy that enables Ishmael to make a decision without making a decision. Pease's analysis concludes with an insight worth quoting at some length. "In short," Pease writes,

> Ishmael's form of freedom does not oppose Ahab's but compels him to need Ahab--not only as the purification of his style, but as the cure for a boredom verging on despair. Only in Ahab's final act can the Ishmael who has in his rhetoric converted the external world into an exact replica of the restless displacements of endlessly mobile energies of attention find a means to give all these energies that final, fatal discharge. Ahab's fatal, decisive deed permits Ishmael to feel the excessive force of Ahab's

> decision overdetermine his exercises in indecision. Put more simply, Ahab's compulsion to decide compels Ishmael not to decide. (272)

For Pease, Ishmael is pure monotonous metonymy; his thinking is merely associational. He flits restlessly from one thought-object to the next, never deciding, never intentionally making order out of the circumstances he encounters. He therefore cannot understand why Bulkington, for example, might attach value to the land even as he departs once more for sea--unless one wants to assume that Bulkington attaches no value to either. For Ishmael, according to Pease, man's proper comportment is that of the proverbial deep thinker, who uses all experience as the occasion for further thinking, even further argument, but who never decides, either this way or that, on anything. Ahab is the necessary Other to this far-flung thinking; he is Ishmael's fantastic compensation for the latter's refusal to decide. If Ishmael suffers from ennui, it is because nothing has any consequence in itself, for itself, or for him; every thought merely marks the occasion for another thought.[71]

Because it juxtaposes decision to mere thought, Pease's analysis here is related to the problem of sovereignty, even though he seldom uses such vocabulary, opting instead for a kind cultural psychologism in search of a political ethics. But this is not always the case. Pease does in fact mention sovereignty in the context of the previously mentioned notion of the "national second person" (*Visionary* 262). Conceiving of the representative democratic State, Pease equates self-reliance with atomistic, bourgeois privacy, on the one hand, and the "public sphere," on the other--the latter being a forum of exchange (of opinions, of commodities) for the former. Pease's idea of the national second person appears to be an effort to tie psycho-ideological discourse to political consequence. The

national second person is in fact the "sovereign will," Pease says, and it is this will that intervenes in "the great economy of discussion" that Emerson's self-reliance provides. But there is two-fold problem with this sovereign will, according to Pease. First, it absolves citizens of the responsibility to make their own decisions. Their political representatives make decisions for them, thus fostering the illusion that the citizens make decisions themselves. In this sense, Pease, like Russ Castronovo after him, is calling for more decision among citizens themselves and less reliance on the sovereign national second person, the "you" that subsumes individual decision within a larger national identification. Second, the sovereign second person is an "empty discursive slot" that, in the absence of a decision-making citizenry, can make whatever decisions it cares to without fear of political censure by the citizenry. As I analyze at some length in the Introduction above, Pease is working, if not with an entirely different vocabulary, then in a different discursive register from the one that interests me here, finally, but his terms are nevertheless undeniably suggestive.

This relation between the sovereign decision and Pease's "great economy of discussion," for example, is precisely what is at stake in Carl Schmitt's *Political Romanticism* (1919). In his criticism of Ishmael, Pease might have easily applied Schmitt's (disparaging) formula for romanticism as "subjectified occasionalism" (Schmitt, *Romanticism* 17). For Schmitt, "the romantic subject treats the world as an occasion and an opportunity for his romantic productivity." Such productivity "negates the concept of *causa*, in other words, the force of a calculable causality, and thus also every binding norm. It is a disintegrative concept." It is disintegrative, because it rejects "everything that gives consistency and order to life" in favor of an "attitude" that sees in

every possible phenomenon the mere occasion for reflection on a prior, metaphysical idea--the idea of God, for example, or Moby Dick. In the case of Ishmael's Bulkington above, Bulkington's decision to go to sea becomes in Ishmael's hands the occasion to wax poetic on God and the "howling infinite." Ishmael radically discounts the possibility of action in the world. The upshot of such romantic subjectivity is, as Pease suggests in his reading of self-reliance, an ineffectual political disposition. For Schmitt, it is likewise: "An emotion that does not transcend the limits of the subjective cannot be the foundation of a community" (161). Ishmael's enthusiasm over Bulkington cannot supply the concept of "what is normal and what is right" that must be, for Schmitt, the foundation of lasting political community.

For Schmitt, lasting political community requires norm and decision. This is the basis of his critique of parliamentarism, or "government by discussion" (*Crisis* 8). Parliamentarism fails to provide the principle of stability--homogeneity--that lasting governance requires because it cannot deal with the decisive political thrust of democracy. As I have already discussed, democracy for Schmitt is above all interested in producing homogeneity through, in his chilling words, the "elimination or eradication of heterogeneity" (9). "Until now," writes Schmitt, "there has never been a democracy that did not recognize the concept 'foreign' and that could have realized the equality of all men" (11). "Even a democratic State," he continues, "let us say the United States of America, is far from allowing foreigners to share in its power or its wealth." Schmitt concludes *The Crisis of Parliamentary Democracy* with an ambivalent recognition of the value of "Irrationalist Theories of the Direct Use of Force," to cite the title from the last chapter of that book, in breaking the deadlock of parliamentarism. And he quotes

Trotsky as saying that "the awareness of relative truths never gives one the courage to use force and spill blood" (64). Such language extends Schmitt's criticism of the romantic in as much as the romantic, too, is unable to perform a forceful entry into history, the meaning of which he has already reduced to a metaphysical idea.

The "courage" to intervene in history seems to be what Schmitt has in mind when then takes up the question of sovereignty head-on in *Political Theology* (1922). There Schmitt famously distills the problem of sovereignty: "sovereign is he who decides on the exception" (*Political* 5). But Schmitt is not really interested, he says, in the abstract "truth" of this formula. He is interested, rather, in its "concrete application," as I mention earlier. The practical question of sovereignty depends on what individual or institution has the final say on what constitutes the limits of the State. Such a decision only becomes a practical possibility in a time of crisis, that is when the *status quo* is threatened by some unforeseen occurrence. This is why Schmitt says, anticipating Derrida, that the sovereign decision "cannot be circumscribed factually and made to conform to a performed law." Finally, with respect to constitutional law itself, Schmitt says that although the sovereign "stands outside the normally valid legal system, he nevertheless belongs to it..." (7). Standing outside the legal system and its norms, the sovereign decision is "absolute purity" (13). By belonging to the normal legal order, the sovereign only exists in order to decide "whether this normal situation actually exists."

What is being suggested here is a certain commonality in argumentative structure in disparate sources--a right-wing European jurist and a liberal Americanist critic. Phrases and concepts like "great economy of discussion," liberal parliamentarism, and political romanticism manifest, perhaps, refusals to take up the question of the decision in

all its radicality. It is true that talking about a private ethic of self-reliance, for example, is not the same as talking about a parliamentarian system of government. These are not exact analogies and must be treated in their singularity. Nevertheless, from the most "local" intersubjective relation to the most "universal" confrontation in and between States, a structural limit that defines the relation itself, if it is to serve as the "guarantor" of that relation, must be decided upon in the form of the exception. No order can exist for that relation, otherwise, and the relation itself dissolves. Again, this is meant in a critical and descriptive sense, not as a normative prescription. This is why Schmitt says, in the realm of nation-States: "If the individual States no longer have the power to declare the exception...then they no longer enjoy the status of States" (11). According to this logic, no normal situation can exist without that norm being declared to border on what one might well call chaos. As was suggested in the case of Ishmael above, the subjective occasionalist cannot decide on this border, nor can the self-reliant person, in Pease's reading. If parliamentarism itself is defined merely as governing by discussion, where is the mechanism that allows it to declare its normal situation in the face of an unforeseen crisis? To this extent, Schmitt's analysis seems indisputable. Likewise, Pease's call for a more self-representation among citizens appears to redress, in a strongly democratic way, the limit of sovereignty.

But in Schmitt's case, the strength with which he draws his borderlines perhaps reveals a certain limitation in his own discourse. In other words, one must ask whether Schmitt is not rather too structural in his willingness to sacrifice "conversation" in the name of "decision," as if in the sovereign decision's radical unrelatedness to parliamentarism *at a certain point*, it thereby recognizes no ordeal of decision (i.e.,

calculation) at all. In "Structure, Sign and Play," Derrida notes that the "classical thought concerning structure could say that the center is, paradoxically, *within* the structure and *outside* it" (279). The question is whether Schmitt's positioning of "decision" against "conversation" essentially mirrors Derrida's positioning of "center" against "structure." I am inclined to argue that it does, and that Schmitt's romantic occasionalism mimics in the aesthetic realm parliamentarism in the political realm. His attempt to supercede both by a reassertion of "decision" and "sovereignty," respectively, potentially signals an unwillingness to deal fully, first, with the necessity of calculation with respect to the responsible decision, and, second, with the sense of play that Derrida argues conditions these sets of oppositions in the first place. Another way to say this is that in his eagerness to reassert the necessity of decision and sovereignty, Schmitt fails to think the *différance* of the relation that interests him. He therefore exaggerates the importance of decision and sovereignty at the expense of "conversation" and "parliamentarism." But in making this claim, I am not therefore arguing the opposite of Schmitt, i.e., that conversation must itself be reasserted and exaggerated. The play of *différance* remains the point of the analysis.

Pease, on the other hand, brackets the entire question of the decision's ordeal (i.e., the subjective tarrying with calculation that decision demands). Taking a baldly practical, if not pragmatic, approach to the political, Pease, in *Visionary* anyway, is simply interested in a more direct linkage between the decisions of citizens and the State. He assumes, apparently, that an ordeal of calculation must be experienced in order for a decision to happen, but he does not therefore draw any strictly philosophical points from this. For example, in his analysis of the national second person and its appropriating

effects, Pease calls for less representative government and more direct democracy, but he never for a moment entertains any question about the very possibility of democracy and decision. He never asks, for example, what Ishmael's "romanticism" can tell us about political decision as such. He, like Schmitt, simply dismisses it as a betrayal of proper political behavior. The result, however, is that the problem of decision itself remains obscure, and with it the question of democracy and the relation between political subjects and the State.

Sovereignty's Ordeal

Returning to *Moby Dick*, it is now possible to establish a reading that at once affirms the sovereign decision and its necessity and recognizes the "field" of materiality that the decision presupposes and limits. In this case, the demonstration depends on moving from a situation of order to one "before" this order takes hold, supposing that it is possible to imagine the *other* of order and the decision that instigates it. Ordered socio-political life is paramount in the novel, at least at sea. On land, hierarchical privilege is less certain in the dynamic marketplace of Nantucket, and, therefore, so is the proper role of the individual in the universal drama, as Ishmael conceives it. Such is not the case aboard *The Pequod*, which, perhaps because of the danger intrinsic to whaling, depends on strict socio-economic order and accountability. In this sense, the very representational strategy of the text evokes, like so much nineteenth-century American fiction, a feudal, aristocratic nostalgia, or at least reference. From the hierarchical order of the crew, including the lay system--the percentage of profit each sailor is entitled to--down to the larger economic investment in the *The Pequod* itself ("People of Nantucket invest their money in whaling vessels, the same way that you do yours in approved State stocks

bringing in good interest" [Melville, *Moby Dick* 73]), the whaling enterprise represents a highly rationalized venture with time-honored customs--a kind of common law of the sea. The point of such organization is to mitigate the accidental hazards endemic to the whaling industry and facilitate the smooth circulation of the whaler around the globe as it searches out its commodity. *The Pequod* can be read as a model of such rationality. Queequeg, eventual harpooner aboard *The Pequod*, already provides a hint of this when he saves a young white man who had fallen from a boat headed for Nantucket, and who had just previously insulted Queequeg behind his back. Queequeg, the "meanest" of mariners and yet, as harpooner, the most indispensable figure in whaling, is said by Ishmael to think that "It's a mutual, joint-stock world, in all meridians," and that "We cannibals must help these Christians" (64). Mutual support and well-conditioned ordering in the face of the ever-impending doom of chaos and accident represent one set of contending demands in Melville's narrative. And if such an opposition between "political" solidarity, on the one hand, and impending threat, on the other, lends support to Pease's call for a kind of civic republicanism, it also begs the question implicit in the opposition itself, namely how such an opposition begets itself in the first place, or, better, what the philosophico-political stakes of such an opposition are. Even when one recognizes, as Ishmael does in the chapter entitled "The Specksynder," that the entire novel of *Moby Dick* may be read as "The classification of the constituents of a chaos," one is not therefore brought a jot closer to grasping the ontological, epistemological, and political stakes of just this sort of opposition--classification/chaos (115).

The obvious problem with reading "The Quarter-Deck" as the literal staging of the sovereignty problematic is that *no decision actually gets made* in this chapter, or at

least not the one that the reader might expect, that is Ahab's decision to hunt Moby Dick. Long before the voyage begins, Ahab decides that Moby Dick is to be his quarry. For this reason, Pease is quite right to read the chapter as staging, rather, Ahab's persuasion of the crew in favor of a decision that has already been made. Nevertheless, the chapter contains important features that can help us elaborate a sovereignty problematic (beyond the simple equation of sovereignty with decision, à la Schmitt). Indeed, the act of persuasion itself attests to a kind of paralysis or sterility in a decision that is not grounded in something "other" than itself, here the will of the crew and officers. Ahab cannot make good on his decision to hunt Moby Dick without harnessing all of the material and intellectual resources of *The Pequod* for that purpose. That he ultimately achieves such obedience is well known, of course, and evident in passages such as this one, from the penultimate chapter "The Chase--Second Day," in which is described the univocality of sailors in common pursuit of Moby Dick:

> They were one man, not thirty. For as the one ship that held them all; though it was put together of all contrasting things--oak, and maple, and pine wood; iron, and pitch, and hemp--yet all these ran into each other in the one concrete hull, which shot on its way, both balanced and directed by the long central keel; even so, all the individualities of the crew, this man's valor, that man's fear; guilt and guiltlessness, all varieties welded into oneness, and were all directed to that fatal goal which Ahab their one Lord and keel did point to. (*Moby Dick* 415)

But the problem with such a passage is the same problem we encounter above in Ishmael's apotheosis of Bulkington: finitude gets absorbed without remainder into an

ideal and fanciful imagery. That such a representation takes on a kind of naturalistic character is not surprising, since there appears to be no thinking or decision-making at all here, but only pure action. The physico-chemical equivalent of such a passage is that found in "Nightgown": "...truly to enjoy bodily warmth, some small part of you must be cold, for there is no quality in this world that is not what it is merely by contrast. Nothing exists in itself" (58). To assume that all oppositions resolve themselves in the unified whole is to think from the perspective of the whole itself, which, arguably, is what finite beings can absolutely not do. When reading "The Quarter-Deck," then, one searches for a way out of the trap of objectification that leaves the ordeal of decision out of the mix.

One way back to decision is through time. Persuasion takes time, and in that time-lapse, that *ordeal* as Derrida calls it, one can perhaps begin to identify that which cannot be sublated. In "The Quarter-Deck," Ahab draws out his sailors, first into the open, out on the deck, and then out into conformity and agreement with himself. Though Ahab is confident of winning allegiance to his cause, he must time his presentation of his case in his effort to found a consensus in "all contrasting things." But at first the material upon which Ahab is ready stake his claim appears already formed. His rhetorical questions meets an audience described as "A score of clubbed voices"--a club of the those that club and get clubbed (*Moby Dick* 137). Their "impulsive rejoinder" to Ahab's question, magnetic and full of "hearty animation," is like a dog's unto its master. And the master receives them as such, "with wild approval of his tones" and a "strangely and fiercely glad and approving...countenance," as if Ahab knows that this rhetorical exercise is something more and less than natural. The members of the crew are barely capable of thought or speech, it would appear, dumbly looking at one another, "marvelling how it

was that they themselves became so excited" at Ahab's "seemingly purposeless questions" (138). Their complicity in their own domination does not register, and soon they are "all eagerness again." Meanwhile, Ahab proceeds to buy them off, *en masse*, and endeavors Starbuck to fetch the top-maul that will seal the deal. For a "sixteen dollar piece," they will sacrifice everything, and together they cry out "Huzza! huzza!," hammering at the air with their hats just as Ahab hammers home the doubloon into the mast. Up until this point, no one, not even Ahab, has mentioned Moby Dick. But Tashtego guesses "the same that some call Moby Dick" from Ahab's description. With this guess, the jig is up, and Starbuck recalls that it is Moby Dick who had "dismasted" Ahab (139). By the time Starbuck is aware of it, Ahab has already more or less secured the consent of his crew, through a rhetorical prowess definitively analyzed by Pease. His timing has been perfect, and Starbuck can only complain "God keep me!--keep us all!" as the "brimming pewter" is passed among the crew.

