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## CREATING DOMESTIC DEPENDENTS: INDIAN REMOVAL, CHEROKEE SOVEREIGNTY AND WOMEN'S RIGHTS

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Dr. Andy Doolen, Director of Graduate Studies

CREATING DOMESTIC DEPENDENTS:  
INDIAN REMOVAL, CHEROKEE SOVEREIGNTY AND WOMEN'S RIGHTS

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DISSERTATION

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A dissertation submitted in partial fulfillment of the requirements for the degree of  
Doctorate of Philosophy in the College of Arts and Sciences at the University of  
Kentucky

By

Jesslyn R. Collins-Frohlich

Lexington, Kentucky

Director: Marion Rust, PhD, Associate Professor of English

Lexington, Kentucky

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## ABSTRACT OF DISSERTATION

### CREATING DOMESTIC DEPENDENTS: INDIAN REMOVAL, CHEROKEE SOVEREIGNTY AND WOMEN'S RIGHTS

What, this project asks, are the impacts of the alliance between women and Native Americans in the nineteenth century debate over Indian Removal? How might two groups of people similarly excluded from patriarchal systems of government by race and gender turn their exclusion into arguments for inclusion and do so forcefully enough to demand attention without also jeopardizing their success? In what ways might this alliance change how scholars interpret the goals and strategies of both the women's right and Native American rights movements? While arguments made by women and Native Americans during Indian Removal receive considerable scholarly attention, most studies-especially those concerned with women's involvement- subordinate Indian Removal to abolition, or they create significant omissions in the narratives of both movements by adopting a critical approach that interprets the strategic use of racialized and gendered ideology as assimilation.

In "Domestic Dependents" I employ a cultural studies approach that is informed by Native American Studies and Rhetoric to fill gaps and situate Indian Removal as a significant intersection of the Native American rights and women's rights movements. Using wide variety of texts, including historical romances written by Catherine Sedgwick and Lydia Child, Catherine Beecher's "Circular Addressed to the Benevolent Ladies of the United States," the Cherokee Nation's "1829 Memorial" and "Letter to the American People," and domestic fiction by E.D.E.N Southworth and Nathaniel Hawthorne, I argue that, during Indian Removal, white women and the Cherokee come together to fight for rights by situating property-- the very thing used to exclude them-- at the center of their arguments for their own rights and against the forced removal of Native American tribes. In doing this, they create an interdependent approach that simultaneously embraces and rejects their prescribed societal roles in order to construct a rhetorical strategy that relies on moments of public solidarity and strategic distance. These moments, in turn, provide the opportunity to rethink narratives of the women's rights and Native American rights and to explore Indian Removal as a key moment for understanding the ways that property rights, race, and gender inform ideas of citizenship in nineteenth century America.

KEY WORDS: Indian Removal, Women's Rights, Native American Rights, Gender, Race

Jesslyn R. Collins-Frohlich  
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October 22, 2014  
Date

CREATING DOMESTIC DEPENDENTS: INDIAN REMOVAL, CHEROKEE  
SOVEREIGNTY AND WOMEN'S RIGHTS

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## Chapter One: Introduction

East-west, savage-civilized, foreign-domestic, private-public, property-property owner, ward-citizen, duties-rights, past present. The nineteenth century rhetoric of expansion, American identity, and rights is marked by the use trajectories and binaries that aim to classify and organize people into distinct categories in order to determine who belongs and the terms of their belonging. Lora Romero argues that scholars' willingness to accept as true the nineteenth century's narrative of itself leads to a body of scholarship that "seems to have consistently organized itself around binarisms" due largely to "our tendency to understand both power and resistance as centralized, uniform and static"(5). When applied to nineteenth century rights movements, the presumed static nature of power and resistance contained in binarisms holds the potential to reduce arguments for rights to attempts to simply move from one side of the dash to the other rather than a complex renegotiation of the meaning of both terms. Such dyads also ignore the existence of a productive space between oppositional terms that allows individuals to create new lines of argument and positions in society.

This project focuses on liminality, the ability to live somewhere between, and what happens when groups of people use it to argue for rights. In particular I am interested in how all of these trajectories and pairings influence the Indian Removal debates, especially arguments over the status of the Cherokee Nation, and what embracing liminality might mean for the ways we approach women's rights and Native American rights in the nineteenth century.<sup>1</sup> What, this project asks, are the impacts of the alliance between women and Native Americans in the nineteenth century debate over

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<sup>1</sup> Throughout this project I follow the lead of Native American Studies scholars and use the terms Indians and Native Americans interchangeably except when part of a proper name or title.

