

THE POETICS OF SOVEREIGNTY IN AMERICAN LITERATURE, 1885–1910

During the Progressive Era, the United States regularly suspended its own laws to regulate racialized populations. Judges and administrators relied on the rhetoric of sovereignty to justify such legal practices, while in American popular culture, sovereignty helped authors coin tropes that have become synonymous with American exceptionalism today. In this book, Andrew Hebard challenges the notion of sovereignty as a "state of exception" in American jurisprudence and literature at the turn of the twentieth century. Hebard explores how literary trends such as romance and realism helped conventionalize, and thereby sanction, the federal government's use of sovereignty in a range of foreign and domestic policy matters, including the regulation of overseas colonies, immigration, Native American lands, and extralegal violence in the American South. Weaving historiography with close readings of Mark Twain, the western, and other hallmarks of Progressive Era literature, Hebard's study offers a new cultural context for understanding the legal history of race relations in the United States.

ANDREW HEBARD is Assistant Professor of English Literature at Miami University of Ohio. His work on American literature, history, and culture has appeared in journals such as *American Quarterly*; *African American Review*; *Law, Culture and the Humanities*; and *New German Critique*.



CAMBRIDGE STUDIES IN AMERICAN LITERATURE AND CULTURE

Editor Ross Posnock, Columbia University

Founding Editor Albert Gelpi, *Stanford University*

Advisory Board
Alfred Bendixen, Texas A&M University
Sacvan Bercovitch, Harvard University
Ronald Bush, St. John's College, University of Oxford
Wai Chee Dimock, Yale University
Albert Gelpi, Stanford University
Gordon Hutner, University of Illinois, Urbana-Champaign
Walter Benn Michaels, University of Illinois, Chicago
Kenneth Warren, University of Chicago

RECENT BOOKS IN THIS SERIES

- 165. ANDREW HEBARD The Poetics of Sovereignty in American Literature, 1885–1910
- 164. CHRISTOPHER FREEBURG Melville and the Idea of Blackness: Race and Imperialism in Nineteenth-Century America
- 163. TIM ARMSTRONG
 The Logic of Slavery: Debt, Technology, and Pain in American Literature
- 162. JUSTINE MURISON
 The Politics of Anxiety in Nineteenth-Century American Literature
- 161. HSUAN L. HSU
 Geography and the Production of Space in Nineteenth-Century
 American Literature
- 160. DORRI BEAM
 Style, Gender, and Fantasy in Nineteenth-Century American Women's
 Writing
- 159. YOGITA GOYAL Romance, Diaspora, and Black Atlantic Literature

(Continued after the Index)



For Cynthia Klestinec



THE POETICS OF SOVEREIGNTY IN AMERICAN LITERATURE, 1885-1910

ANDREW HEBARD

Miami University of Ohio







Shaftesbury Road, Cambridge CB2 8EA, United Kingdom One Liberty Plaza, 20th Floor, New York, NY 10006, USA 477 Williamstown Road, Port Melbourne, VIC 3207, Australia

314–321, 3rd Floor, Plot 3, Splendor Forum, Jasola District Centre, New Delhi – 110025, India

103 Penang Road, #05-06/07, Visioncrest Commercial, Singapore 238467

Cambridge University Press is part of Cambridge University Press & Assessment, a department of the University of Cambridge.

We share the University's mission to contribute to society through the pursuit of education, learning and research at the highest international levels of excellence.

www.cambridge.org Information on this title: www.cambridge.org/9781107028067

© Andrew Hebard 2013

This publication is in copyright. Subject to statutory exception and to the provisions of relevant collective licensing agreements, no reproduction of any part may take place without the written permission of Cambridge University Press & Assessment.

First published 2013

A catalogue record for this publication is available from the British Library

Library of Congress Cataloging-in-Publication data Hebard, Andrew.

The poetics of sovereignty in American literature, 1885–1910 / Andrew Hebard.
p. cm. – (Cambridge studies in American literature and culture; 165)
Includes bibliographical references and index.

ISBN 978-1-107-02806-7 (hardback)

American literature – 19th century – History and criticism.
 American literature – 20th century – History and criticism.
 Sovereignty in literature.
 Literature and society – United States – History – 19th century.
 Literature and society – United States – History – 20th century.
 Law and literature – United States – History – 19th century.
 Law and literature – United States – History – 20th century.