Starbuck must be read here as something other than the author's elaboration of a certain sociological type, as in C.L.R. James's reading of *Moby Dick*, if this novel is to be read as a meditation on the limit of sovereignty and not as capitulation to the sovereign ideal.[72] For it is Starbuck's resistance to Ahab's will that many have said supplies the necessary supplement to a vision in which there is nothing but sovereignty. But upon closer inspection, it is possible to find the necessary ingredients for a different formulation of sovereignty in the words of Ahab himself. The most explicit framing of such a formulation comes in the famous "little lower layer" lecture Ahab delivers to Starbuck when the latter objects to Ahab's course of action. Here, Ahab, though

supremely confident in intent, reveals a certain impossibility of sovereignty that I have been pursuing throughout this chapter. I quote this powerful passage at length:

> Hark ye yet again,--the little lower layer. All visible objects, man, are but as pasteboard masks. But in each event--in the living act, the undoubted deed--there, some unknown but still reasoning thing puts forth the mouldings of its features from behind the unreasoning mask. If man will strike, strike through the mask! How can the prisoner reach outside except by thrusting through the wall? To me, the white whale is that wall, shoved near to me. Sometimes I think there is naught beyond. But 'tis enough. He tasks me; he heaps me; I see in him outrageous strength, with an inscrutable malice sinewing it. That inscrutable thing is chiefly what I hate; and be the white whale agent, or be the white whale principal, I will wreak that hate upon him. Talk not to me of blasphemy, man; I'd strike the sun if it insulted me. For could the sun do that, then could I do the other; since there is ever a sort of fair play herein, jealousy presiding over all creations. But not my master, man, is even that fair play. Who's over me? Truth has no confines. (Melville 140)

Beginning at the moment of "play," we see that Ahab recognizes the fair play involved in deciding (and acting) on the status of "all visible objects," or what he calls "pasteboard masks." This fair play Ahab characterizes as "jealousy," literally "zeal" and "vehemence of feeling," according to the OED. In short, Ahab is speaking of a kind of madness, exemplified by "some unknown but still reasoning thing." How can something be at once unknown and still reasoning? This conundrum names the moment of decision,

which takes place in that "night of nonknowledge and nonrule," when the day of calculation has exhausted itself in the difference between positive, finite knowledge or rule and the re-institution of rule in the face of an unknowable future (Derrida, *Force* 255). And this is precisely what terrifies Ahab, that after his calculated decision to strike through the mask he should end up staring at still more pasteboard masks, still more unknowable futures, further instances of the universe's inscrutability. Ahab acts as if by sheer will-power he should be able to strike through the mask of signification without fear of signifying remainder. He appears to desire the death of meaning. And this marks a fatal lapse from the limit-thought of sovereignty. Does Ahab recover himself? "But not my master, man, is even that fair play," he says. This enigmatic phrase should be read in at least two ways, if Ahab is to be called a thinker of sovereignty's limit. Its most mundane reading, paraphrased, is: "Jealous fair play is not my master, Starbuck." In other words, Ahab asserts that he can master fair play, and so put an end to play. A second approach emphasizes an awkward syntax, centering on the word "man," as if "man" is not Ahab's master and so jealously *is* fair play. An attempted paraphrase would read something like: since man, in particular the discourse of reasoning Man, is not my master, then the "jealousy presiding over all creations" is fair play. In other words, Ahab affirms jealous fair play as the necessary condition of all decision. Ahab's discourse is caught between these two interpretations. He desires to strike through the mask and put an end to fair play. This attitude finds its equivalent in the final ejaculation: "Who's over me? Truth has no confines." Here, Ahab simply mimics Ishmael's own romantic characterization of Bulkington. But Ahab also knows that in each "event," which he correctly characterizes as decision, the unknown reasoning thing continues to assert itself.

To encapsulate the contradiction then, one might say that Ahab wants to put an end to interpretation (decision) while also recognizing that interpretation can never stop. The prisoner escapes the prison only to find more walls awaiting him. To continue to escape, then, is mad. Derrida cites Kierkegaard as saying that "The instant of decision is a madness" (Derrida, *Force* 255). This is because decision happens at the limit of reason. Neither reasonable nor unreasonable, decision partakes of the "madness" that no reason, in the form of law, for example, can anticipate--and yet decision's possibility issues forth from law. We can therefore read a death-wish in Ahab's tête-à-tête with the mask, death as the experience of finitude faced with an inscrutable future. Instead of striking through the mask, Ahab might have worn it. In this way, he might have experienced his decision to hunt Moby Dick as a different experience of freedom than the nothingness that accompanies the lack of confines or limits. "Truth has no confines" does not articulate the "truth" of decision from a deconstructive viewpoint. The experience of freedom found in decision is only possible at the limit of knowledge. This is not to say that "truth" therefore knows limits. Rather, it is to say that "truth" (or "freedom") can be experienced only at the undecidable limit between knowledge and non-knowledge, reason and madness.

Although Ahab's discourse is not, strictly speaking, a Statist discourse, inasmuch as it deals squarely with the logic of decisionism it is germane to the question of sovereignty. One phrase I fail to analyze above is the penultimate question, "Who's over me?" Ahab answers this question in a spirit of indecision, not decision: "Truth has no confines," he pronounces with an air of objectivity. But truth does have a confine, namely the finitude implicit in decision. Does this mean that "the truth" is whatever one

happens to decide it is? In a certain way, yes, but it is only a responsible decision if one goes through the ordeal of calculation, on the one hand, and the necessity of the break with calculation on the other. The "who" in "Who's over me?" captures the sense that the sovereign decision must remain in question. It must continue to traverse the ordeal of the decision. The question "Who's over me?," then, might better be answer as followed: *Who* is over me, the question "Who?" forever governing the sovereign decision.

John C. Calhoun as a Thinker of Sovereignty

Above, I offer an outline of one possible reading of *Moby Dick* by focusing well-remarked antinomies in that novel on the question of sovereignty. I conclude that these antinomies must be thought together in order to keep in play the ordeal of the decision, which is the double thought of calculation, on the one side, and the calculation of that which cannot be calculated, on the other. I also conclude that the question "Who?," as in Ahab's "Who's over me?," remains fundamental each time sovereignty is at stake. Now, I would like to turn to a different generic instance of the ordeal of sovereignty as a way of bringing the sovereignty problematic back into the domain of the State and the political. John C. Calhoun's writings on sovereignty, particularly those writings that try to justify State secession during the so-called Nullification Crisis in the years and decades before the Civil War, will help substantiate the point that even in the realm of the State, the sovereignty problematic remains a matter of the suspension of the question "Who?" Calhoun, well known for his states rights defenses of slavery, went to great lengths to define sovereignty, since the validity of his defenses rested upon locating the seat of sovereignty in the state.[73] But, as I will show, locating this seat was no easy task, since

the contentious matter of the "who" and the "what" of the State caused the sovereignty concept to slide, and to differ and defer itself at every step of the effort to fix it.

Where his political writings are concerned, Calhoun is perhaps best known for his theory of the "constitutional majority," or "concurrent majority," from which he deduces his theory of sovereignty. In contrast to the "numerical" or "absolute majority," which "regards numbers only," the idea of a concurrent majority regards "interests as well as numbers...considering the community is made up of different interests as well as numbers" (Calhoun, *Disquisition* 16). Calhoun, in defense of the planter class's "interests," understood the function of the concurrent majority as the only plausible constitutional alternative/supplement to the absolutist government that, for him, was the inevitable result of rule by numerical majorities.[74] The danger that Calhoun foresaw in the latter, in a word, was the overwhelming power that would accrue to national parties, at the expense of the multiplicity of "the peoples'" interests, which also, even primarily, meant State interests. In justifying the property rights of the planter class (the right to own slaves) in the south during the age of Jackson, Calhoun performed impressive intellectual somersaults to secure those rights. In the process, he demonstrated the enormous difficulty in thinking divided sovereignty, which the theory of the concurrent majority was meant to address. As a supplement to government, in fact, Calhoun is clear that "concurrent majority" is only another name for a broader principle of checks and balances, a principle that is literally "constitutional," in the predicative sense. The essence of this constitution lies in its positive/negative relation to government: "It is, indeed, the negative power which makes the constitution,--and the positive which makes the government. The one is the power of acting;--and the other the power of preventing

and arresting action. The two, combined, make constitutional government" (*Disquisition* 21). Governments can certainly exist in the absence of the concurrent majority, but they will always be fundamentally flawed from a democratic point of view, and tend towards absolutism and despotism. Without the concurrent majority, government will only ever act on behalf of numerical majorities, and thus always encroach on the liberties of minorities. Thus, we see Calhoun developing, ironically, a theory of minority rights. "[B]e it called by what term it may,--veto, interposition, nullification, check, or balance of power" (20), the negative essence of the concurrent majority is necessary to recognize and preserve minority (states') rights. Abstracting, for the moment, away from Calhoun's own context, it might be useful to recall Jean-Luc Nancy's contention that sovereignty can be thought in one of two ways: either as a purely positive force whose negativity is banished outside of its juridical borders, or as a force that has integrated within itself the negative essence of its positive aspect. This second thought of sovereignty approaches Calhoun's calculation of the concurrent majority. A government predicated on the will of numerical majorities only corresponds to Nancy's first thought of sovereignty. But this government is constituted only when it incorporates its negative aspect within itself. Only then can this constitutional government "present itself as the self-engendered substance of the supremacy it states," to recall Nancy's pithy formula. Early in *Disquisition*, Calhoun will characterize this self-engendered substance, this constitution, the "interior structure...or *organism*" of the government, implying that constitutional government is a singular entity (7). And yet it is not merely or simply singular.

The possibility of the negative, the capacity for absolute nullification, represents sovereignty for Calhoun, and as has been shown, the negative mechanism resides in representative and represented "interests," in the state form. Calhoun's entire sovereign enterprise, reflective of a long tradition of republicanism as well as evolutionist or genetic theories of community and society (hence his use of the term "organic" to describe the socio-political sphere), refers for its ideological ground to the second article of "Articles of Confederation and Perpetual Union": "Each state retains its sovereignty, freedom and independence; and every power, jurisdiction, and right, which is not, by this confederation, expressly delegated to the United States in Congress assembled" (qtd in Calhoun, "A Discourse on the Constitution and Government of the United States" 65). But the attempt to ground sovereignty does not, or cannot, stop there. Calhoun's exhaustive treatment of the process of ratification in "Discourse" was meant to prove, once and for all, that ultimate "sovereignty, freedom and independence" resided in the separate states. But to secure this right as a republican right, he had to further extend the sovereign reference to "the people." Additionally, there is a tacit admission, indicated above, that Calhoun recognizes the *ne plus ultra* of the nation-State as well. The nation-State concept, the concept indicative of government, combined with the negative capabilities of state and people, together quite literally *constitute* the total socio-political organism. So even as Calhoun strains to prove that federal, not national, sovereignty is merely delegated and ultimately returns to the individual states composing the nation, he does not succeed in demonstrating that the sovereignty of individual states exists at all without, on the one side "the people," and on the other side the federation. From a formal democratic-republican standpoint, sovereignty would appear to be a radically plural

concept. While Calhoun clearly wants to affirm a certain superiority of the several states to the federal government (the latter's power is only ever the result of delegation), he does not want to dispense with certain federal functions. Neither does he want, for political reasons perhaps, to be seen as endorsing local, state plutocracy. This will become clearer below.

It is vital to Calhoun's argument for states' rights that he clarify a set of highly intertwined and contestable terms--nation, federation, community, people, State, and, in slightly different register, liberty. Indeed, each of these terms, arguably, always rests in the balance at every moment in the life of every State. Furthermore, how one defines them and positions them vis-à-vis one another determines, theoretically and discursively, exactly what a State is, i.e., what its knowable limits and functions are or ought to be. For Calhoun, the states' rights argument must construe the ratification process as delegation of power to the federal government and not an auto-divestment by the states of their "sovereignty, freedom and independence." If the latter were true, according to Calhoun, not only would sovereignty "reside in the whole,--or what is called the American people", but the states would "stand to that of the United States, in the relation of inferior and subordinate, to superior and paramount... ("Discourse" 68). In the case that ratification preserves the sovereignty of the several states, they remain "separate and individual communities" and "the allegiance and obedience of the citizens of each would be due to their respective states...." In such circumstance, they "would stand as equals and co-ordinates in their respective spheres." In the former, where sovereignty resides in the whole nation, citizens "would be united *socially*, and not politically" (69); in the latter, where sovereignty resides in the several states, citizens "instead of being united

socially...would be politically connected through their respective state" (68). Already, one can glimpse the ultimate stakes of the argument: the location of sovereignty itself determines the nature of the social and political bonds of the individuals *qua* equals within the boundaries of the territory in question; but it also determines the very nature of this "within." But within what? What socio-political entity is being decided upon?

In the first instance, the decision on the national/federal question determines the nature of "the people" within the United States. A national interpretation produces a single people, and a federalist interpretation produces a plurality of peoples. In the first case, "the people" is conceived as an aggregate of equal individuals; in the second case, "the peoples" are conceived (anticipating *Plessy v. Ferguson*, perhaps) as "equals...in their respective spheres." Two possible differences result. The first difference lies in the location of loyalty. "The people" is loyal to the national government, but "the peoples" are loyal to their separate state governments. The second difference is more complex. Can Calhoun properly declare that the several peoples, loyal to their several states, are "equal" in their difference? Yes and no. To the extent that each people would be subject to the same formal federal law *qua* citizens, then the answer is yes. But to the extent that each people is not only defined by its loyalty to its respective state but also representative of a particular *interest* (as was shown above in the negative capability of the several states), then it is doubtful that separate but equal holds up. If the definition of a people, or as Calhoun will call it, a "community," lies not only in its formal difference from another people (in the form of a State), but in its substantial difference (its identity, or "interest," as a slave State, for example), then its value necessarily places it in a relation of unequal difference to other States. But this does not settle the question. For it is

precisely Calhoun's claim that each state, each people, regardless of its interest, possesses the right to nullify a federal law or policy that threatens the integrity of that interest. So, in 1832, during the famous Nullification Crisis in South Carolina, the nullifiers argue that because federal taxes threatened the states' vital interests, the State of South Carolina was entitled to dissolve its membership in the confederacy of states, the Constitution itself providing the proof of the right to this entitlement. Theoretically, according to Calhoun, each state, identical to the people who ratified its constitution, reserves this sovereign right, and in this sense they indeed appear to be "separate but equal."

But even though this analysis clarifies the relation of nation to federation, and the subsequent devolvement of right at the level of the several states, it does not yet fully settle the problem of "community" and "people." As has been shown, Calhoun favors the sovereignty of the several states because of the presumption of "interests" among "the people" inhabiting those states. Only by this organizational means can society hope to "develope [sic] the faculties, intellectual and moral, with which man is endowed," because only by this means can "liberty and security" realize their proper balance or distribution ("Discourse" 29). Calhoun thinks that progress and development depend upon the liberty and security necessary to meet "the desire of individuals to better their condition": "Liberty leaves each free to pursue the course he may deem best to promote his interest and happiness, as far as it may be comparable with the primary end for which government is ordained;--while security gives assurance to each, that he shall not be deprived of the fruits of his exertion to better his condition" (29-30). In other words, individuals and "communities" must be free to invest their interests, a social investment that eventually "repays power with interest, by increased population, wealth, and other

advantages, which progress and improvement bestow on the community." Liberty encounters its limit, however, at the moment that individual and communal "interests" are encroached upon by national-State interests, in which the nation-State "contract[s] the sphere assigned to liberty," namely the spheres of the several states. The federal government's role is only "the protection of society against dangers, internal and external," which is to say that the federal government's end is the same end as the several states and their "interests."

The problem does not stop there, however. For although the liberty/security calculus is always at stake in the relation between state/ "the people" and federal governments, that calculus, "applied to different communities, will assign to them different limits." The appropriate "spheres" of "power" and "liberty," which is to say their limits, depend upon what exactly is understood to constitute a "sphere." The ratio of power to liberty entirely depends upon a particular sphere's capacity "to protect the community against danger from without and violence and anarchy from within." "The residuum," writes Calhoun, "belongs to liberty" and "More cannot be safely or rightly allotted to it." Liberty, then, for Calhoun is absolutely relative, depending on the needs of the "interest" of the State, or the particular sphere. The ratio between power and liberty, necessary coordinates according to this scheme, rises and fall infinitely depends on the needs, desires, and most importantly survival of the interests at issue: "some communities require a far greater amount of power than others to protect them against anarchy and external dangers; and, of course, the sphere of liberty in such, must be proportionally contracted."

One can see where this is all headed for Calhoun, namely, the defense of and

justification for "interests" whose very existence depends upon the absolute contraction of "liberty" for entire classes of individuals--not only Africans, but also Indians, women, and the propertyless in general--classes that Calhoun verges on combining as a single people, under the aegis of the State. It comes as no surprise, then, that the most infamous parts of "Disquisition" entail judgments by Calhoun on who is and who is not fit for self-governance. These judgments fall along two familiar and expected lines: "physical" and, reminiscent of chapter two above, "moral." The former represents the external boundaries of the "the mass of the community," "such as open and exposed frontiers, surrounded by powerful and hostile neighbors"; the latter represents the internal boundaries of the "mass," "which may be so sunk in ignorance and vice, as to be incapable of forming a conception of liberty, or of living, even when most favored by circumstances, under any other than an absolute and despotic government" (30-1). To force "on a people unfit for it...would...lead directly to anarchy;--the greatest of all curses."[75]

"But these people do not exist," writes Derrida in his anatomy of democratic representation, institution, and signature, "Declarations of Independence" (49). At least "the people" does not exist politically in any self-evident way.[76] There is no undifferentiated "mass" which can properly be called "the people." Further, "the people" never means all of the people, and the "interests" of "the people" are never all (the "mass") of the peoples' interests. We have seen that, for Calhoun, the State-community represents at once a single people *and* a differentiated field of liberty. In other words, some "people" are freer than others within the single community of the State. In a particular way, Calhoun's community is at once singular and plural. It represents a single

interest, or set of interests, singular in character, but it will still be possible to distinguish groups within the State-community along physical and moral lines. Racial categories of belonging are only the most obvious means of judging these groups. The basic synonymy that Calhoun sees between "the people," the "community," and the State positioned against the relativistic conception of "liberty" suggests that all is not right with the original presumption of equality. This is not to say anything new, of course. The majority of human beings in the nineteenth-century United States were not regarded as citizens by the nation-State, much less the individual states. The claim here goes to the very heart of bourgeois right. Once again recalling Marx's epigraph in the Introduction above, the application of equal right to unequal individuals is possible only insofar as unequals "are brought under an equal point of view." For Calhoun, that equal point of view represents, at the very least, the point of view of a particular class universalized into the point of view of the entire community-State and all beings living in that State. It is a classic example of a particular masquerading as a universal, and it once again underscores the indelible logic of the aporia of citizenship.

For all of Calhoun's (cynical) theorization on the location of sovereignty *qua* the decision on the legitimate and supreme interest of the State (the several states), it was not enough to settle the question of sovereignty. In fact, it only exacerbated a historical conflict between nation-State and state that eventually culminated in civil war. It also serves, for our own time, to bring to light a certain terminal problem surrounding the sovereignty concept itself. No matter how reasonable Calhoun thought he was being in arguing for state sovereignty, no reason on earth could finally settle the question as to whether sovereignty could be divided in the way he suggested. War settled the question

only insofar as the federal/nation opposition was put to rest--national partisans violently asserted themselves as the superior entity, as Calhoun had foreseen. In this light, Schmitt's formula, "sovereign is he who decides upon the exception," should be further qualified to read, sovereign is he who is *sufficiently armed* to decide upon the exception. But reducing the problem of sovereignty to a mere problem of might cannot address the essential slipperiness of the concept, however it is conceived, whether as divisible or indivisible. Might can determine, from a certain point of view, where the concept ceases to slide (thus, a tautology: sovereign is he who decides upon sovereignty), but it cannot account for the conceptual remainder or excess that always, and ultimately, leaves the question of the location of sovereignty unknowable, and potentially volatile. Put another way, the question of sovereignty only arises in the midst of crisis, and no amount of theorization, no critical acumen, can account for sovereignty like the decision on a crisis and its resolution confronting a State (Schmitt, *Political* 6).