Indian Removal?<sup>2</sup> How might two groups of people similarly excluded from patriarchal systems of government by race and gender turn their exclusion into arguments for inclusion and do so forcefully enough to demand attention without also jeopardizing their success? In what ways might this alliance change how scholars interpret the goals and strategies of both the women's rights and Native American rights movements?

While arguments made by women and Native Americans during Indian Removal receive considerable scholarly attention, most studies – especially those concerned with women's involvement – subordinate Indian Removal to abolition, or they create significant omissions in the narratives of both movements by adopting a critical approach that interprets the strategic use of racialized and gendered discourse as evidence of assimilation rather than resistance.<sup>3</sup> In “Creating Domestic Dependents,” I employ a cultural studies approach that is informed by Native American Studies and Rhetorical Studies to situate Indian Removal as a significant intersection of the Native American rights and women's rights movements. I argue that during Indian Removal white women and the Cherokee come together to fight for rights by situating property-- the very thing used to exclude them-- at the center of arguments for their own rights and against the forced removal of Native American tribes. Arguing from similarly liminal spaces, women and Native Americans create an interdependent approach that simultaneously embraces and rejects their prescribed societal roles in order to construct a rhetorical strategy that relies on moments of public solidarity and strategic distance. These instances, in turn,

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<sup>2</sup> When I speak of women in this project, I refer, mainly to white women. While Cherokee women did indeed speak out against Indian Removal, their actions were largely limited to tribal proceedings and therefore were not as predominant a factor in the national debate over Removal and rights. Recent work to recover Cherokee women's public rhetoric on Removal does however, make the relationship between Cherokee and white women an intriguing avenue for further expanding this project.

<sup>3</sup> Examples of this approach include Alisse Portnoy's reading of Catherine Beecher's "Circular Addressed to Benevolent Women" in *Their Right to Speak: Women's Activism in the Indian and Slave Debates* as well as Arnold Krupat's *Red Matters*.

provide the opportunity to rethink narratives of women's rights and Native American rights and to explore Indian Removal as a key moment for understanding the ways that property rights, race, and gender inform ideas of citizenship in nineteenth century America.<sup>4</sup>

The document that perhaps best embodies the goals, anxieties, complexities and conflicting outcomes of Indian Removal is the "Treaty with the Cherokee, 1866." Proclaimed on August 11, 1866, it is the final treaty between the Cherokee Nation and the United States government, which means it officially brings to a close the system of treating with Indian tribes that dated back to the earliest colonies. It also marks the end of public debates over Indian Removal by codifying the process in law. One of the main aims of the 1866 treaty is to establish within the Cherokee Nation those institutions deemed necessary for a properly functioning, civilized nation<sup>5</sup>. To that end, the treaty establishes a federally recognized system of representative government including tribal governments, an inter-tribal council for all of Indian Territory, and a court system. It also creates a national fund for the monies of the Cherokee Nation and clearly establishes the geographical boundaries of their reservation. In many ways, the tribal structure outlined in the treaty recreates in their western territory the systems of governance established in the Cherokee's 1827 Constitution—a document praised by many as a marker of their

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<sup>4</sup> While this project certainly covers a time span in which questions of race and the debate over slavery informed public discourse and literature, I will not be directly addressing these issues beyond referencing, where necessary, theories of race or slavery that directly impacted Indians or women. Although Ezra Tawil and Alisse Portnoy argue that Indian Removal and abolition cannot be separated, I feel that even though similar types of racial injustice underlie both movements, historic attitudes toward Indians and those views offered by both Anglo-Americans and Indian writers point to an understood difference between the two groups and rights movements that must be accounted for in my analysis.

<sup>5</sup> The terms civility, civilized and civilization are used throughout this project to refer to the stated purpose and goal of campaigns aimed at assimilating Indians, not to affirm the validity of the racialized and gendered measures of societal or individual development connected to these terms in the nineteenth century.

civilized nature. Though the institutions and correlating relationships established by the 1866 treaty with their seemingly straightforward structures appear to offer the Cherokee the possibility of more control over their own affairs, in reality, they severely limit the ability of the Cherokee Nation to define itself as a sovereign nation. Unlike the Cherokee constitution, ultimate power lies with the U.S. federal government. For example, even though the tribal and inter-tribal councils had the right to make laws and punish perpetrators, those laws could not contradict any laws of the United States, and Indian courts were not permitted to try cases involving white men. Similarly, limiting the Cherokee Nation's access to property by establishing it as an economic ward restricted sovereignty. Investments concerning the national fund were managed by the U.S. government, which also stipulated the ways the Cherokee were allowed to spend their allowances.<sup>6</sup> Perhaps the most important way that the federal government limited Cherokee sovereignty was by using land settlement to shift Cherokee identity from one defined culturally to one defined by place.