PS217.S58H43 2013 810.9'004-dc23 2012023778

ISBN 978-1-107-02806-7 Hardback

Cambridge University Press & Assessment has no responsibility for the persistence or accuracy of URLs for external or third-party internet websites referred to in this publication and does not guarantee that any content on such websites is, or will remain, accurate or appropriate.



Contents

Acknowledgments		<i>page</i> ix
	Introduction: "An Empire of Letters"	I
Ι	"Like a Disembodied Shade": Popular Romances and the American Imperial State	23
2	Styling Territory: Mark Twain and the "Stupendous Joke" of Imperial Sovereignty	49
3	"Twisted from the Ordinary": Naturalism, Sovereignty, and the Conventions of Chinese Exclusion	74
4	Acts of Lawless Discretion: Westerns and the Plenary Administration of Native Americans	103
5	Romance and Riot: Charles Chesnutt and the Conventions of Extralegal Violence in the Jim Crow South	133
Epilogue		155
Notes		159
Bibliography		185
Index		199



Acknowledgments

This book has been a pleasure to write, and although some of that pleasure has come from the archive that has grounded its arguments, much of it has also come from the discussion and feedback that others have so generously provided. I am particularly indebted to many of my colleagues at Miami University of Ohio. Tim Melley read most of the manuscript, and our overlapping interest in the state has produced a fruitful exchange of ideas. I hope that he will recognize his influence on the project. Mary Jean Corbett also read parts of the manuscript, and Tim and Mary Jean have been extraordinary senior colleagues. Martha Schoolman has not only provided feedback on some of my chapters, but she has also been a sounding board for ideas during the past five years. In addition, she has been a constant source of support throughout the whole process of writing a book. I would also like to thank Yu-Fang Cho, Madelyn Detloff, Katie Johnson, Anita Mannur, Julie Minich, Susan Morgan, and Kerry Powell, who have all responded to my work and who have been crucial to the vibrant intellectual community at Miami University.

This book is not simply a revised dissertation, but its origins do lie in the work that I did as a graduate student at the University of Chicago. I am particularly grateful to my committee: Lauren Berlant, Homi Bhabha, and Bill Brown. They insisted not only that I make sound arguments, but also that I consider the commitments motivating such arguments. They have also been incredibly generous with their time in the years since I defended my dissertation. I am also indebted to Samuel Baker, Julian Go, Thomas Kim, Jonathan Sachs, and Neda Ulaby for their friendship and for their past and continued engagement with my work.

This book has benefited from a number of forums where I have presented work. The American Seminar at Brown provided valuable feedback on the third chapter. The American Cultures Seminar at Miami University has been a forum where I have presented work a number of times. The Futures of American Studies Institute at Dartmouth has also



Acknowledgments

been an important forum for my work. The Institute has always fostered a sense of intellectual engagement, and I have never left without feeling more excited about my work than when I arrived. This has in large part been due to the energy and generosity of Donald Pease, whose support and engagement with my work are much appreciated.

This book has also benefited from conversations with Rachel Ablow, Ron Broglio, Michael Cobb, Paul Gilmore, Gregory Jackson, Mark Jerng, Ruth Mack, Marina Peterson, Cindy Weinstein, and Emily Zakin. Most recently, Brook Thomas provided me with comments on the fifth chapter that affected my revisions of the book as a whole. In addition, I would like to thank the many anonymous peer reviewers who have commented on all or parts of this manuscript. The reviewers at Cambridge University Press deserve a special note of thanks; their detailed comments and suggestions have made this a much better book. I also appreciate the generous support of the Mellon Foundation and the Huntington Library, which facilitated some of my research.

Finally, I'd like to thank my family. My father and my siblings taught me the pleasures of spirited but good-natured argument. My mother passed away before this book was finished, but her wariness of conventions has a place in its arguments. My daughters, Stella and Eloise, have provided many needed distractions. Cindy Klestinec, to whom I dedicate this book, has read it from cover to cover and has been its most consistent interlocutor and critic. More importantly, her ability to intensify both the pleasures and the perils of the everyday has not just deepened my capacity to love, but has also made this a much better book than it ever could have been without her.