An example will serve to complicate the otherwise banal observation that sovereign right is finally a matter of force, and it involves the response of Andrew Jackson himself, in his Proclamation of 1832, to the South Carolina nullifiers, with whom Calhoun shared a politically, if not theoretically, ambiguous relationship.[77] In this proclamation, Jackson (or the actual writer, Edward Livingston) displays a keen grasp of the stakes of Calhoun's logic of sovereignty, and reintroduces the nation/citizen conjunction that Calhoun deplores. But Jackson is not thereby able to heal the unsutured wound that is sovereignty.[78] South Carolina's nullification proclamation hinged on the doctrine, outlined above by Calhoun, that it was the several states' constitutional right to nullify any law that they deemed to violate their "interests," in this case a series of

restrictive federal tariffs.[79] In addition to declaring these laws "unauthorized by the constitution of the United States," the South Carolina nullifiers further "ordained" that the federal law should not be enforced within South Carolina; that there should be no appeal to any court, particularly the federal Supreme Court, as to "the authority of this ordinance"; and that all public and civic officials must take an oath of loyalty to the State of South Carolina ("South Carolina Ordinance of Nullification, 1832" 690). Failure to observe any of these ordinations would absolve South Carolina "from all further obligation to maintain or preserve their political connection with the people of the other States...." The nullifiers, in short, empowered themselves, theoretically, to nullify any law of the Union that appeared to undermine their economic and political interests. The loyalty oath they threatened to institute also shifted ultimate political allegiance from the national, federal government to South Carolina.

Jackson well understood the gravity of such a challenge to federal authority. It meant nothing less than the dissolution of the United States *qua* State: "If South Carolina considers the revenue laws unconstitutional, and has a right to prevent their execution in the port of Charleston, there would be a clear constitutional objection to their collection in every other port, and no revenue could be collected anywhere..." ("President Jackson's, 1832" 694). In other words, "to give the right of resisting laws..., coupled with the uncontrolled right to decide what laws deserve that character, is to give the power of resisting all laws." Jackson understood not only that South Carolina was declaring itself a sovereign State, but, more importantly, that it established precedent for every other state to do the same. The Schmittian discourse on sovereignty, ironically a *theoretical* attempt to determine a concept that can only be *practically* decided, reveals

all of the rhetorical wrangling between Jackson, Calhoun, and the nullifiers as lesser forms of violence (war by other means); while their rhetoric finally proved to be a prelude to war, their tussle can also be read as a political effort to avert war. But since it was precisely a question of sovereignty that was at stake, the "who" and "what" of sovereignty, law and the force of law were finally indistinguishable. Jackson's syntax above is revealing: "[T]o give the right" already implies an admission of federative sovereignty; it implies, due to its derivation from "the (national) people" and the Constitution, that it is up to the federation how much "sovereignty" the states are to have, and not vice-versa. If an exception were to be made for South Carolina, it would be the federal government that would decide on the exception (through its legislative procedures, ostensibly, until the time of constitutional crisis) and not the South Carolina legislature. But conceived as absolute, unconditional autonomy (self law-giving), sovereignty is never given from one to another, at least to the point where the ground of sovereignty is forgotten or lost. For the sovereign, it will always remain possible to recoup any allocation of sovereign functions. Above, Calhoun's appeal to "the people" as ultimate guarantor of State sovereignty, and equally the several states as ultimate guarantors of federal sovereignty underscore this point: sovereignty cannot be divided up and still be sovereignty; the individual states cannot at once be sovereign in and for themselves and sovereign as a nation-State, i.e., as the United States. This is why Calhoun insists on the delegated nature of any sovereignty the federation might possess. This is equally why Jackson figures himself as a mere mouthpiece of a more fundamental sovereignty: "I have no discretionary power on the subject--my duty is emphatically pronounced in the Constitution" (706). And in another instance: "The people of the

United States formed the Constitution.... We are ONE PEOPLE in the choice of the President and Vice President. Here the states have no other agency than to direct the mode in which the vote shall be given.... The people, then, and not the states, are representative in the executive branch" (700). Above, Calhoun also refers to the Constitution as the sovereign basis of government. But the constituting act was the result of the several performative acts of the several states and their "interests," regardless of whether these interests were the interests of the whole or not. The point is that liberal constitutionalism cannot stop, theoretically, the slide of the sovereignty concept; the question remains subject to a sovereign decision. The theoretical debate between Calhoun and Jackson, in a sense, does nothing but draw attention to a certain undecidability within this circular sovereign structure. But when a crisis arises--when a crisis is decided upon--the "true" or "real" location of sovereignty emerges. Jackson, appealing to "Fellow-citizens of the United States" and their "undivided support", declares "the threat of unhallowed disunion" and "the approach of a crisis in our affairs on which the continuance of our unexampled prosperity, our political existence, and perhaps that of all free governments, may depend" (708, 707-8). The pronouncement of crisis together with the capacity for enforcement represent the sovereign moment.

Signing Sovereignty

I want to conclude this chapter by remarking a single moment in a strange American text called *Indian Nullification of the Unconstitutional Law of Massachusetts Relative to the Marshpee Tribe; or, The Pretended Riot Explained* (1835), by William Apess. Apess, better known for his autobiographical work *A Son of the Forest* (1831), belonged to the Pequot tribe, whose name Melville borrows in his naming of *The Pequod.*

In *Moby Dick*, the name first appears in the chapter called, appropriately, "The Ship": "*Pequod*, you will no doubt remember, was the name of the celebrated tribe of Massachusetts Indians, now extinct as the ancient Medes" (69). But Apess is not only not extinct in 1835, he is keenly attuned to the nullification crises playing out in the South. Adopted by the Marshpee Indians as their spokesperson (Apess was an literate itinerant Christian preacher) to pitch a grievance of theirs against the state of Massachusetts, Apess, in entitling this document as pertaining to political nullification between a small New England tribe and Massachusetts, reveals a sardonic viewpoint. At one point he guess that against a Massachusetts militia of "perhaps fifty or sixty thousand" the Marshpee could possibly array "a hundred fighting men and fifteen or twenty rusty guns" (183). This remark, probably intended as an ironic commentary on the relative scope of the Marshpee appeal as opposed to that made by South Carolina and John C. Calhoun, nevertheless places the question of number directly at the center of the question of sovereignty. In my readings of *Moby Dick* and Calhoun's political writings, I have repeatedly stressed that the sovereign decision, like every decision, if it is to be a responsible decision in the Derridean sense, depends upon the undecidable moment at which calculation, or number, cannot determine what the "just" decision ought to be. Which is to say that the just decision must take place at the moment that calculation ends. In *Indian Nullification*, calculation or the failure of calculation lies at the very heart of the Marshpee desire for a measure of political autonomy, if not absolute sovereignty. It comes down to the word "about." Because the Marshpee leadership believes it does not possess the necessary resources to defend the tribe against Massachusetts, it "adopts" the legally conversant Apess as its spokesperson and advocate. A letter is drawn up that

formally acknowledges this adoption. This letter is then attached to certain other papers and submitted to the Corporation of Harvard, which had sent a corrupt white preacher to "oversee" the tribe. Among the resolutions presented in these papers is the decision for self-rule, justified by the doctrine that "all men are born free and equal" (175). Of interest here, commented upon by numerous Apess scholars, is that the Marshpee adopt the U.S. Constitution and its language as models for its own sovereign claims. But what interests me is the offhand remark that "this instrument," which is to say the document that secured Apess's adoption, had attached to it "about a hundred signatures" (174). Why *about* a hundred? Why not ninety-eight or one-hundred-and-three? In other words, what can one make out of a document that is designed to name a spokesperson in the effort to secure a people's sovereignty, and yet refuses, at the textual level if nowhere else, exactitude as to who is signatory to and guarantor of the document?

The question "who?" returns, as it always must in the sovereignty problematic. "Who's over me?" demands Ahab. Who is the ultimate source of State right, asks Calhoun. Who is represented in State constitution, asks Apess. At the level of Derridean writing, this question of "who" is never settled once and for all. In "Signature Event Context," Derrida writes that "Effects of signature are the most common thing in the world" (20). "But," he continues, "the condition of possibility of those effects is simultaneously...the condition of their impossibility, of the impossibility of their rigorous purity." In Apess's case, the document intended on the behalf of sovereignty is signed by an indeterminate number of people--"about a hundred." Here, in all its literality is Derrida's observation that "a written signature implies the actual or empirical nonpresence of the signer." The Marshpee, nearly extinct like the Pequots themselves,

never were present at their signing, strictly speaking, at least not in terms of exact number, and yet nevertheless they signed. And their adopted son, William Apess, son of an "extinct" tribe, himself a signatory, in a sense, to the tribe, is hired to sign for them, in their absence. This play between presence and absence perhaps come before sovereignty, and is both its condition of possibility and impossibility. Of the signature's "enigmatic originality," Derrida says: "In order for the tethering to the source to occur, what must be retained is the absolute singularity of a signature-event and a signature-form: the pure reproducibility of a pure event."

I have tried to show in the chapter that, in Derrida's terms, sovereignty itself is an event, in the strict sense, whose authority depends on its reproducibility. Yet this is precisely what sovereignty cannot guarantee. The moment of its event, its signature moment, which I have been calling *decision*, is the very moment that the event's meaning disseminates uncontrollably beyond itself. This dissemination does not diminish the force of the event itself, to be sure, but traces the question of "who" as the question that will continue to govern the sovereignty problematic.

Bartleby the Scrivener, Immanence, and the Resistance of Community

> [R]esponsibility keeps its secret, it cannot and need not present itself. Tyrannically, jealously, it refuses to present itself before the violence that consists of asking for accounts and justifications, summonses to appear before the law of men.
>
> Derrida, *The Gift of Death* 62

> Community is, in a sense, resistance itself: namely, resistance to immanence. Consequently, community is transcendence: but "transcendence," which no longer has any 'sacred" meaning, signifying precisely a resistance to immanence (resistance to the communion of everyone or to the exclusive passion of one or several: to all the forms and all the violences of subjectivity).
>
> Nancy, *The Inoperative Community* 35

> I would prefer not to.
>
> Melville, *Bartleby the Scrivener* 13

As a kind of prelude to this final chapter, I want to recall a double-scene from Martin Scorcese's recent film on the early life and times of Bob Dylan, *No Direction Home*, in which two faces, one young, one old, of the artist, whose name is not his own, withhold secrets. The first quotation comes from a press conference in which a Dylan in his early twenties is pressed for an account of his status as rising superstar, a confrontation from which Dylan retreats through the shrewd strategy of question-trading:

> Reporter: Mr. Dylan, you seem very reluctant to talk about the fact that you're a popular entertainer....

Dylan: Well, what do you want me to say?

Reporter: Well, I don't understand why you, uh....

Dylan: What do you want me to say, what do you want me to say about it?

Reporter: Well, you seem almost embarrassed to admit, to talk about it....

Dylan: I'm not embarrassed, I mean, you know, but what do you want exactly for me to say.... (Scorsese 2005)

The second quotation represents an older Dylan's retrospective gloss of this exchange, from a distance of nearly 40 years:

> At a certain point, people seemed to have a distorted, warped view of me, for some reason, and, uh, those people were usually outside of the musical community. "The spokesman of a generation," "The conscience of this and that and the other," I mean that, that I could not relate to. I, I just couldn't relate to it. As long as I could continue doing what it is that I loved to do, I didn't care what kind of labels were put on me or how I was perceived in the press because I was playing to people every night.

Dylan's intentions are not what interest me here, nor what may appear to some as a subject's abdication of social responsibility, biting the hand that feeds it, as it were. Rather than interpret these scenes as glimpses into the personality of the rock star and subject named Bob Dylan, I want to think about them as the double-scene of a structure and relation that I will soon have occasion to call "freedom" and "justice" following what I take to be Jean-Luc Nancy's and Jacques Derrida's shared sense of these words.

In the first paragraph, Dylan will not, cannot satisfy the calculated desire of the reporter to know him, or affirm what others may wish to know of him, of his popularity. And even if he were to tell everything he knows or thinks he knows about himself, he could never satisfy others' desire to know him, nor even his own for that matter. Besides, "others"--in this case a reporter surrounded by other media types--simply wish to capture the social phenomenon called "Dylan" in a consumable, commodified form, a form they can put to work for the profit industry. But even if they wanted to know the "authentic" Dylan, such desire would still know no satiation, since authenticity is also a fetish. Thus, there is no suitable reply; he literally must remain a secret to them, and to himself.

The second paragraph is not unlike the first, though the terms differ slightly. This other "Dylan" refuses the trap that would identify him with "a generation." He also refuses an identification pushed one giant step further, to the ultimate identification: "The conscience of *this and that and the other* [my italics]." There is nothing outside of this, that, and the other; it is literally a mythical pronouncement. Not least, it is a sentence of immanence, a once-and-for-all fixture of the meaning of "Bob Dylan." Dylan would prefer not to. Instead, he speaks of "playing to people" and the "love" of doing so. In this play in the relation between the singular one and the others(s), one glimpses the slightest legibility of a writing of community, in which the sense of community is carried right to the edge of itself, and thus "outside" itself. This is the experience of freedom, according to Nancy, in which "*you shares me*" (Nancy, *Inoperative* 29). Indeed, the prevarication, the refusal, and the secrecy are the necessary conditions of sharing; what they are pointing to is finitude, or what Derrida has called *the gift of death*. The existential fact of finitude is the sure sign that community must always

be shared, infinitely shared, among finite singularities. This community will forever interrupt and, in a way, discredit that other community which seeks "the immanence of man to man--a humanism" and credits itself with "the goal of achieving a community of beings producing in essence their own essence as their work" (2). "Dylan" already knows the game that this breed of profiteers wants to play. He keeps them guessing, sharing with them new faces, surprise postures, concealing secrets.

This dissertation has argued all along, often implicitly, sometimes allegorically, that immanent community is always at stake, because where community unceasingly works towards the fulfillment of its own essence, or the confession of its secrets--for Nancy, this means liberal regimes as much as totalitarian ones--it extinguishes thought itself. Nancy's sense of thought, however, is not that of calculation but the intellectual experience of intellectuality's limits. At this limit, in the experience of this limit, not only does freedom become available as its own kind of experience, but more generally the opening, in space and time, that thought frees is the opening through which futurity itself may enter. The alternative is, literally, self-immolation. Strong as this language is--language only possible, perhaps, after having endured the twentieth-century--it is the problematic Nancy invites us to share. The problem is thus how to think "community" in such a way that remains a question of "resistance to immanence" and "to all the forms and all the violences of subjectivity" (35).

Herman Melville's famous text *Bartleby the Scrivener: A Tale of Wall Street* holds a unique place in a larger discourse on community that includes Nancy's, to my mind, decisive problematic. Indeed, this text has acted as a kind of quilting point for post-structuralist and post-Marxist critics alike--Agamben, Blanchot, Deleuze, Derrida,

Hardt and Negri--who want to say something about modern political community's limitations and those of communication generally. For my purposes, I want to turn this group of thinkers against itself, in part, in order to nuance the awkward labels I have just imposed upon its heterogeneous thought. One reason for doing this is simply to assess where each writer appears to come down on the question of community. How do these writers think the subjectivity of community, and how do they use this traditionally American text in that effort?

Another reason for taking up these texts--and *Bartleby*, yet again--is to reiterate what I have observed throughout this dissertation as a developing tendency in Americanist literary criticism, a tendency that everywhere claims for itself the mantle of political activism, progressivism, and justice. It is in the work of Russ Castronovo, for example, who writes of recovering "material prehistories" and "specificity" of "the dead" as "the first step toward thinking about democracy" (23, 249). It is in Lauren Berlant, who seeks "a new form of American historical consciousness" and the "counter-memory" to fill up this form (38, 6). And it is in Priscilla Wald, who recognizes a "need for a new, an expanded, official [national] story" (304). This concern with storytelling, national or otherwise, is not necessarily troubling in itself. The question here is whether such storytelling ever do justice to the finitude of singularities? Are these historiographical strategies capable of overcoming the violences of subjectivity for which Nancy expresses concern? In Americanist scholarship, is subjectivity the end of thought where community is concerned? One thing is certain: after deconstruction, *Bartleby* can no longer be appropriated in the traditional ways. Deconstruction resists those readings that would reduce *Bartleby* to a narrative about existential humanist anxiety in a

bureaucratized world or a psychoanalytic portrait of a split, even psychotic, personality. Nor can *Bartleby* continue to be read as a historically-inflected meditation on the alienating effects of modern American capitalism. Deconstruction even troubles recent Americanist approaches to literature that attempt to identify literary scenes of historical effacement in an empty, formalized world of Statism and citizenship. At stake in all of this, then, is the imposition of a kind of revelation of secrecy, through the strategy of "history," upon the singular in the name of social justice, the full historical manifestation of subjectivity, so to speak, in the name of political activism. One can raise these concerns without also abandoning the "cause" of justice.[80]

Bartleby, in short, can no longer so easily be read as a narrative about a subject. If Americanists are persuaded by Nancy's critique of immanent community--particularly with respect to the strong claim that liberal ideology is as beholden to "all the forms and all the violences of subjectivity" as the worst political regimes, even if the former are therefore not reducible to the latter--then they cannot affirm "the pragmatic workings of citizenship and democracy" without the equal and opposite affirmation of what these pragmatic workings entail, which is precisely "all the forms and all the violences of subjectivity" (Castronovo 247). Too often, in my view, this affirmation of liberal polity is not sufficiently qualified by an equal and opposite denunciation and a refusal of the violence that such a polity presupposes. How is it possible to affirm "pragmatic" community--"citizenship and democracy," for example--while simultaneously denouncing the "violences of subjectivity" that such pragmatism presupposes?