Even though the Cherokee's landholdings were clearly described, who might settle there was less so. The Cherokee themselves were able to settle on the parcels of land described in the treaty *and* the US government, by this very treaty, retained the right to "settle any civilized Indians, friendly with the Cherokee and adjacent tribes within the Cherokee country, on unoccupied lands" (946). Should these tribes of Indians "abandon their tribal organization" they might, after paying a sum for their own support to the Cherokee national fund, "enjoy all rights of native Cherokees" (947). In realistic terms,

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<sup>6</sup> According to the structures laid out in Article 23 of the 1866 treaty, fifty percent of the Cherokee's annual spending was dedicated to "general purposes" and the remaining fifty percent must be split between common schools and education (35%) and the orphan fund (15%). Notably, the Cherokee council reserved the rights to inspect the accounts and books kept by the government, but they did not have the ability to change this formula or control the investment of their money (949).

the US government controlled who might actually live in Cherokee territory based on its own estimation of the degree of a tribe's civility and the need for expediency. The idea of being able to simply transplant one Indian culture into the midst of another with little repercussion relies on a concept of race that saw all Indians as interchangeable. Not only was an Indian an Indian regardless of actual differences in culture, but a person could be made a Cherokee simply by living in Cherokee Territory. The reverse was also true. Article 19, which addresses those Cherokee residing in the Arkansas territory ceded in the treaty, pits the desire to retain one's home and land against the desire to belong to the Cherokee Nation. In phrasing that echoes the patriarchal language of Indian Removal, the treaty declares that those male "heads of families" that want to move from the ceded area and into the new bounds of the Cherokee Nation will be rewarded with the standard one hundred sixty acres. Anyone who wishes to remain on land located outside the new boundaries "shall be entitled to receive a patent from the United States in fee-simple for three hundred and twenty acres of land to include his improvements, and thereupon he and his family shall cease to be members of the nation" (948). One could not be legally identified as Cherokee without living on the reservation. Location was tantamount to legal, racial, and cultural identity. To remain on the land was to inhabit a liminal space with no national identity or the rights of citizenship.

This easy transfer of culture onto location is exhibited not only with the resettling of civilized tribes among the Cherokee or the continuing reshuffling of the Cherokee themselves, but also with the treatment of former slaves and free black men and women. Article 9 of the treaty states that the Cherokee, having abolished slavery, "agree that all freedmen who have been liberated by voluntary act of their former owners or by law, as

well as all free colored persons who were in the country at the commencement of the rebellion, and are now residents therein, or who may return within six months and their descendants, shall have all the rights of native Cherokees” (944). Among the rights extended to the Freedmen was the ability to own land and participate in the tribal government. Thus, membership in the Cherokee Nation changed the status of these individuals from property to property owners and therefore people capable of rights and national identity, at least in the Cherokee Nation. Ultimately, the terms outlined by the 1866 treaty made property the key determinate in legal citizenship in the Cherokee Nation; however, by declaring this property within the geographical bounds of the United States but outside legal representation, it did not offer the Freedmen or the Cherokee citizenship or rights as Americans. Instead the 1866 treaty drew upon what Sally L. Kitch describes as gender’s ability to serve as “a mechanism for conceptualizing and judging the diversity of human physiology and culture” and provide the “organizing principles that fueled the process of racialization” (4). It made them once again, as Chief Justice John Marshall declared in the 1831 Cherokee Nation v Georgia ruling, “domestic dependent nations” that inhabited a gendered and racialized liminal space. Indian Territory and the Cherokee Nation became that place between east and west, foreign and domestic, savage and civilized.

In reading the 1866 Treaty and other texts in this project, I build on the work done by scholars to elucidate the ways in which gender and race have been used to sanction acts of cultural and physical violence, define rights, and justify imperialism. As Annette Kolodny argues in *Lay of the Land: Metaphor as Experience and History in American Life and Letters*, rhetoric concerning the land, particularly its feminization, is what made