Community: Walls Versus Limits

I begin by recalling a certain dilemma concerning the matter of walls that Melville's text gives readers to think, leaving aside for the moment the famous utterance or formula, *I would prefer not to*. At the end of the novella, after Bartleby has endured the slow transformation from mere functionary (a copyist in a law firm) to social pariah (a homeless, speechless being), he is banished to the New York City "Tombs," or "to speak more properly," the attorney-narrator says, "the Halls of Justice" (*Bartleby* 42). The attorney, who is emotionally wrenched by his strange relationship with Bartleby, visits the latter in the Tombs, and finds him in much the same sort of position as before his incarceration: "And so I found him there, standing all alone in the quietest of the yards, his face towards a high wall, while all around, from the narrow slits of the jail windows, I thought I saw peering out upon him the eyes of murderers and thieves" (43). Later, Bartleby will lie "wasted" at the base of this wall, 'strangely huddled..., his knees drawn up, and lying on his side, his head touching the cold stones..." (45).

In his classic "Melville's Parable of the Walls," Leo Marx argues that the scrivener's fate reflects the fate of the writer in Wall Street, which is to say capitalist, society. As it was to Melville the living artist, says Marx, so too is this society "indifferent to Bartleby's needs and aspirations; it demanded of him a kind of writing he prefers not to do; and, most serious of all, it has impaired his vision by forcing him to work in the shadow of its walls" (Marx 101). Impaired even unto death! And yet Marx reduces the figure of Bartleby at this moment to one of psychological pathology, belonging to the order of "hallucination" and "delusion": "What ultimately killed this writer," he concludes, "was not the walls themselves, but the fact that he confused the walls built by men with the wall of human mortality." Not unjustly, Marx makes much

of Bartleby's supposed "dead-wall reverie," an emotional State projected onto Bartleby, it should be noted, by the attorney-narrator (Melville, *Bartleby* 28). Bartleby's confusion of stone with finitude, argues Marx, represents the psychosis of a madman who has reduced the latter to the former. Thus, Bartleby is finally and quite literally self-absorbed and suicidal because he is unable to separate out his own subjectivity, one might say, from those larger (capitalist) forces that subject him. Had he been able to, he might have recognized "no impenetrable walls between the lawyer and himself" (Marx, "Parable" 105). Still, despite such misrecognition, Bartleby remains "a hero" for Marx because his "annihilation is the necessary occasion for Everyman's perception" and a "plea that he devote himself to keeping strong bonds with the rest of mankind."

In this connection, we might recall that Nancy writes of the "suicide of the community" wholly given over to the death-work of producing the "continuous identity of atoms" (*Inoperative* 12). Such a community is suicidal because it kills that which is the presupposition of its own becoming, which is to say, as I mentioned above, *thought*. Marx is therefore not wrong to identify a confused death obsession, if that is what it is, in the text. But it is perhaps not the confusion that Marx thinks it is, that of Bartleby's own death with capitalism. Rather, I would submit that it is Marx's misrecognition of singular death with Death as an empty abstraction that poses the greatest barrier in his text to a reckoning with Nancy's sense of community. For Marx, Bartleby's own misrecognition takes the form of walls and the latter's self-subjection to those walls. The "correct" recognition by Bartleby would have been to see the walls as illusory impediments to the relation of "man" to "man," a brotherhood or fraternity, that could overcome the separation and alienation experienced in the death-shadow of capitalism. The implication

of Marx's piece, therefore, is that mere mortal death should give way to the "life" of the greater fraternity of man, and that this fraternity is capable of resisting capitalism's own deathwork, expressed in subjective alienation and isolation. Death should cease to be the main concern. From a Nancean perspective, however, this is to commit one more confusion, which is the conflation of death and Death. For the work of identifying man with man, in a humanism, for example, is merely to exchange one deathwork for another. This is what Bataille recognized, according to Nancy, even if he never quite followed through on the insight: "Bataille went through the experience of realizing that the nostalgia for a communal being was at the same time the desire for a work of death" (*Inoperative* 17). In reading Nancy's "death" as "Death," I am suggesting that it is the abstraction of the latter that constitutes the presupposition of every humanist formation. One can easily see that in pursuing such an argument, everything depends on just exactly how the question of relation gets inflected, and particularly whether one accepts or rejects the idea of a subject, fully conscious and present to itself.

Nancy's vocabulary offers something other than this sort of humanistic subject formation. For Nancy, this identification of man to man is precisely the problem to be deconstructed, and the only way to do this is by accepting the "walls" that separate "you" from "me," "us," not as barriers that separate atomic individuals but as limits that infinitely interrupt and fatally displace every attempt to construct or identify immanent community, which is to say the work of realizing an actually existing community that conserves itself in spacetime through infinite appeal to an essential identity. Thus, Nancy can write, in but one of a thousand possible examples, of "the *sharing* [*partage*] of community...between singular existences that are not subject and whose relation--the

sharing itself--is not a communion, nor the appropriation of an object, nor a self-recognition, nor even a communication as this is understood to exist between subjects" (*Inoperative* 25). Further, and for clarity's sake I quote at length:

> these singular beings are themselves constituted by sharing, they are distributed and placed, or rather *spaced*, by the sharing that makes them *others:* other for one another, and other, infinitely other for the Subject of their fusion, which is engulfed in the sharing, in the ecstasy of the sharing: "communicating" by not "communing." These "places of communication" are no longer places of fusion, even though in them one *passes* from one to the other; they are defined and exposed by their dislocation. Thus, the communication of sharing would be this very dis-location.

One would be hard-pressed to cite a text more aggressively opposed to the reification of consciousness as a principle of communal identity. "Communication" in Nancy's sense has nothing to do with a "meeting of minds" or with dialogue. It has nothing to do with two consciousnesses sharing in or communing with some common existence, substance, or essence. Nor is it a dialectical matter of subjects working through negativity in an open-ended process of self-actualization, both subjectively and objectively. Constitutive of singular beings themselves is the "dislocation" of a "sharing" that has nothing to do with a subjective sharing, of property, for example. Rather, "sharing" here is the infinitely parting or separating character of thinking "*to the limit.*" And, says Nancy, "one never thinks anywhere else."

Far from eschewing death, in the sense of finitude, Nancy eschews Death as an abstract principle of communion and communication. When he speaks of a community's "death work," he is talking as much about an individual subject's self-communion and consolidation around his or her own Death as he is of a political community's foundation in Death. From this point of view, both the patriot and the nation undertake this Death work in that each must find occasion to reaffirm their subjective identities. In other words, they must stake their identities at the limit of annihilation, of themselves and the Other, in order to reaffirm these same identities. Abstract Death thus becomes the speculative occasion for subjective constitution and the presupposition for all efforts to present an identity as a permanent and unchanging State of being. Lowercase "death," nothing more nor less than the principle of finitude, on the contrary, infinitely shares itself and is "constituted" through this very sharing, never resting long enough for identifiable subject/object relations to present themselves.

The uncompromising radicalism of Nancy's view of the violence of the subject provides a useful theoretical baseline for evaluating *Bartleby*'s function in recent left-of-liberal critiques of communitarian and liberal ideologies. I said above that *Bartleby*, while not in favor with liberal critics of community, is very much a strange sort of textual centerpiece for those trying to think the stakes of (post)modern community, not least in its liberal, capitalist manifestations. Specifically, Giorgio Agamben, Maurice Blanchot, Gilles Deleuze, Jacques Derrida, and, most recently, Michael Hardt and Antonio Negri have all returned to Melville's text in order to either posit a thought of non-subjective community or some problem of consequence for this thought. But, as I will show, these thinkers do not privilege *Bartleby* in the same way, and in paying attention to their

differences, one can further reflect on Nancy's particular intervention in the larger discourse of communitarianism, communication, and community.

Community as Agency: Hardt & Negri, Deleuze, Agamben

Hardt and Negri's use of *Bartleby* appears in *Empire*, this collaboration's much-heralded and criticized attempt to diagnose man's ontological condition and force, particularly in its ongoing battle against "Empire," the new imperialism that prevents the community of man from casting off mere "homo tantum," or "*mere man and nothing more*," for "homohomo," or "*humanity squared, enriched by the collective intelligence and love of the community*" (203-204). Hardt and Negri refer to *Bartleby* only briefly, but its textual location is highly strategic, for it serves, without saying as much, to wall off a Nancean critique of subjectivity. At first glance, the *Bartleby* appears only to affirm Bartleby's utterance, "I would prefer not to," as a politically laudable "refusal of work" and "the authority of the boss." But, finally, they reject what they see as Bartleby's simple yet absolute negation--a kind of pure "No"--because it does not turn over into a positive political program: "*This refusal certainly is the beginning of a liberatory politics, but it is only a beginning. The refusal in itself is empty.*" Bartleby, like Michael K from J. M. Coetzee's *The Life and Times of Michael K*, is thus read as a "beautiful soul" who in his refusal of work and authority maintains himself in "absolute purity," but as a result teeters "on the verge of suicide." Indeed, for Hardt and Negri, this exact moment is when their own book most "hangs on the edge of an abyss." It is precisely here, with *Bartleby,* that they must decide whether they will write a suicidal book or something else. What is this something else? In Hardt and Negri's own words: "What we need is to create a new social body, which is a project that goes well beyond refusal.

Our lines of flight, our exodus must be constituent and create a real alternative. Beyond the simple refusal, or as part of that refusal, we need also to construct a new mode of life and above all a new community." The next section of *Empire*, entitled "Counter-Empire" begins the authors' real *work*, which is the construction, or recollection, of this "new social body" and this "project."

The first point to be made against such a reading of *Bartleby* is a purely technical one: *Bartleby does not commit suicide*, at least not in any conventional sense. Hardt and Negri's implication is no different in essentials from Leo Marx's: Bartleby's dead-wall reverie--his pure "No" to everything including his own life--lands him in the Tombs, causes his refusal to eat, and finally kills him. Bartleby kills Bartleby, and not the "violences of subjectivity" that press upon his being. In fact, the text tells a different story. It is not Bartleby who turns himself into the police but the landlord of the attorney-narrator's office building. It is not Bartleby who determines that the Tombs ought not be considered "so vile a place" for someone like him but the attorney-narrator (Melville, *Bartleby* 43). Indeed, this is the only time in the text when Bartleby rises to anger, a circumstance wholly forgotten by readers who only want to read the text as one of absolute negation. In fact, when the narrator calls out to Bartleby in the Tombs, he replies "without looking round," "I know you...and I want nothing to say to you." These are not the words of someone devoid of sense, much less the cherished sense of "liberatory politics" that so excites Hardt and Negri. Would Hardt and Negri attribute the cause of violence perpetrated against political dissidents (of which Negri is one) solely to the latter's resistance to political violence? Surely not. Why then do they insist on misreading Bartleby's actions in this way?

The second point turns Hardt and Negri's misrecognition of suicide back on their own text at precisely the moment that they begin to imagine an alternative to Empire. The sheer massiveness of *Empire* prevents me from giving this book its due where Hardt and Negri's wonderfully creative diagnosis of the political, economic, and juridical landscape of the planet Earth today is concerned (the necessarily partial photograph of the Earth from space on the book's cover accurately depicts its ambitions, and limitations). But it is possible to zoom in on the concept of "immanence" in their work and the tremendous hope they place in its actualization. Meanwhile, Nancy's critique of immanence, briefly introduced above, should be kept in mind, particularly when he equates community's immanence with suicide, or the suicide of thought.

In *Empire*, everything hinges on "the discovery of the fullness of the plane of immanence" said to have occurred from "the thirteenth to the sixteenth centuries" (Hardt and Negri 73). This discovery represents that event in which "the powers of creation that had previously been consigned exclusively to the heavens are now brought down to earth"; it is the moment that "knowledge shifted from the transcendent plane to the immanent" (72). This is a first move in separating off Hardt and Negri's new subject from the ontology-destroying plane of Empire. Empire, or "Imperial power," is "founded on the rupture of every determinate ontological relationship." "Corruption"--an interesting choice of words--is, therefore, "simply the sign of the absence of any ontology" (202). Against the corruption of Empire, Hardt and Negri first situate man's epistemological condition on the plane of immanence. They then put that condition to work for the transformation pointed out above with respect to *Bartleby*--from *homo tantum* to *homohomo*. Only through this transformation will man institute a new

ontology: "When the multitude works, it produces autonomously and reproduces the entire world of life. Producing and reproducing autonomously mean constructing a new ontological reality" (395). But Scott Michaelsen and Scott Cutler Shershow ask: "what happens to those beings who cannot achieve *homohomo*, or shoulder the burden of such massively productive, capital-generating labor? And, even more so, what will happen to those who may *refuse* to seek such a threshold?" ("Why Work on Rights?").[81]

While Hardt and Negri are the first to say that they are articulating a new subjectivity by means of this ontological construction, one wonders how it fundamentally departs from one particular feature of subjectivity considered throughout this dissertation and already present under Empire: its subjection to judgment by the community. If Empire can forsake the proletariat willy-nilly in its impersonal drive for profits, so too can the "multitude," Hardt and Negri's name for the autonomous collective, exclude those who fail to sufficiently contribute to the "creative" production of its own essence--an outcome wholly consistent with Nancy's critique of immanence. Hardt and Negri would call such a critique mystical. But the power of Nancy's position is that he is able to subsume projects like *Empire* under the general heading of subjectivity. What this means, to repeat, is that the endless drive of the community--whether it be the community of the multitude, of liberal society, or of fascism, for example--to produce its own essence will have certain inescapable consequences, namely those involving exclusion from the polis, or banishment. This is a most difficult pill to swallow for those who would draw such hard and fast lines between political regimes under capitalism.

The subject is a hard habit to break. And the subject is always an immanent subject, because otherwise there could be no subject. The subject presupposes

immanence. Even if one was to posit a subject-in-becoming, at the individual or collective level, that is not bound to a *particular* substance or idea of itself, as liberalism tries to do, the fact remains that the subject supposes an essence in undertaking the labor that it does. All subjects labor to maintain or realize themselves as the subjects they understand themselves to be. To labor on behalf of what cannot be known is absurd. Even when a subject labors with the expectation that it will one day become another kind of subject--a carpenter's apprentice labors in order to one day become a journeyman, for example--the subjective essence is still what is assumed and pursued by the subject. This is true at the level of the collective as well. When Nancy writes that "the subject makes itself into a citizen at the point where the expressed essence tends to express itself in and as a civic space and...to 'display' subjective essentiality," he is drawing attention to the structural identity between the atomic individual and the equally atomic collectivity, expressed in this case by the figure of the citizen and the public space it convokes (*Inoperative* 106).

Gilles Deleuze's reading of *Bartleby* is a useful and provocative commentary on precisely this relation between the subject and the community or "citizenry." And while he quite brilliantly deconstructs the patriarchal presuppositions of subjective relations within modern community, he ends up speculating on a fraternity of "men" and things that, while putatively egalitarian (at least among *men*), still retains subjective, immanent vestiges and brings his position quite close to those of Marx and Hardt and Negri.

Deleuze asks at the beginning "Bartleby; or, The Formula,": "But in what does the literality of the formula [*I would prefer not to*] consist?" (68). His complex answer to this question invites the reader to consider "the formula" as "a kind of limit-function" in

language's relation to self and other. Deleuze unpacks his argument by shrewdly referencing another of Bartleby's repeated utterances, one that is rarely commented upon--*I am not particular*. First, Deleuze says that this statement indicates "that whatever else might be suggested to [Bartleby] would be yet another particularity falling under the ban of the great indeterminate formula, I PREFER NOT TO, which subsists once and for all and in all cases" (69). Wherein lies the persuasive force of this I PREFER NOT TO that it will not be disturbed by, literally, *anything* that might be said in reference to it or about it? Second, the formula "is neither an affirmation nor a negation" (70). Because Bartleby is not rejecting anything in particular, not being particular, it does not matter one jot what the attorney asks of him. Bartleby "does not refuse, he simply rejects a nonpreferred (the proofreading, the errands...)" (71); he *would prefer not to*, to anything and everything. "In short," writes Deleuze,

> the formula that successively refuses every other act has already engulfed the act of copying, which it no longer even needs to refuse. The formula is devastating because it eliminates the preferable just as mercilessly as any nonpreferred. It not only abolishes the term it refers to, and that it rejects, but also abolishes the other term it seemed to preserve, and that becomes impossible. In fact, it renders them indistinct: it hollows out an ever expanding zone of indiscernibility or indetermination between some nonpreferred activities and a preferable activity. All particularity, all reference is abolished....I would prefer nothing rather than something: not a will to nothingness, but the growth of a nothingness of the will.

This "zone of indiscernibility" is the "negativism beyond all negation" lodged, like

Bartleby on the attorney's stair banisters, at the heart of meaning and reason, yet at the same time exceeding or receding from anything these radically simple concepts might be able to say to it. It is a negativism much like one finds in Maurice Blanchot's own reference to *Bartleby*, according to which Bartleby's formula precedes the subjective consciousness that decisionism implies.[82] Is it any wonder that Bartleby "would prefer not to be a little reasonable" (Melville, *Bartleby* 26)? But in saying this, Bartleby does not reject reason *per se*, because according to the limit-function we are examining "reason" becomes just one more particularity, which the formula abolishes *tout court*, and not a foundational notion. As Blanchot might say, Deleuze is remarking Bartleby's negative abdication rather than his positive refusal.

This move by Deleuze prepares the way for a consideration of this most radical of negations in relation to language, literature, and politics. Deleuze remarks "the result of this [negativism beyond all negation], which tends to constitute an original language within language; and the effect, which is to sweep up language in its entirety, sending it into flight, pushing it to its very limit in order to discover its Outside, silence or music" ("Bartleby" 72). This seems contradictory: on the one hand, an original language within language; on the other hand, an Outside to language. But this is what Bartleby "signifies" for Deleuze: a limitation that invites the Outside into language. It is this function that attracts Deleuze to Bartleby's singularity: "There is nothing particular or general about Bartleby: he is an Original" (83). In fact, Deleuze sees in "The founding act of the American novel, like that of the Russian novel," a move "to take the novel far from the order of reasons, and to give birth to characters who exist in nothingness, survive only in the void, defy logic and psychology and keep their mystery until the end"

(81). The most radical of these characters is the "Original" type. It belongs, from the perspective of reason, to the genus of "*innately depraved beings*," essentially "psychotic." "[K]nowing no Law, [it] pursues its own irrational aim through them." Bartleby belongs to this order, like Benito Cereno and Billy Budd. These originals are "petrified by nature," and being thus "they prefer...no will at all, a nothingness of the will rather than a will to nothingness" (80). And, "They can only survive by becoming stone, by denying the will and sanctifying themselves in this suspension." Incidentally, this is not the only version of the Original type, though it is the one that mainly concerns me here. It refers to another pole: the being who does prefer "a will to nothingness." Ahab is the representative type: "Ahab will break through the wall, even if there is nothing behind it, and will make nothingness the object of his will" (79). For Deleuze, Bartleby and Ahab thus represent the Janus-face of the Original, which subsists beyond the pale of reason and law.

If these types manifest a Primary Nature for Deleuze, an ontological refusal of Law and laws, there also exists the type belonging to secondary nature. This character is the character of sight and understanding, the character who exists in the "real world." The attorney in *Bartleby* is just such a type, as is Vere in *Billy Budd*. One might also assume that Starbuck belongs to this group, though Deleuze does not mention him. Deleuze associates these secondary figures with the figure of the father, the being who is on the side of Law(s) and willing to "make the sacrifice of Abraham" to preserve that Law. This secondary type is of the order of the police, and although it may love the original-type--a love motivated, it may be, by the latter's perceived innocence and its dependency on the former--it will immobilize, imprison, and even kill the Original-type if

it presents a threat to the Law. Of course, it invariably *does* threaten the Law since it is radically and constitutively opposed to the law, not as the opposite of the Law but as the Other to the Law. It is the infinite coming-unto-the-Law of the future or of nothingness which strikes fear into the heart of the Law and its own conceit of self-presence, of atomic existence. Deleuze remarks this Otherness of the Original, attributing his own analysis to Melville's art: "The original, says Melville, is not subject to the influence of his milieu; on the contrary, he throws a livid white light on his surroundings..." (83). The Original does not represent anything or anyone, it simply reflects the infinitely relational milieu of all identifiable things. When Deleuze thus asks, "Is there a relation of identification between the attorney and Bartleby?," he is asking from the point of view of the father, for only the father, in the classically paternal sense, could have any reason to *recognize* the Original as a being that could be amenable or, literally, comprehensible to Law's reason. Accordingly, Bartleby figures as a son to the attorney's "paternal function" (76). This is where matters get very interesting in Deleuze's reading, for he then considers how this filial relationship can be transformed into a fraternal relationship.

Why does Deleuze want to dismantle this paternalism? Because, for him, "what Captain Vere and the attorney demonstrate is that there are no good fathers. There are only monstrous, devouring fathers, and petrified, fatherless sons" (Deleuze 84). I cannot go into all of the reasons why Deleuze arrives at such a conclusion. The important point is that he turns his analysis towards the problem of a coming or new community that is no longer governed by the paternal function: "If humanity can be saved, and the originals [Bartleby, on the one side, and Ahab, on the other] reconciled [to a sane, legal order], it will only be through the dissolution or decomposition of the paternal function." Yet

somehow, and in spite of everything, beyond this paternal function awaits "the fraternal relation pure and simple." Understanding this relation explicitly as a "society of brothers," Deleuze nevertheless invites "blood sisters" into this "*community of celibates,*" a community in which "alliance replaces filiation and the blood pact replaces consanguinity." Blood brothers and sisters are thus drawn "into an unlimited becoming":

> *A* brother, *a* sister, all the more true for no longer being "his" or "hers," since all "property," all "proprietorship," has disappeared. A burning passion deeper than love, since it no longer has either substance or qualities, but traces a zone of indiscernibility in which it passes through all intensities in every direction, extending all the way to the homosexual relation between brothers, and passing through the incestuous relation between brother and sister. This is the most mysterious relation.... (84-5)

One is tempted to say, first, that Deleuze, even though he is reading Melville here, is forecasting a community of infinite affect ("A burning passion deeper than love") in which socio-political custom and economic exigency, that is properties of identity and labor, no longer bear any relation to "*A* brother, *a* sister." Of course, one must therefore ask, why "*brother* and *sister*" if "all "property"...has disappeared"?[83] Are these not also customary determinations and fundamental coordinates within paternal, patriarchal society? But rather than hold up fraternity as a normative communal ideal for his own socio-political milieu (in any obvious way, at least), Deleuze reads this "coming" fraternity back into American history itself and American ideals of communal potential:

> The American is one who is freed from the English paternal function, the son of a crumbled father, the son of all nations. Even before their

> independence, Americans were thinking about the combination of States, the State-form most compatible with their vocation. But their vocation was not to reconstitute an "old State secret," a nation, a family, a heritage, or a father. It was above all to constitute a universe, a society of brothers, a federation of men and goods, a community of anarchist individuals, inspired by Jefferson, by Thoreau, by Melville....America is the potential of the man without particularities, the Original Man. (85)

One might say, in fact, that Deleuze is imagining "Americans" imagining themselves as *citizens* ("a society of brothers"; "a federation of men and goods"), which is to say as placeholders of certain "inalienable," "natural" rights. Deleuze does not use this language, but he clearly appears to be pressing, particularly in his citation of Jefferson, towards a communal idea of freedom rooted in the presupposition of *Man*. For Deleuze's American brother, while being "indifferent" and having "no consciousness of himself" and who "considers all particularities as so many ignominious strains that arouse anguish and pity," nevertheless retains "the properties of "democratic dignity." As "the new Christ or the brother to us all," Bartleby, I think it is fair to say, is understood by Deleuze as the figure for a new community articulated around the supposition of the citizen, that politico-legal form that is often supposed hospitable to whatever identity (90). I show in chapter two that this clearly cannot be the case.

But Deleuze also places great emphasis on the question of identity in community. By *identity*, I am not only referring to an individual's identity *qua* atomic subject, its self-naming or self-consciousness; I am also, even primarily, referring to the embeddedness of such self-identity in the relation among and between individuals in a determinate socio-

political context. Identity is thus conceived here as, in Deleuze's language, a "property" and "propriety" obtaining both at the level of the individual and of the community. Where these levels coincide, one finds oneself in the realm of civic republicanism, versions of which understand the individual's identity to reflect the larger community's identity and vice versa. Thomas Jefferson himself is of this tradition. Now, while Deleuze is certainly interested in reading *Bartleby* as a deconstruction of the "English paternal function," as he puts it--which I understand to mean a class-structured subordination to State law--he does not appear to get much further than civic republicanism. So, and on the other hand, while Deleuze reads in *Bartleby* a communal promise whose premise is the man without property, he does not undertake a thorough deconstruction of the notion of "man" itself, as both an ontological and gendered category. He thus ends up in a communal atmosphere which he calls, to repeat, a "federation of men and goods," a fraternity of *dignified* men who relate and exchange in a democratic political context. It is one thing to argue that such a community merely reflects a certain normative idea of nineteenth-century American society, which is true enough. It is quite another thing to put forth such a reading as a norm for the coming community, which Deleuze also does.

Like a modern day siren, immanence beckons. Even when one is trying to get out from under immanence, which presupposes subjectivity, its pull remains so strong for thought that alternative, pragmatic communities, new ontologies, new counter-strategies all-too-often merely posit one more subjectivity. Where subjectivity is grasped as the problem to be overcome--non-dialectically, I should add--these returns of the subject will remain radically inadequate for thought, in the strict, Nancean sense. Although Deleuze

takes us to the limit-function, as he puts it, his speculation on how "humanity" may be "saved" returns us to the hither side of this limit and back to square one. From a thought of the limit, we are pushed back into a thought of walls.

For Nancy, community is always the question of the limit, which is also the condition for its possibility and its future, as it is for Derrida. This is sometimes true for Giorgio Agamben as well, particularly for that Agamben who is the thinker of the event of language that opens onto the coming community, which I shall come back to. But there is another Agamben, the Agamben of "Bartleby, or On Contingency," who reads the formulaic *I would prefer not to* in a highly original way, as metonym for the disclosure of contingency, as found in another curious and beautiful text by Melville:

> from out of the folded paper the pale clerk takes a ring--the finger it was meant for, perhaps, moulders in the grave; a bank-note sent in swiftest charity--he whom it would relieve, nor eats nor hungers any more; pardon for those who died despairing; hope for those who died unhoping; good tidings for those who died stifled by unrelieved calamities. On errands of life, these letters speed to death. (46)

This text will be the occasion for Agamben's thought of the problem that also concerned Deleuze, of the "negativism beyond all negation." But before turning to that problem, I will suggest a reading of this graph in order to offset Agamben's own. It appears to simply oppose subjects and objects that cannot meet, bank-notes that can no longer relieve a suffering, pardon and hope for those who can no longer receive them. Errands that might otherwise prove beneficial to some being, giving something or adding something to it in its need, simply miss the mark because the object is not where it was

thought it would be. It is not only that what was present is now absent but that absence is always the condition of possibility for every presence. Without wanting to enter the hornet's nest of those famous critical responses to Poe's "The Purloined Letter," I would only remark that even if "these [figurative] letters" reached someone or something else, this would not negate the negation that is always constitutive of presence, tracing the impossible possibility of presence. Agamben's approach is somewhat different than this one, since he does not focus on the ontological status of name and object. Rather, he reads this graph as a commentary on *potentiality*: these "undelivered letters are the cipher of joyous events that could have been, but never took place" ("Contingency" 269). The problem for Agamben is not exactly whether these letters ever reach their destination or not, having been sent, but rather the significance of *their never having been sent.* This is part of the problem of potentiality, and Agamben's piece is a brilliant construction of this idea's genealogy. I would like to now turn to that construction and its consequences in more detail.

For Agamben, Bartleby represents "the last, exhausted figure in a prestigious lineage--including Joseph K. and Prince Myshkin--that embodies the scribe who does not write" ("Contingency" 247). The scribe who does not write--more exactly, in Bartleby's case, who ceases to copy, having once done so--exemplifies the refusal of a negation, the refusal to be negated--a refusal to either *be* or *do* in ways that jeopardize the possibility of the subject to *not be* or *not do*. Bartleby, for Agamben, is potentiality made "flesh." Strangely, it is Bartleby's refusal to write that initially prompts Agamben's inquiry, though writing itself might be the phenomenon that most interests him. Bartleby knows all too well what it means to in fact *copy*, and not to write at all. At first, he "seemed to

gorge himself" on the attorney's documents, with "no pause for digestion" (Melville, *Bartleby* 12). But then he unceremoniously and finally rejects this mechanical regime. He stops copying altogether, repeatedly snuffing attempts to get work out of him; he becomes useless. Yet, Bartleby's "No", however resolute in its repetition, may still only amount to a "No." In this increasingly mechanized world of Wall Street, the world of the copy, the simulacra, there will always be more bodies to replace a worn-out one, an uncooperative one. Agamben is clearly interested in more than a mere "No." Bartleby's refusal, after all, is an "announcement" for Agamben of potentiality and the coming community. But could it be that Agamben's preference for Bartleby, the singular scrivener, is, in fact, still all-too-singular, too committed to the one?

Potentiality revolves around the old confrontation between Nothingness, on the one side, and will and necessity, on the other, as they have been taken up, Agamben demonstrates, in Western religious and ethical tradition. "The West," he says, has successfully avoided "the problem of potentiality by reducing it to the terms of will and necessity" ("Contingency" 254). (In this regard, recall that the attorney-narrator has avoided, not so successfully, Bartleby's withering negations by turning to "Edward on the Will" and "Priestley on Necessity" [Melville, *Bartleby* 35].) The result of such refusals has been a philosophical preoccupation with "Not what you *can* do, but what you *want* to do or *must* do...." For Agamben, this is the moment of an important disavowal in Western thought: "[P]otentiality is not will, and impotentiality is not necessity.... To believe that will has power over potentiality, that the passage to actuality is the result of a decision that puts an end to the ambiguity of potentiality (which is always potentiality to do and not to do)--this is the perpetual illusion of morality" ("Contingency" 254).

This morality privileges act and decision over the concomitant not-to-act, thus repressing, or annihilating, one entire side of the equation of potentiality; "to do *and* not to do" must be thought together to think potentiality. Indeed, the question for Hamlet, and for us, then becomes "to be *and* not to be." Morality, at least in the liberal West, privileges the sovereign will of the individual and the collective over singular and relational flux, the will and necessity--or decision--over ambiguity and indecision. On the one hand, "our" condition is impotence in the face of chaos or Nothingness, the abyss of pure, unordered relation; on the other, only the "I"--individual and collective--can potentially tame that blind necessity through will-power and through decision. The decision that confronts human beings is, alternatively, the repression of potentiality or "the experience of being (one's own) potentiality, of being (one's own) possibility" (Agamben, "Contingency" 43). For Agamben, the repression of potentiality is the definition of *evil*. Evil is "the decision to remain in a deficit of existence," which would mean something like a refusal of potentiality's injunction and limitations. Morality announces an order *as such* and violates the potential of potentiality. Potentiality, on the other hand, retreats from the scene of the human, from the order of the human, insofar as being human would mean acting or thinking or being any way in particular, according to any particular disciplinary, moral regime (Agamben has written at length on the figure of the *quodlibet*, or "whatever being"[84]). In its release from a (pre)determined self and to its potentiality, the human--the category whose maintenance we might broadly call anthropology--announces its own limit, which one could describe, in Heideggerian terms, as the relation, in its non-simple totality, between beings and being, the latter constituting the scene of relation of the former, and the former de-constituting the proper universality

of the latter. Potentiality could thus never constitute a property or an individual possession; potentiality would always be for each one--each one in relation to every other one--or no one. This release, or retreat, of the human signifies a simultaneous emergence of the singular, which is always more or less than one.

Perhaps now it is possible to see why the relation between morality and potentiality is so central to Agamben's thinking of relation and community, since morality has often been thought, at least in the West, requisite to meaningful human existence. But the play between morality and potentiality is not without further difficulties, particularly as regards their ordering. In "Bartleby," Agamben frames this relation not in Heidegger's terms but in terms of *potentia absoluta* and *potentia ordinata*, the fundamental antinomy of medieval understandings of divine will. The former is an "'absolute potentiality' by which God can do anything," while the latter is an "'ordered potentiality', by which God can do only what is in accord with his will" (254). Agamben argues that the figure of Bartleby upsets the privileging of *potentia ordinata* over *potentia absoluta*, exposing the former as the principle of domination, which is to say morality: "Will is the principle that makes it possible to order the undifferentiated chaos of potentiality." If actuality is only possible through the mysterious or not-so-mysterious processes of will power, divine or mundane, then *potentia absoluta* is presumably aligned with the chaos, the Nothing, of not-being: "a potentiality without will is altogether unrealizable and cannot pass into actuality." To will can mean to decide to acknowledge or enter into a "deficit of existence"; the willing subject only exists, only counts, within a general material and conceptual environment of calculation, of distribution and scarcity, preferring this to that, sacrificing this for that. Bartleby, on the other hand, "is capable

only without wanting; he is capable only *de potentia absoluta*," according to Agamben. His absolute potentiality is not "unrealized," Agamben tells us, "it does not remain unactualized on account of a lack of will" ("Contingency" 255). Rather, Bartleby "exceeds will (his own and that of others) at every point": "It is not that he does not *want* to copy or that he does not *want* to leave the office; he simply would prefer not to. The formula that he so obstinately repeats destroys all possibility of constructing a relation between being able and willing, between *potentia absoluta* and *potentia ordinata.* It is the formula of potentiality." It appears that this formula thus destroys the relation between *potentia absoluta* and *potentia ordinata* due to the undecidability of the difference between what one can do and what one must do. In terms of ontico-ontological relation (analogizing the structure of Agamben's problematic in terms of beings/being), potentiality comes before, or beneath, the difference between potentiality and actuality, or morality. Thus, he seems to introduce two orders of potentiality: the first finds itself in relation to morality and will; the second precedes and destroys this relation.[85]

This second-order potentiality (I will call it Potentiality) also risks foreclosure by the will's determination of identity and difference. Will collapses Potentiality into a mere binary relation, or into the first-order potentiality. Reading with Agamben, the formula "I would prefer not to" is irreducible insofar as Bartleby refuses to decide on the nature of his relation to scarcity, limitation, and finitude; he refuses to move himself out of Potentiality or do anything that would propel him into a world of naked need, calculation, and decision. It is this withdrawal from the realm of decision that exercises "the Law"--figured by Bartleby's nameless boss, the attorney-narrator, the man of the Law, the

Master--and Bartleby's colleagues--Nippers, Turkey, and Ginger Nut--who represent the logic of *potentia ordinata*, for Agamben. From the standpoint of potentiality, *potentia absoluta* and *potentia ordinata* do not exist in mere opposition, as if one could be discarded in the name of the other. Yet, a discard, or really a radical repression, must take place in order to solidify the preference for either term. To hold both terms in relational suspension, to conceive the strange relation that binds and un-binds them--this begins to approach Bartleby's quiet injunction. Agamben writes:

> To be capable, in pure potentiality, to bear the "no more than" beyond Being and Nothing, fully experiencing the impotent possibility that exceeds both--this is the trial that Bartleby announces. The green screen that isolates his desk traces the borders of an experimental laboratory in which potentiality...frees itself of the principle of reason. Emancipating itself from Being and non-Being alike, potentiality thus creates its own ontology. ("Contingency" 259)

It is probably no accident that Michael Hardt, translator of Agamben, also wants to found a new ontology in the Potentiality of the multitude. But what does this parthenogenetic ontology look like, and could it still be called an ontology? Bearing the "no more than" seems to indicate a forbearance of the limit that traces the difference from which Being and Nothing spring forth. The delimiting green screen that separates Bartleby from the attorney-master depends upon both character-figures to exist as a screen. It cannot be the case that Bartleby simply announces, much less contains within himself, the formula for Potentiality. He can not be conceived of, in himself, his *figure*, as any sort of atomic, or, better, in keeping with the strong Marxian *autonomism* evident in Hardt and Negri,

autonomic Potentiality. Rather, the Potentiality to which Bartleby points for Agamben simultaneously inscribes and proscribes every determinable being. Like the green screen--and this text is full of partitions, screens, windows, brick walls, parchment--and like the mask that Ahab would strike through, Potentiality traces the screen of inside/outside, a doubled trace on either side of which one recognizes Bartleby and the attorney. On that side of the green screen, the third-person perspective, Bartleby sits gesture-less, with a pallor suggesting impotence. On this side of the green screen, the narrator-lawyer, in the first-person position, peers and gapes, aghast at what amounts to almost nothing at all, namely Bartleby, manic to ascribe some quality of humanity to him. The screen itself, this limit, at which the reader is positioned as second-person, and not Bartleby, would thus seem to hold an important clue to Potentiality insofar as it, first, inscribes the limit which gives to each character its mere individuality, its literal figuration, and, second, de-inscribes each figure as something less than an individual figure and more of a singularity, which is irreducible to a simple, numerical *one*.