early colonial efforts feasible. Promotional tracts and later American pastoralism relied on the concept of a feminized, virgin land that would willingly give of its bounty with proper, European husbandry. To say that the land was virgin, unused, and untilled used erroneous depictions of Indians as hunters only to discount their approach to agriculture and declare them unfit as potential husbands because they had failed to behave in appropriately masculine ways to subdue the land. As suggested by Kolodny, defining Indians as feminine meant literature promoting American settlement also used gender to racially other them. Their status as gendered and racialized others supported a narrative of Indian identity that alternately placed Indians beneath Anglo-Americans in Christian social and political hierarchies or outside of these hierarchies altogether depending on which was most advantageous to Anglo-Americans at the moment. When justifying the civilizing mission, Indians were depicted as part of Anglo-American hierarchies and capable of adopting the ways of their civilizers. When Indians resisted the civilizing mission or other processes set in motion by Anglo-Americans, they became unredeemable savages who lived outside the bounds of white hierarchies.<sup>7</sup> Both classifications almost universally resulted in stripping Indians of their status as property owners. In “Whiteness as Property,” Cheryl Harris describes this as a process whereby “[p]ossession—the act necessary to lay the basis for rights in property—was defined to include only the cultural practices of whites” (1721). If Indians were savage and no longer owned property, then large swaths of land became available to white settlers who might claim it on the grounds of their own civilization and right of possession—an

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<sup>7</sup> For a thorough history of these alternating views of Indians in the early colonies and colonial literature see Kathleen M. Brown’s *Good Wives, Nasty Wenches, and Anxious Patriarchs*.

ideology developed in court cases and Indian policies.<sup>8</sup> Not only was this process of taking Indian property codified by the legal system, through the process of civilizing Indians, generations of Anglo-Americans and the federal government participated in a complex system in which land, property ownership, and female and Indian identities were used as terms against which American citizenship and concepts of rights were defined.<sup>9</sup>

The civilizing mission was part of a larger process of determining who might be granted the rights outlined in the nation's founding documents. Both the Declaration of Independence and the Constitution provide a liberal construction of the relationship between citizens and the government premised on John Locke's theories about the nature of the social contract. These founding documents posit that the relationship between the government and the governed is a voluntary one in which the governed give consent to be governed in exchange for certain protections. As citizens in a voluntary contract they might, as in the case of elections and constitutional amendments, renegotiate the terms of their consent. Should a government fail to fulfill its obligations or infringe upon an individual's life, liberty, or property, they can rebel. Thus, citizenship becomes a

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<sup>8</sup> Arguably the most influential case in redefining Indian land rights in the nineteenth century was *Johnson v. McIntosh*. For history of this case and its implications see discussion in chapter two of this project as well as Stuart Banner's *How the Indians Lost Their Land: Law and Power on the Frontier* and Blake A. Watson's *Buying America from the Indians: Johnson v. McIntosh and the History of Native Land Rights*. For perhaps the most exhaustive history of Indian policies see Frances Paul Prucha's *The Great Father: The United States Government and the American Indians. Vol I*. Also of note for their analysis of the treating process and government responses to Indian nations are Reginald Horsman's *Expansion and American Indian Policy 1783-1812*; David A. Nichols, *Red Gentlemen and White* and Michael Paul Rogin's *Fathers and Children*. One of the most prolific writers on Native American sovereignty and policies past and present, Vine Deloria Jr. offers a number of studies of Indian policy and legal structures approached from the position of Native Americans including his monograph *Behind the Trail of Broken Treaties*. and collaboration with David E. Wilkins *Tribes, Treaties, and Constitutional Tribulations* as well as his work with Clifford M. Lytle *American Indians, American Justice*.

<sup>9</sup> For studies that consider the confluence of race, gender, law and rights in the native community see Beth H. Piotatte *Domestic Subjects: Gender, Citizenship, and Law in Native American Literature*; Joanne Barber *Native Acts: Law, Recognition, and Cultural Authenticity* and Mark Rifkin *When Did Indians Become Straight?: Kinship, the History of Sexuality, and Native Sovereignty*. Notable studies on gender and women's rights include Nancy Cott *Bonds of Womanhood: "woman's sphere" in New England 1780-1835*; Elizabeth Maddox Dillon *The Gender of Freedom: Fictions of Liberalism and the Literary Public Sphere*. And Linda K. Kerber *No Constitutional Right to be Ladies*.



voluntary relationship with the state that guarantees individuals freedom, property, and political participation in exchange for consent. Having rights then, comes to mean being able to claim for oneself those privileges guaranteed to an individual upon entering into a social contract with the government. For women and Indians the ability to claim the status of an individual capable of consent proves one of the largest obstacles to rights.