The green screen "frees itself of the principle of reason" even while it constitutes that principle. But it might be better to say that freedom and reason acquire meaning--conventional meaning, anyway--only through the transgression of the trace of the screen. Significantly, Agamben writes that Bartleby's "experimental laboratory" produces an "anthropological change" ("Contingency" 260). Agamben does not say an abandonment or destruction of anthropology itself. Rather, an anthropological *change* necessarily carries within it a logic of man into a new manifestation. What remains unclear is the outcome of this residue of a formal anthropology, by which I simply mean the outlines, however lightly traced, of the human *as such*. This is where Agamben's two orders of

potentiality are most felt. For if the figure of Bartleby "announces" Potentiality, then Potentiality, which was supposed to exceed the "potentiality to do and not to do," must itself remain an anthropological concept, still too tied to subjectivity and thus still too metaphysical. If, on the other hand, Potentiality remains the limit concept that Agamben perhaps usually intends, then human relation *as such* is thrown into a more radical crisis, since its conceptual self-destruction, not its perpetual constitution, forces itself upon thought.

Bartleby broaches the question of the human from beginning to end, and simultaneously sustains and interrupts it throughout, until the final despairing cry of the narrator-lawyer, "Ah, Bartleby! Ah, humanity!" (Melville 46). It is as if the speaker never could quite reconcile the two sides of this thought--Bartleby, on the one side, and humanity, on the other. And in spite of everything I have just said, Agamben himself finally reaches for another, non-human vocabulary in his description of Bartleby as "the new creature" who, upon being locked in the Tombs, has reached "the indemonstrable center of its 'occurrence-or-nonoccurrence'" ("Contingency" 271). "And it is here," continues Agamben, "that the creature is finally at home, saved in being irredeemable. This is why in the end, the walled courtyard is not a sad place. There is sky and there is grass. And the creature knows perfectly well 'where it is'." Still, I would submit that what Agamben has managed to do here is merely mythologize Bartleby, in the Nancean sense, and render him a hero around which the thought of the coming community can commune. Agamben, after all, will describe the figure of Bartleby, not unlike Deleuze, as "a new Messiah" who comes "to save what was not" (270). For his part, Nancy will stress "the fact that myths [or description of immanent community] are at the same time

most often about an isolated hero. In one way or another, this hero...always makes [the community] commune in the communication that he himself effects between existence and meaning, between the individual and the people" (*Inoperative* 51). Agamben's Bartleby, from a Nancean perspective, whether it be called *human* or *creature*, is the "unique fiction," which gathers "multiple existences" together and "gives them their common figure in its speech and as this speech" (57). Perhaps this why Agamben can do nothing less that imagine the prison as the final figure of being-in-common. For the coming community, or being-in-common, the imposition of a figure will necessarily prepare the way for the return of the subject of community.

But from the very beginning, the narrator-lawyer speaks of a "somewhat singular set of men." He apologizes in advance for the "unknowableness" of Bartleby, saying "I believe that no materials exist for a full and satisfactory biography of this man" (Melville, *Bartleby* 3). Bartleby is one of "those beings of whom nothing is ascertainable, except from the original sources, and in his case those are very small." The original sources of Bartleby's social existence never see the light of day and come, in speech only, from the man of Law himself. How badly does the Law, or morality, or community want "us," its subjects (and readers), to believe that biographies are possible, that human beings can appropriate a totalized existence--an essence, in fact-- through recourse to original sources, family lineages, national narratives and traditions. Is this not the impetus, finally, behind the seemingly never ending taste for family genealogy, a taste for blood (lines), in fact, that can shore up all of those other false communities that will never fail to fail? Alas, this too will remain just one more false and violent attempt at immanence.

Community as the Instant of Decision: Derrida & Nancy

As a final maneuver in my argument, I want to return to a point begun, but not finished, by Agamben, at least not *this* Agamben, in *this* text.[86] It has to do with this question of decision and its relation to justice. To review briefly: in the name of a new ontology, Agamben's analysis, as I understand it, desires to jettison the problem of decision by claiming that decision reduces the autonomous realm of Potentiality to mere potentiality, which becomes the mere binary opposite to decision itself. Decision and potentiality are thus closed off from the Agamben's real thought, which is Potentiality. I have at least implied that this strategy is similar to the one employed by Hardt and Negri: to think that which comes before Empire and the subjectivities that the latter consolidates. But the effort to imagine new ontologies is, finally, unthinkable in the literal sense, for it posits an absolute Otherness to thought and the material/ideological conditions of thought without simultaneously tethering the Other to thought. This is a paradox I shall return to in a moment. This Otherness, this new ontology that often seems merely posited, is not even related to thought, strictly speaking. Rather, it represents a kind of fantastic dream that one turns to when philosophical affirmation of the world as it is or as it is determined to be becomes impossible. But this dream itself is a choice, if not a decision in the Derridean sense, one consequence of which, perhaps, is the endless effort to identify one more agency, human or otherwise, that can liberate itself from the ties--economic, political, juridical--that bind it and announce a new presence, and a new subjection. Since all conceivable agency is always already conditioned by these ties, however, thinkers put themselves in the position of advancing "new" ontologies, new identities that come from outside of these agencies. But, the relation of *this world* to *that future*

remains radically unpersuasive, because every future, if it is not to be a revelation, must come from what already exists.

It is in this context that I find Derrida's use of *Bartleby* most amenable to Nancy's thought of the limit and its opening onto a future and community--a future and community that have always already been available and continue to come. Therefore, by way of an ending, I want to return to that moment in *The Gift of Death*, the text in which *Bartleby* appears, that brings decisionism back into play as the very condition of freedom, justice, community (in the Nancean sense), and responsibility, themes that I have taken up at various points throughout this dissertation. Derrida articulates the stakes of responsibility most clearly in two passages that come well in advance of the scrivener. The first describes a certain ineluctable paradox of the responsible decision:

> Saying that a responsible decision must be taken on the basis of knowledge seems to define the condition of possibility of responsibility (one can't make a responsible decision without science or conscience, without knowing what one is doing, for what reasons, in view of what and under what conditions), at the same time as it defines the condition of impossibility of this same responsibility (if decision-making is relegated to a knowledge that it is content to follow or to develop, then it is no more a responsible decision, it is the technical deployment of a cognitive apparatus, the simple mechanistic deployment of a theorem).
>
> (Derrida, *Gift* 24)

Positive knowledge is both the condition of possibility and impossibility for the responsible decision. One must know what one can, to the extent possible, before one

can responsibly decide. But if one knows what decision one will make in advance of the ordeal that defines the decision itself, then one has abdicated responsibility. In this latter case, one has become, like Bartleby in one of his careers, a mere copyist. What is this ordeal?

> [T]he activating of responsibility (decision, act, praxis) will always take place before and beyond any theoretical or thematic determination. It will have to decide without it, independently from knowledge; that will be the condition of a practical idea of freedom. We should therefore conclude that not only is the thematization of the concept of responsibility always inadequate but that it is always so because it must be so. And what goes here for responsibility also goes, for the same reasons, for freedom and for decision. (26)

Given this well-known, if little heeded, aporetic structure, it is possible to argue for decision as the infinitely vexed condition for freedom, liberation, emancipation. It is vexed, first, with respect to the nature of the decision and its exclusions, and second, to the possibility of the subject itself. At the moment of decision (which, Derrida says, "belongs to an atemporal temporality"), at the moment that a subjective will is summoned or summons itself to make a decision, any decision, from the most mundane of what is often called "everyday life," to the seemingly most decisive decisions of sovereign heads of State, for example, no knowledge will ever be available that reduces the infinite distance between what was known prior to the decision and the moment, or instant, of decision itself (65). This is the ordeal of what Derrida has called in many places the *undecidable*. And while I would not claim absolute adequation between the two, it

corresponds in a certain way with Nancy's thought of thinking as "the experience of limits" (*The Experience of Freedom* 122).

Bartleby is explicitly invoked at the end of an exhaustive and stunning discussion conducted by Derrida on the story of Abraham and Isaac and its relation to problems of responsibility, sacrifice, and secrecy. At the conclusion of the discussion, which I cannot begin to summarize here, Derrida draws a kind of lesson: "I can respond only to the one (or to the One), that is, to the other, by sacrificing the other to that one. I am responsible to any one (that is to say to any other) only by failing in my responsibilities to all the others, to the ethical or political generality. And I can never justify this sacrifice..." (*Gift* 70). Bartleby's *I would prefer not to* is then interpreted as taking on "the responsibility of a response without a response" (75). In the willingness to sacrifice Isaac, Abraham was responding to God, "the One...by sacrificing the other to that one." God, Abraham, and Isaac, a masculinist trio that Derrida also questions, is thus a kind of fable representing the general structure of responsibility, which is also the structure of the just decision. So while he does not want to disregard the historical singularity of that event, he also want to draw attention to "all the Mount Moriahs of this world," and this particular structure that requires that one, in being responsible to the other, be irresponsible with respect to "all the others, to the ethical or political generality" (68). Bartleby's utterance, this "responsibility of a response without a response," therefore becomes a kind of symptom of this structure: one can only be responsible to one, which is the singular other; in being responsible to the singular other, one must be irresponsible to all the others. Thus, *I would prefer not to* sacrifice this for that, this other for that other; I would prefer something else, perhaps. But it cannot be helped.

I would prefer not to also responds to the necessary secrecy of such a "strange responsibility" (Derrida, *Gift* 74). One cannot explain oneself to all the others without sacrificing that which makes one and one's decision exceptional singularities, unique and unsubstitutable--singularities, in Nancy's language, that are the precondition for an experience of freedom. Therefore, even if I could, which I cannot, *I would prefer not to* share that which makes me singular. If one could share the reasons why, if one could absolutely justify the reasons why one decides what one does with respect to the other, "we would share a type of homogeneity" and no genuine act of freedom would in that case be possible (57). A free act, according to the logic I am trying to trace, consists of not knowing why the singular other demands of you what it does, and yet responding to it anyway, for good or evil. As Nancy says, freedom is, must be, "fully and positively, for evil as much as for good" (*Experience* 126). Otherwise, there is no freedom, only administration and technique. *I would prefer not to* thus "evokes the future without either predicting or promising; it utters nothing fixed, determinable, positive, or negative" (Derrida, *Gift* 75). It resembles "a nonlanguage or a secret language," like the language of Abraham, and takes thought right to limit of its "self." One might even say that at the instant of decision, thought stops being itself, knowledge ceases to know itself, and surprise comes.

The *instant of decision*, which is strictly unavailable to calculation and thus radically unpredictable, is both the opening for futurity and for the experience of freedom. It should be remarked right away that while unavailable to calculation this instant is not without relation to calculation. Nothing could be further from the truth. And it is precisely here, I have tried to argue, that separates Derrida's and Nancy's

thought of communication and community from the immanent tendencies of Deleuze, Negri and Hardt, and Agamben. It would be crude, indeed, to say that this instant can be simply separated from claims of immanence and subjectivity. Nothing is more terrifying than this instant and this experience, for they quite literally entail that one forget oneself in that strange atemporal temporality that defines the decision. And I think it is plausible to argue that in the spacetime between decisions, immanence and subjectivity are always threatening to overwhelm singularity, trying to "convince" it to forego responsibility and give in to the consensual violences of subjectivity. This only increases the stakes for responsible decision-making, which must begin afresh at every instant.

Notes

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[1] There exists, of course, a massive literature on the question of the subject and the possibility or necessity of its deconstruction. Here are several that figure in this dissertation: Jacques Derrida, *Of Grammatology*, trans. G. Spivak (Chicago: U of Chicago P, 1974); "Structure, Sign and Play in the Discourses of the Human Sciences." *Writing and Difference*, trans. A. Bass (Chicago: U of Chicago P, 1978) 278-293; Jean-Francois Lyotard, *The Differend: Phrases in Dispute*, trans. G. Van Den Abbeele, (Minneapolis: U of Minnesota P, 1988); Jean-Luc Nancy, *The Experience of Freedom*, trans. B. McDonald (Stanford: Stanford UP, 1993); Jean-Luc Nancy, *The Sense of the World*, trans. J. Librett (Minneapolis: U of Minnesota P, 1997). Other texts that have been extraordinarily stimulating on the question of the subject include: G. W. F. Hegel, *Elements of the Philosophy of Right*, trans. H.B. Nisbet (Cambridge: Cambridge UP, 1991); G. W. F. Hegel, *Phenomenology of Spirit*, trans. A.V. Miller (Oxford: Oxford UP, 1977); Karl Marx and Friedrich Engels, *The Marx-Engels Reader*, trans. M. Nicolaus, et al., Ed. R. Tucker (New York: W.W. Norton & Company, 1978).

[2] In Nancy's text, "sense" refers not only to the idealist sense one finds in meaning but also the materialist sense communicated by the senses. Above all, taken in relation to the idea of "world," Nancy intends, in my view, to criticize the possibility that "a world" could ever have a total "sense," or, more radically, that any stable sense whatever could ever be available to thought. In these senses, Nancy thus positions himself in a critical relation to philosophy, if by the latter is meant the practice of making sense of the world.

[3] I cannot improve on Wendy Brown's excellent analysis of "On the Jewish Question" in *States of Injury: Power and Freedom in Late Modernity.* Among other useful observations, Brown questions the role of anti-Semitism, which is to say racism, in the entire structure of Marx's thinking on this occasion. In a footnote, she writes:

> If there is something of potential value in Marx's essay, but it is not easily extricable from the deprecations of Judaism and Jews, then we need to proceed with the double consciousness such a paradox demands. In this kind of consciousness, one attends both to the exoteric argument or narrative of a novel or philosophical work and, simultaneously, to the effect of the anti-Semitism on the shape and turns of this argument. This reading strategy offers not simply a mode of "correcting" Marx's prejudice but, even more importantly, of learning, rather than preconceiving, how this prejudice operates both as philosophy and politics. (Brown 101-2)

But Brown's "solution" of "double consciousness" only begs the initial question: Is it possible to separate the "potential value" from the "deprecations"? Are the deprecations mere contingencies or is there something necessarily exclusionary (in this case at the level of religion and culture) in Marx's attempts to think towards a comprehensive "human emancipation"?

[4] In categorizing "culture" as "spiritual," Marx is possibly drawing on Hegelian notions of mind, sociality, and development. His usage may also be Kantian, insofar as Kant used culture to mean "cultivation." See A. L. Kroeber and Clyde Kluckhorn,

Culture: A Critical Review of Concepts and Definitions (Cambridge, MA: Peabody Museum of American Archaeology and Ethnology, 1952).

[5] Charles Taylor defines "public sphere" as referring to "a common space in which the members of society meet through a variety of media: print and electronic as well as face-to-face encounters, wherein they discuss matters of common interest and thus are able to form a common mind about these" ("Modern Social Imaginaries" 111). He further juxtaposes the "power" of the public sphere to the political in general, to the point where the public sphere is understood to be "extrapolitical" (113). For the sake of argument, I would like to leave this purported distinction in question. Part of the point of this dissertation is to identify where "public" appropriations of the literary intersect with the political.

[6] Facing outward, at the inter-national landscape, the agents of Statist discourse always suppress internal division in the name of a unified national-State front, however illusory that front may prove to be before, during, and after the perceived threat to "national security" has passed.

[7] The "decomposition" of the racist, sexist, classist community certainly requires revolt on the part of the oppressed, but what kind? The content of identity of *everyone*, within and without the community, must be transformed. Slavoj Žižek, drawing on Wendy Brown, makes this point well:

> ...the first reaction of the oppressed to their oppression is that they imagine a world simply deprived of the Other that exerts oppression on them--women imagine a world *without men*; African-Americans a world *without*

whites; workers a world *without capitalists*.... The mistake of such an attitude is not that it is "too radical," that it wants to annihilate the Other instead of merely changing it; but, on the contrary, that it is not radical enough: it fails to examine the way the identity of its own position (that of a worker, a woman, an African-American...) is "mediated" by the Other (there is no worker without a capitalist organizing the production process, etc.), so that if one is to get rid of the oppressive Other, one has substantially to transform the content of one's own position (71-2).

[8] This logic does not stop with the human; indeed, it founds the "human" over and against the "animal" and "nature". For an interesting treatment of this problem, see Jacques Derrida, "'Eating Well,' or the Calculation of the Subject." *Points...Interviews, 1974-1994*, ed. E. Weber. trans. P. Kamuf, et al. (Stanford: Stanford UP, 1995) 255-87.

[9] Balibar's choice of the term "irremediably" should not distract us from the fact that the, in effect, cultural identity of citizenship is or can be accommodating of multiple identities. But, as I have pointed out above, citizenship cannot be absolutely accommodating; it must always have its Other.

[10] Clearly, social and economic power differences influence and inflect every articulation of a national community within the community of the State. At the levels of race and gender, the impetus for the foundation of a national community often emerged as a result of being excluded from a white national community that identified its national identity with State identity, or citizenship. The point, to repeat, is a simple structuralist

one: group identity always exists over and against other group identities, and that this over-and-against quality implies not only difference but hierarchy.

[11] This body of literary-political scholarship is too vast to enumerate, and is certainly not confined to nineteenth-century scholars. A shortlist of prominent recent works might include the following: Russ Castronovo, *Necro Citizenship: Death, Eroticism, and the Public Sphere in the Nineteenth-Century United States* (Durham: Duke UP, 2001); Amy Kaplan and Donald Pease, eds. *Cultures of United States Imperialism* (Durham: Duke UP, 1993); Lisa Lowe, *Immigrant Acts: On Asian American Cultural Politics* (Durham, Duke UP, 1996); Donald Pease and Robyn Wiegman, eds. *The Futures of American Studies* (Durham: Duke UP, 2002); Priscilla Wald, *Constituting Americans: Cultural Anxiety and Narrative Form* (Durham: Duke UP, 1995). That each of these books, chosen for their substantial arguments, is published by Duke University Press is a clue, perhaps, to the strong institutional force behind the (similarity of) arguments that these books contain.

[12] Foucault's desire to shift analyses of power away from sovereignty and the State is partly responsible for this shift among Americanists to the production of what are, arguably, "minor knowledges." See Michel Foucault, "Truth and Power," trans. C. Gordon. *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*, ed. Colin Gordon, trans. C. Gordon, et al. (New York: Pantheon Books, 1980) 109-33. In these pages, Foucault proclaims in anti-sovereign fashion, "We need to cut off the King's head" (121).

[13] By "nation building," I mean the construction of subjectivities capable of representing groups of people. I have argued that all such constructions, even when they do not appear to belong to categories of nation or race, are attempts to imagine a national-cultural-racial community.

[14] Derrida's critique of Saussure's theory of the sign is pertinent here. See Jacques Derrida, *Of Grammatology*, trans. G. C. Spivak (Baltimore: The Johns Hopkins UP, 1974).

[15] From a deconstructive point of view, judgment is necessary for the possibility of justice, a point discussed at length in chapter three. This would appear to contradict my suggestion that judgment should not take place with respect to the determination of cultural practice and belonging. But there may be more than one method or procedure of judgment. The judgment condemned here knows no process but seals its decision off from the possibility of its own destruction.

[16] The "recurrent themes" Matthiessen "discovered" in these New England writers were the following: "the relation of the individual to society; "the nature of good and evil"; the concern with word becoming "one with the thing"; oratory; sight or seeing; light; symbol; the relation or, better, adequation "between art and the other functions of the community; and "that there should be an organic union between labor and culture" (xiv-xv).

[17] But in enjoining critics to work in the name of liberal democracy, Matthiessen draws attention to a kind of contradiction in his project. For Matthiessen, "man" can be nothing more than what society has made him. Whether "he" be a "willing or an

unwilling part," his "articulation" or expression can never amount to something more than what society has inculcated within him. Why, then, does Matthiessen issue this pointed interrogative--"Are you using your gifts as you possess for or against the people?"--toward the critic? It would seem superfluous. If the "culture" of America literally cannot produce that which would be detrimental to its well-being, or anti-social, why then be concerned with the duties of citizenship? Matthiessen is highlighting the necessity of ethical choice by the critic, on the one hand, but on the other suggests that this choice has always already been made by the "culture," which he equates with society. What remains under-theorized here is the question of the decision with respect to literature and politics.

[18] The exclusion of Poe, among others, is symptomatic of Matthiessen's regional loyalties.

[19] Things get really interesting (and murky) when this Pease tries to think plurality in the context of "criticism." In his thinly veiled polemic against "French poststructuralism," Pease lets the reader in on a certain secret in his text. I quote at length here to catch the text's insinuations:

> [C]riticism derives its cultural authority through its historical affiliations with political and religions dissent. But [French poststructuralism] rarefies this freedom of speech into an opposition to determined significations. The verbal indeterminacy resulting from this activity declares itself as a freedom from explicit determinant political practices. Political dissent is also generalized into a pervasive adversarial or critical

> opposition. This generalized oppositional stance, often asserted in the name of cultural heterogeneity, is not usually associated with any specific cultural group. The term "heterogeneity" borrows its pathos from its relation to marginal cultural groups. But if these groups should express their needs in explicit terms, they would violate the critical principle of heterogeneity.
>
> In laying claim to fundamental political freedoms--of speech, press, self-representation--yet dissociating these freedoms from any explicit cultural groups, literary commentary disconnects criticism from any cultural purpose other than generalizing its crisis attitude. And this generalized crisis sanctions the disconnection between the cultural and political dimensions organizing the modern public sphere. (*Visionary* 44)

My gloss of this passage reveals Pease's own Manichaean critical tendency, one not unlike that of Bercovitch and Matthiessen. When Pease writes that "criticism" (by which he means French poststructuralism) represents a generalized "opposition to determined significations," one can only wonder, first, which poststructuralist critic Pease is referring to, and second, which "determined significations" he would recognize or revive. Pease implies that criticism is, at best, apolitical, and at worst, conservative, since "it" turns "verbal indeterminacy" into a license to declare itself free "from explicit determinant political practices." "Political dissent" becomes simply a generalized disagreeable-ness, an abstract opposition to literally everything the world has to offer, here in terms of politics. Pease tries to call out "criticism" and "poststructuralism" on their, we can

assume, leftist or progressive pretensions by claiming that while these (unnamed) intellectuals usually assert themselves "in the name of cultural heterogeneity," they fail to associate themselves with "any specific cultural group." Pease's choice of the term "heterogeneity" to characterize "criticism's" grasp of identity and difference is calculated to expose "criticism" as hypocritical. For if "the critical principle of heterogeneity" implies a radical untranslatability between "cultures" (assuming this is what Pease means), then "marginal cultural groups" cannot, in principle, say anything to hegemonic apparatuses about their situation. This refusal on "criticism's" part to determine "explicit cultural groups" leaves it in a sterile political position, or in no political position at all. First, "criticism" can only generalize its "crisis attitude." Second, this attitude "sanctions the disconnection between the cultural and political dimensions organizing the modern public sphere."

[20] Two pieces by Pease in particular speculate on the future of the New Americanists. See Donald Pease, "New Americanists: Revisionist Interventions into the Canon," *boundary 2* 17:1, 1990. 1-37; and "National Identities, Postmodern Artifacts, and Postnational Narratives," *boundary 2* 19:1, 1992. 1-13.

[21] "Social movements" refers primarily to the progressive political movements of the 1960s.

> These social movements emerged with the collective recognition of the marked disequilibrium in the allocation of social empowerments and resources in the national narrative. The national narrative produced national identities by way of a social symbolic order that systematically

> separated an abstract, disembodied subject from resistant materialities, such as race, class, and gender. ("National Identities" 3)

Here, Pease comes quite close to recounting the aporia of citizenship. Substituting "national narrative" for citizenship, Pease is clear that universal (national) narrative abstraction leaves behind "resistant materialities, such as race, class, and gender." But Pease does not say that the "social symbolic order" also invests (a forgotten investment, to be sure) the "abstract, disembodied subject" (the citizen) with other "resistant materialities," such as whiteness, masculinity, heterosexuality, socio-economic privilege, and many other combinations implicative of exclusions and hierarchies. In other words, Pease is not clear that "resistant materialities" accrue as socio-economic and political privilege for some people even as they constitute the civil detritus of liberal society's political procedures.

[22] For an example of such a critical performance, see Donald Pease, "Introduction," *Mariners, Renegades, and Castaways: The Story of Herman Melville and the World We Live In*, by C. L. R. James (Hanover: UP of New England, 2001) vii-xxxiii.

[23] A strong example of the Peasean model is Russ Castronovo's *Necro Citizenship.*

[24] See Alphonso Lingis, *The Community of Those Who Share Nothing in Common* (Bloomington: Indiana University Press, 1994).

[25] This relation between the so-called "New World" and "Old Europe" will, of course, complicate the identities of all inhabitants of the former in crucial ways. But one

must not stop at "Europe," Nahum Chandler warns us. If one is to deal seriously with the problem of "originary displacement," to use Chandler's phrase, with respect to (political) identity, one will have to at least displace "the Euro-American subject" as the supraordinate, governing term of relations of identities. See Nahum Dimitri Chandler, "Originary Displacement" *boundary 2* 27.3 (2000) 249-286.

[26] Of course, my interpretation of Hester's ordeal here is one of a process of subjectivization, according to which the external discipline a subject undergoes, in the context of State or group, is finally internalized and cognized as a matter of willful consent. Thus, an identification between single subject and collectivity is achieved. See, for example, Antonio Gramsci, *Selections from the Prison Notebooks*, ed. and trans. Q. Hoare and G. Nowell Smith (New York: International Publishers, 1971); Louis Althusser, "Ideology and Ideological State Apparatuses (Notes Towards an Investigation)." *Lenin and Philosophy and Other Essays*, trans. B. Brewster (New York: Monthly Review Press, 1971) 127-186.

[27] Rodolphe Gasché writes: "What distinguishes Heidegger's and Derrida's positions from that of idealist philosophers is primarily their inquiry into what may be called the difference between identity and difference, between the totality of what is and the difference that inhabits self-relation" (87). Clearly working against a Hegel who would seek *the identity of identity and difference*, Gasché identifies an inquiry and a difference that cannot ultimately be identified with or reduced to the Absolute. But one wonders how this point of view differs from a Hegelian point of view.

[28] Or if one is to continue to think according to the political, which may be necessary, it will be important to think the political at its most austere limit, which in fact Schmitt, arguably, tries to do. At the limit, a Schmittian can easily turn over into an anti-Schmittian, an anti-Schmittian Schmittian. This even happens to Schmitt. Even though he will say things like "State and politics cannot be exterminated," he will at least entertain certain potentialities:

> A world in which the possibility of war is utterly eliminated, a completely pacified globe, would be a world without the distinction of friend and enemy and hence a world without politics. It is conceivable that such a world might contain many very interesting antithesis and contrasts, competitions and intrigues of every kind, but there would not be a meaningful antithesis whereby men could be required to sacrifice life, authorized to shed blood, and kill other human beings. (*Concept* 35).

And:

> If the different States, religions, classes, and other human groupings on earth should be so unified that a conflict among them is impossible and even inconceivable and if civil war should forever be foreclosed in a realm which embraces the globe, then the distinction of friend and enemy would also cease. What remains is neither politics nor State, but culture, civilization, economics, law, art, entertainment, etc. If and when this condition will appear, I do not know. (54)

Of course, Schmitt will ultimately reject such futures as hopelessly idealistic. Meanwhile, he turns his gaze steadfastly upon the unadulterated "realism" of the political.

[29] Gregory S. Jay gives us fair warning on any attempt to decide on "the paralyzing (and false) choice between affirming a social constructed identity and nihilistically rejecting any self-naming at all" (*America the Scrivener* 240-1). In "The Unsacrificeable," Jean-Luc Nancy also writes of a "nihilism" that is supposed to accompany the rejection of historical identity and subjectivity, or as Nancy will say "community." In disputing the ontologization of identity or its pragmatic adoption for politico-historical purposes, one does not therefore become a "nihilist," a figure understood to reject meaning as such. This is an absurd claim and Jay is right to reject the choice as false. Respecting identity, one important question will always be *to what ends* identity is taken up. But even where identity politics is affirmed, for example in the resistance of "a people" to political oppression, it will still be and ought to be subject to critique *qua* political subjectivity. There is no recognizable, objective moment in which identity becomes "good" or "bad"; identity merely functions on behalf of some particular politico-historical engagement. It is as function and structure that identity must be criticized, a criticism that can come about in any particular historical situation. But one will find that in every situation, irrespective of historical particularity, identity functions as a matter of exclusion, discipline, and order. To follow Nancy, "Is it possible to take up this expression in a way that wouldn't be nihilistic?" (*Finite* 51).

[30] In anticipation of discussion biopolitics below, I include this argument by Schmitt on the *non*identity between the State and the political:

> The equation state = politics becomes erroneous and deceptive at exactly the moment when state and society penetrate each other. What had been up to that point affairs of state become thereby social matters, and, vice versa what had been purely social become affairs of state--as must necessarily occur in a democratically organized unit. Heretofore ostensibly neutral domains--religion, culture, education, the economy--then cease to be neutral in the sense that they do not pertain to state and to politics. As a polemical concept against such neutralizations and depoliticizations of important domains appears the total state, which potentially embraces every domain. This results in the identity of state and society. In such a state, therefore, everything is at least potentially political, and in referring to the state it is no longer possible to assert for its specifically political characteristic. (*Concept* 22)

This total interpenetration of State, society, and the political generally at least suggest a prototypical thinking on what Foucault, in a different theoretical modality, conceives as "biopower." Such a connection would be worth exploring, in any case, since these two thinkers are not often considered together.

[31] But finitude, depending on how it is thought, may retain the status of an essence. With respect to the ineluctability of essentialism, Gayatri Spivak writes:

> [I]t is not possible, within discourse, to escape essentializing somewhere. The moment of essentialism or essentialization is irreducible. In deconstructive ethical practice, you have to be aware that you are going to essentialize anyway. So then strategically you can look at essentialism, not as descriptions of the way things are, but as something one must adapt to produce a critique of anything. (106)

If by "essentialism" one means an epistemological certainty, an irreducible determination that relates beings or concepts together, and provided the commonality beneath or within which difference can be thought, then I find no room for disagreement. On the other hand, one would always want to ask, relentlessly, why this or that essentialism has been adopted, along with the political and historical commitments that such adoption implies. It is not at all clear that "finitude" is an identity like every other.

[32] I refer to a general tendency in liberal-humanist political and literary theory to radically underestimate the ultimate value of "the political," which Carl Schmitt defines in terms of a collectivity's ability to decide on the friend/enemy grouping. In particular, of interest is Schmitt's criticism of Harold Laski's and G.D.H. Cole's concept of pluralism, which "consists in denying the sovereignty of the political entity by stressing time and again that the individual lives in numerous different social entities and associations" (*Concept* 40-1). Without denying the potential plurality of association, Schmitt points out that where the friend/enemy grouping is concerned only one "political entity" can be "the decisive entity, regardless of the sources from which it derives its last psychic motives" (43-4).

[33] Several critical anthologies, old and new, merit attention in this regard and detail the contemporary landscape of Americanist views. See, for example, the following: Donald M. Kartiganer and Malcolm A. Griffith, *Theories of American Literature* (New York: The Macmillan Company, 1972); Amy Kaplan and Donald Pease, eds. *Cultures of United States Imperialism* (Durham, NC: Duke UP, 1993); Donald E. Pease, ed. *National Identities and Post-Americanist Narratives* (Durham, NC: Duke UP, 1994); Donald E. Pease and Robyn Wiegman, eds. *The Futures of American Studies* (Durham, N.C.: Duke UP, 2002). The latter three anthologies progressively work towards a dislodging of literatures produced in the United States from their reduction to an American nationalist literature.

[34] For a concise Hegelian distinction between morality and ethics, see Charles Taylor, "Hegel: History and Politics" in *Liberalism and Its Critics*, ed. Michael J. Sandel (Oxford: Basil Blackwell Publisher Ltd, 1984) 177-99.

[35] An enormously important consideration presents itself here. Indeed, it is a problem central to this dissertation and thus bears repeating: once the systematicity upon which all identity depends is identified, what politics should be adopted toward that system? How might its abolition come about, if such a thing is even desirable? Further, once the devalued, suppressed pole of that system is affirmed theoretically (in structural confirmation of systems of domination that were always already known to be unjust), how does one simultaneously condemn the system and affirm the identity? A just response to the regime of white supremacy, for example, demands historical and political affirmation of identities of "people of color" while condemning whiteness in all its

politico-racial forms. But it also demands condemning the system upon which the identities of "people of color" themselves depend. A writer like Gregory S. Jay, whose work in other ways has been important for this student, emphasizes the need to continue soliciting the identity of the other:

> In this phase of reversal, deconstructive criticism is a strategy of affirmative action: it affirms the other and solicits its value. This first...stage of critical struggle is perceptible in the...necessary invocation of terms like "race", "class", and "gender" in so much contemporary theory. The empowerment of these terms cannot be abandoned in a rush to deconstruct the conceptual identities and abstractions informing them. (Jay 80).

Scott Cutler Shershow locates a slightly different, though possibly decisive, emphasis: "The labor of thought that faces us must include an active refusal of the nostalgia of the local, and a resistance, at times painful perhaps, to the necessarily partial claims of any and all identity politics" (Shershow 278). These two writers together frame perhaps the only important question regarding the future of identity politics: can identity ever be deployed in such a way that the historical systematicity of identification could be identified and undone?

[36] To do justice to the work of these writers in identifying what they all share in common requires, of course, that each be treated in their specificity first. Parrington and Matthiessen, for example, approach literature from very different theoretical points of view--historically and formally, respectively--and should never be hastily lumped

together. However, they do share a commitment to articulating a nationalist literature, and this is what most concerns me here.

[37] As an influential literary example of the former, see *The Heath Anthology of American Literature, Vols. 1 & 2* Third Edition, eds. P. Lauter, et al. (Boston: Houghton Mifflin Company, 1998). Commenting in the "Preface to the Third Edition" on the principles upon which this particular anthology is based, Lauter writes, "These include the desire to convey to students a sense of the diversity that has marked this nation's culture together with certain themes and issues that have preoccupied most Americans..." (xliv). This formula of the "diversity" of the many contained by the *oneness* of "this nation's culture" is typical of national-Statist approaches to literary canonization.

[38] I do not want to suggest that individuals and collectivities ought not challenge the State wherever it privileges majorities over minorities. I do want to suggest that this by itself cannot dislodge the State, or any other identity, from a Schmittian logic of the political.

[39] Two examples of older New Americanists are perhaps in order: in *Through the Custom House*, John Carlos Rowe reads in *The Scarlet Letter* a call for renewed commitment to an inclusive principle of community. Hawthorne's "spiritual argument" in the romance results in a "sympathy or compassion" whereby "the individual can identify his or her existential situation with that of others and thus establish a renewed basis for community" (Rowe 56). Rowe persuasively shows that "Hester's self-awareness in and through others...enables her to recognize in her own experience certain psychological universals that have been obscured by the 'artifice' of Puritan society."

Likewise, the narrator's "own narrative method is itself an act of self-consciousness that is frequently compared to Hester's." Thus, according to Rowe's explicitly Hegelian reading, the "alienation, suffering, and ambiguity" in the novel "are placed in the service of a primary spiritual intention." If what one is interested in is constructing a Hegelian Hawthorne, one can do no better than this. What is more, the entire novel *qua* book can be wrapped up tightly and discreetly, in the form of a well-wrought urn, and delivered to the reader's appetite as an example of the State's ultimate beneficence. But since this is a fundamentally idealistic reading, one never gets the sense that a serious political stake is involved in Hester's (and others') persecution, that she is subject to death, for example, if only the judge had decided in that direction.

Donald Pease's work on Hawthorne in *Visionary Compacts*, already discussed at length, can be understood, not unlike Rowe's, as a national-Statist project of inclusion, reconciliation, and compassion. Sometimes, Pease lays his political cards directly on the table: "In his writings, Hawthorne called forth unrealized purposes, ideals, and aspirations from the past that present generations could inherit, as bonds of national fellow feeling" (*Visionary* 275). Throughout *Visionary Compacts*, Pease so identifies with the nation-State that "fellow feeling" can only ever extend to the limits of the State, and therefore only extend to certain "fellows." Fellow feeling would at some point have to take on meaningful content, namely an answer to the question "Who?" Who is qualified to receive fellow feeling and who is not? The question of the political is in fact central to Pease's project, and his liberal humanist terms cannot disguise the fact that what he is asking his reader for is the recognition of the *potential* to have to decide on the

friend/enemy difference. Because *Visionary Compacts* is everywhere committed to articulating a rejuvenating nationalist literature, it is fair to assume that the question of "who" will reach no further than the time-honored nationalist question "What is an American?"

[40] From the perspective of the State, "consensus" and "dissensus" make little difference in the sense that either model is subject to a total absorption by the State.

[41] See Johannes Fabian, *Time and the Other: How Anthropology Makes Its Object* (New York: University of Columbia Press, 1983); Scott Michaelsen, *The Limits of Multiculturalism: Interrogating the Origins of American Anthropology* (Minneapolis: University of Minnesota Press, 1999).

[42] I borrow this notion of the tain of the mirror from Rodolphe Gasché's book of the same name. See Rodolphe Gasché, *The Tain of the Mirror: Derrida and the Philosophy of Reflection* (Cambridge, MA: Harvard University Press, 1986).

[43] See Eduardo Cadava, et al, eds. *Who Comes After the Subject?* trans. M. Syrotinski, et al (London: Routledge, 1991).

[44] See Jacques Derrida, *Specters of Marx: The State of the Debt, the Work of Mourning, and the New International*, trans. Peggy Kamuf (New York: Routledge, 1994).

[45] The concern here towards the problem of history and historiography is similar to that attributed by Hayden White to Jacques Rancière, namely, a concern "with the politics of historical study and writing, the ways in which historians conceptualize, speak,

write about, and in writing about, effectively constitute in politically significant ways that "history" which is, supposedly, their common object of study" ("Forward" vii).

[46] Near the conclusion of his discussion of the Althusserian intervention in Hegelian philosophical tradition--what Althusser summarizes as "expressive causality"--Fredric Jameson identifies as a major of theme of the continuing "Althusser-Lukács debate": "the more general problem...of the status of the synchronic, and its adequacy as a framework for analysis; or, correlatively, of the adequacy of the older dialectical vision of diachronic transformation and periodization, most notably in the account to be given of transition form one mode of production to another" (*Political* 50). In short, Jameson raises the question of the relation between the ends of analysis, that which is brought to bear on analysis and provides it with consistency, and the mechanistic, cause-and-effect movement of eventuality.

[47] Jameson, again expositing Althusser's interventions, writes that historicism "will thus prove to be a vast interpretive allegory in which a sequence of historical events or texts and artifacts is rewritten in terms of some deeper, underlying, and more 'fundamental' narrative, of a hidden master narrative which is the allegorical key or figural content of the first sequence of empirical materials" (*Political* 28).

[48] One further note on this understanding of historicization: inherent in its activity is the risk of epistemological relativism. Since historical objects can probably not be ascertained immediately, their objective truth value evaporates inasmuch as historical truth, in a traditional historicist mode, has been understood to be "a thing of the past." But this only further highlights the socio-political character of all literary work and every

literary claim, for historical truth, if there is such a thing, is always-already a matter of relation between past and present and the matter in which that relation gets articulated in the present. So, if Jamesonian historicization is indeed relativist (relative to competing historico-literary truth claims) it is strongly so, admittedly so, and takes its stand on interpretation as an ongoing socio-political activity.

[49] The term "Californio" refers to Mexicans, sometimes Mexican-Americans, living in Alta California, or present day California, prior to the Mexican-American War.

[50] While these terms are not intended as a series of strict equivalencies or analogies, their alignment offers a suggestive framework, to be developed throughout this essay, for thinking about the political in Ruiz de Burrton's novel and in our own time.

[51] For considerations of space, I cannot adequately deal with the "complicated alliance between corporate and contractual capitalism" (Thomas 4). Thomas's borrowing of the term "corporate liberalism" suggests, however, that even as collectivities of human individuals, corporations, by being considered "persons," affirm the liberal conception of the person as a reasonable being capable of being a citizen and owning property, among other things.

[52] All of the characters share an essentially negative view of "human nature." The contract-without-equity view, represented by Stanford, sees human beings as essentially evil. But so does the equity-in-contract crowd, and for the same reasons. Without equity, contract, which relies on a natural understanding of the individual, is liable to grow monstrous, like a monopoly.

[53] The reader should keep in mind throughout that I am trying to perform a descriptive critique of the moral contract, that is I want to describe how such an amorphous *political* fiction can and must work to found the State. From another point of view, however, nothing is less certain than the relative "humanity" of those occupying either side of the moral contract's border. What is beyond doubt is that the figure of the human is itself a political fiction.

[54] Unless noted otherwise, when the term "State" is used, it should be understood as referring to the U.S. liberal-republican polity. This does not mean, however, that this analysis is exceptional to the American State.

[55] The "racial exception," as I am trying to conceive it, cannot therefore be reduced to historical particularity. This does not mean, however, that historiography is useless or redundant. On the contrary, the very structure of the moral contract under consideration here requires a heightened vigilance towards its historical manifestations.

[56] Liberal historian Rogers M. Smith, an important voice in American critical legal studies, takes an ambiguous view of diagnoses like Michaelsen's of the moral contract. While Smith affirms that "features of liberal thought...were used to support patriarchy," for example, he also thinks that "these elements...made earlier versions of liberalism...logically inconsistent with their own human rights arguments" (517 n44). Finally disagreeing with Carol Pateman's important criticism of the "sexual contract" at the heart of the moral contract, Smith writes, "If the assumptions and endorsements of patriarchy are eliminated, liberal theories lose nothing essential and instead become internally coherent." Thus, Smith appears to endorse a version of liberalism that can

expunge the necessary appearance of the "subhuman." But there is evidence that Smith ultimately sees "ascription" as an indelible, even desirable, feature of liberalism, as when he identifies, on the last page of his impressive study, "human dignity" as the telos of liberal politics, or when he invokes the criteria of "minimally rationally [sic] individuals" as the proper subjects of "universal rights" (506, 517 n44). Both of these examples support Michaelsen's contention that the moral contract necessarily produces the criteria for discriminating between those who meet the moral criteria of liberal political belonging and those who do not. How else can one explain Smith's surprising call to accommodate "some of the appeal of ascriptive Americanism for a liberal democratic conception of U.S. citizenship" (504)?

One further note: of crucial importance to Smith's study is the distinction between "Lockean liberalism," republicanism, and the aforementioned "inegalitarian ascriptive traditions of Americanism" (2, 3). While space does not allow me to critique the logic behind such discrimination, what I suspect is that the distinction itself obscures what is common to both the liberal view of the moral individual and the republican view of the duties of citizenship: a minimum threshold of "moral" identity must always be met if one is to be considered a viable political being. The question is *whether or not there must always be "human" beings adjudged not to conform to such a threshold in order that there be those that do*. This chapter attempts to answer this question in the affirmative, with an eye towards, in Derrida's words, a justice to come.

[57] See in particular the following: Rosaura Sánchez and Beatrice Pita, "Introduction to *The Squatter and the Don*." *The Squatter and the Don*, eds. R. Sánchez

and B. Pita (Houston: Arte Público Press, 1997): 7-49; José David Saldívar, *Border Matters: Remapping American Cultural Studies* (Berkeley: University of California Press, 1997); John M. González, "The Whiteness of Romance: The Cultural Politics of Racial Formation in María Amparo Ruiz de Burton's *The Squatter and the Don. In the Wake of Reconstruction: National Allegory and Narrative Form: 1877-1907.* Dissertation (Stanford University, 1997): 131-73; José F. Aranda Jr., "Contradictory Impulses: María Amparo Ruiz de Burton, Resistance Theory, and the Politics of Chicano/a Studies." *American Literature* 70:3 (1998): 551-79; Kate McCullough, *Regions of Identity: The Construction of America in Women's Fiction, 1885-1914* (Stanford: Stanford University Press, 1999); Amelia María de la Luz Montes and Anne Elizabeth Goldman, *Maria Amparo Ruiz de Burton: Critical and Pedagogical Perspectives* (Lincoln: University of Nebraska Press, 2004).

[58] I repeatedly make the point that the Anglo characters represent a certain liberal strain in contract. The individualism of liberalism and the tendency for group identity in republicanism are not mutually exclusive. Volk republicanism, for example, could affirm the liberal individual even while it proclaimed the superiority of the white race.

[59] It is interesting that González uses the more sentimental language of "groans and cries" to characterize African-American and transatlantic histories instead of, say, more aggressive language like anger and insurrection. After all, the danger that the excluded pose to "civilization" is the danger born of radical exclusion from the polis. In terms of literary characters, I am thinking more of Delaney's Blake rather than Stowe's Tom. Gilroy does not fail to make the connection. See Martin R. Delaney, *Blake; Or,*

the Huts of America (Boston: Beacon Press, 1970), and Paul Gilroy, *The Black Atlantic: Modernity and Double Consciousness* (Cambridge: Harvard UP, 1993). For a fundamental reading as to why those legally excluded from the polis pose a fatal threat to it, see Hannah Arendt, *Imperialism: Part Two of the Origins of Totalitarianism* (New York: Harcourt, Brace & World, Inc., 1951): 170-182.

[60] For a scathing denunciation of the logic of hybridity, see Scott Michaelsen, "Hybrid Bound," rev. of *Border Matters: Remapping American Cultural Studies*, by José Saldívar, *Postmodern Culture* 8.3 (May 1998) <http://www3.iath.virginia.edu/pmc/textonly/issue.598/8.3.r_michaelsen.txt>.

[61] This is not a contradiction of previous claims. While the moral contract, I argue, is constitutive of citizenship, it is not constitutive of being itself. Only the relation between beings and being itself can constitute being. I tried to provide a literary indication of this in chapter one.

[62] It is noteworthy that California Indians were Mexican citizens under the Mexican Constitution of 1824 (Griswold del Castillo 69). They were clearly denied this status in *Guadalupe Hidalgo*.

[63] These anti-"business," anti-corporate sentiments expressed by C. Loyal and Doña Josefa should not be interpreted as inimical to contract. Laissez-faire economic philosophy, which the Alamars and C. Loyal embody to some extent, could coexist quite easily with anti-corporate sentiment, as Brook Thomas has pointed out.

[64] Some of these points have been hotly contested in legal scholarship since the days of *Santa Clara*. Horwitz, for example, in a recent article, does not believe that

Santa Clara marks any significant point of departure from *Dartmouth College* concerning the legal theory of the corporation. He also contests the often-voiced suspicion that the 14th Amendment was really passed on behalf of corporate enrichment, not African-American political equality. Long before Horwitz, Arthur W. Machen, Jr. and John Dewey took up the philosophical question of the corporation's status as a personality.

[65] The moral contract was renewed once more in 1882 with the Chinese Exclusion Act.

[66] Derrida has written about Schmitt on several occasions. For his most thorough treatment, see Jacques Derrida, *The Politics of Friendship*, trans. G. Collins (London: Verso, 1997).

[67] Indeed, the sovereignty of law over the sovereign decision is precisely what is desired by what Schmitt calls "constitutional development": "All tendencies of modern constitutional development point towards eliminating the sovereign..." (*Political* 7).

[68] Strictly speaking, a decision is required at and as the very advent of the emergency situation. Executive power during war time is just one example of this. A state of emergency, according to this logic, does not exist until the sovereign declares it to exist. Likewise, it does not subside until the sovereign decides that it does. This is not a common-sense analysis.

[69] See Jean Luc-Nancy, *Being Singular Plural*, trans. R. Richardson and A. O'Byrne (Stanford: Stanford UP, 2000).

[70] Two recent examples of "poststructuralist" readings of *Moby Dick* are: Cesare Casarino, *Modernity at Sea: Melville, Marx, Conrad in Crisis* (Minneapolis: University of Minnesota Press, 2002); and Eyal Peretz, *Literature, Disaster, and the Enigma of Power: A Reading of "Moby-Dick"* (Stanford: Stanford UP, 2003). Both of these texts respond in interesting ways to Wai-chee Dimock's important *Empire for Liberty: Melville and the Poetics of Individualism* (Princeton: Princeton UP, 1989).

[71] One wonder, parenthetically, what Pease would make of a highly ordered chapter like *Cetology*, and whether he would attribute such writing to Ishmael.

[72] See C.L.R. James, *Mariners, Renegades & Castaways: The Story of Herman Melville and the World We Live In.* 1953. Ed. D. Pease (Hanover: Dartmouth College, 2001).

[73] In this section on Calhoun, I use the lower-case "state" to refer to what Calhoun calls "the several states," that is the federated states, and the upper-case "State" to refer to the federal State, the United States.

[74] For Calhoun, the first result of overlooking this distinction among majorities was "to confound the numerical majority with the people; and this so completely as to regard them as identical. This is a consequence that necessarily results from considering the numerical as the only majority" (*Disquisition* 17). Calhoun implicitly draws attention here to the problem of determining and naming "the people," an entity (singular or plural) supposed, or course, to form the basis of democratic rule.

[75] These lines by Calhoun can easily be read in reference to the southern white planter class, an audience opposite of the one, presumably, Calhoun intended. The text

itself, however, leaves the question of irony here undecidable. It would be infinitely more just, from a radical egalitarian viewpoint, if not from the standpoint of finitude, to regard this group as "so sunk in ignorance and vice, as to be incapable of forming a conception of liberty, or of living, even when most favored by circumstances, under any other than an absolute and despotic government...."

[76] Indeed, the recognition of personhood itself was just as uncertain, as witnessed by slaveholders' attempts, during the framing of the Constitution, to count the slave as three-fifths of a person (Smith 133).

[77] Calhoun's theory of the concurrent majority supplies the ideological basis for the nullifiers' claims. For a solid historical treatment of the Nullification Crisis and Calhoun's and Jackson's respective roles in it, see Richard E. Ellis, *The Union at Risk: Jacksonian Democracy, States' Rights and the Nullification Crisis* (New York: Oxford UP, 1987). Part of Ellis's demonstration is the "different kinds of states' rights thought," differences that this chapter cannot adequately address (ix).

[78] One should not conclude that the sovereignty concept is itself riven, as if the concept as such has a life of its own, i.e. is itself a subject. Rather, sovereignty is riven because it can never be fixed, absolutely, in any politico-historical context. This is no less true in the case of autocratic government as it is in democratic government. Because of this, sovereignty, where it does appear, appears anew each time; wherever it appears it also constitutes itself anew.

[79] This doctrine was also an attempt, ironically, to theorize protection of "minority" (i.e., the planter class) rights against the political claims of majorities.

Today's mediated political discourse has forgotten the sense of number so keenly felt by Calhoun, for example.

[80] Among Americanists trying to think other than historical subjectivity as the site of community and justice, I would include Cesare Casarino, Gregory S. Jay, Samira Kawash, and William V. Spanos, for example. See Cesar Casarino, *Modernity at Sea: Melville, Marx, Conrad in Crisis* (Minneapolis: U of Minnesota P, 2002); Gregory S. Jay, *America the Scrivener: Deconstruction and the Subject of Literary History* (Ithaca: Cornell UP, 1990); Samira Kawash, *Dislocating the Color Line: Identity, Hybridity, and Singularity in African-American Literature* (Stanford: Stanford UP, 1997); William V. Spanos, *The Errant Art of Moby Dick: The Canon, the Cold War, and the Struggle for American Studies* (Durham: Duke UP, 1995).

[81] In fairness to Hardt and Negri, there is no reason, in principle, why the essence of the community of the multitude could not include refusal. Laziness and refusal could just as well be part of the multitude's creative "work." But no community can be infinitely inclusive, otherwise it would cease to be a community.

[82] See Maurice Blanchot, *The Writing of the Disaster*, trans. A. Smock (Lincoln: University of Nebraska Press, 1995) 13-18.

[83] Derrida once noted that "There is still perhaps some brotherhood in Bataille, Blanchot, and Nancy" that "deserve[s] a little loosening up..." (*The Politics of Friendship* 48). I am suggesting that the same applies to Deleuze.

[84] See Giorgio Agamben, *The Coming Community*, trans. M. Hardt (Minneapolis: U of Minnesota P, 1993).

[85] Again, one finds a similar logic in Blanchot, according to whom "infinite passivity" precedes a merely subjective passivity that is what it is only in relation to a given world. Infinite passivity, not unlike Agamben's Potentiality perhaps, "does not belong to the world" (Blanchot 16, 15). But in not belonging to the world, does infinite passivity have a political future? I will leave this question for the reader's consideration, and will only note Derrida's *Force of Law* as one possible rejoinder to the idea of infinite passivity.

[86] Agamben does appear to make a kind of linguistic turn in later work that brings his position closer to that of Nancy and Derrida, particularly where the question of decision and thought are concerned. But a study remains that reads Agamben's use of biopower and the figure of the camp through this older analysis of potentiality to see what, if any, conceptual relation exists between them. See Giorgio Agamben, *Means without End: Notes on Politics*, trans. V. Binetti and C. Casarino. (Minneapolis: University of Minnesota Press, 2000); Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. D. Heller-Roazen (Stanford: Stanford University Press, 1998); Giorgio Agamben, *Remnants of Auschwitz: The Witness and the Archive*, trans. D. Heller-Roazen. (Cambridge, MA: Zone Books, 2002).

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