As Kitch contends, the idea of social contract and the benefits it afforded an individual had always been subject to gendered notions. She points out that “Locke claimed that Nature had made all men independent and free regardless of their many differences. But that same Nature had made women dependent and weak” (24). Similarly, Immanuel Kant based his political subordination of women to men on ideas that men and women had complementary rights, chiefly that, men had the right to protect women and women had the right to this protection (Kitch 24). The gender hierarchy proposed by Locke, Rousseau, and Kant also served as the foundation for their racial theories, which posited that, like women, Indians and other marginalized groups were incapable of participating in the social contract on equal footing with white men. In the United States, such “natural” gender and racial differences were codified in the legal construct of coverture, which made women and Indians dependents without the freedom, autonomy, or property necessary to fully engage in the social contract with the state—those qualities Elizabeth Maddock Dillon claims are essential to liberalism’s construction of the “modern subject” as an individual with the “capacity to consent” (2). Based on English law, coverture laws established a series of patriarchal relationships (child/parent, wife/husband, guardian/ward) that excluded women and Indians by placing them outside of the bounds of political participation. Coverture ensured that women and Indians

experienced what Kitch describes as “derivative citizenship” meaning that their relationship to the state was always dependent upon that of a white man (175).

As children, wives, or wards, whose citizenship was derived from men, women and Indians were also incapable of property ownership because they never achieved the legal status of independent adults capable of engaging in contracts, including those for land or the earnings of their own labor. Upon marriage a woman’s real property and her labor became her husband’s. Similarly, treaty negotiations between Indian tribes and the federal government handed property over to the government and reinforced Indians’ rhetorical and legal position as the children of the “Great [white] Father”—the President.<sup>10</sup> This loss of property was particularly damaging because, as Dillon points out, “historically, the notion of a political authority located in the independent agency of the citizen is closely linked to property ownership” (21). Without independence or property to exchange in the social contract, women and Indians became incapable of claiming rights. Therefore, citizenship conferred on them not rights but obligations. Linda K. Kerber argues that “obligation is the means by which the state can control the freedoms of individual citizens” (xxi). Paired together, rights and obligations form a basic understanding that the protections offered by the government obligate a citizen to behave in certain ways and undertake particular tasks. For example, a jury trial can be guaranteed only if citizens serve as jurors. When the two terms are uncoupled, as they are in the case of women and Indians, the result is a constriction of the terms of citizenship wherein one is subject to the duties but not the benefits. Thus in the nineteenth century women and

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<sup>10</sup> The term “Great Father” was used by both Anglo-Americans and Indians in treaty negotiations to describe the nature of the political relationship between the United States and Indian tribes. Meant to evoke ideas of kinship, in the nineteenth century, its meaning shifts along with Indian Policy. See chapters one and two for a fuller discussion of this term and its implications.

Indians found themselves subject to a definition of citizenship based only on obligation. Their inability to consent to be governed or own property meant they were obligated to the state but that the state had no obligation to them in return.

Nonetheless, for all of the ways that American legal structures sought to exclude women and Indians from claiming the rights of citizenship conferred on white men, their presence was crucial to the definition of rights in the United States. Dillon argues that “liberalism does not exclude women so much as it creates and reserves a discrete position for women within its structure,” which in turn serves to maintain a rigid distinction between men and women (3). Women and Indians become those groups through which rights of freedom, political choice, and property are constructed as white and male. Dana D. Nelson argues that through the construction of oppositional relationships the presence of groups disenfranchised by a lack of property rights helped to give “the abstracting identity of white, national manhood...one means for stabilizing its internal divisions and individual anxieties” (67). In short, rights become the domain of white men only if women, Indians, and other groups are also present. The problem with this construction is that it once again returns to oppositional binaries to define rights and in doing so disregards the fact that in the fight for rights women and Indians had to overcome gendered and racialized exclusion by simultaneously inhabiting what they were and were not. They had to use both sides of the binary to create a space between that allowed them to maneuver.

Women and Indians found that the civilizing mission and the rise of ideas of domesticity, both of which sought to define the terms of their exclusion, also offered the means of challenging it. If creating citizenship as white and male made women and

Indians oppositional figures, then the rhetoric of domesticity made further use of women and Indians to couch what was at heart a patriarchal, imperialist endeavor in the rhetoric of the home and civilization. Amy Kaplan contends that the rhetoric of domesticity “became an engine of national expansion, the site from which the nation reaches beyond itself through the emanation of woman’s moral influence” (29).<sup>11</sup> One of the ways women had long practiced their influence was in the mission to civilize the Indian. By raising money, writing political tracts, serving as missionaries, and in other ways participating in foreign missions that sought to convert Indians to Christian ways, women were “policing domestic boundaries against the threat of foreignness” by upholding a standard that Indian peoples must meet to be considered civilized and providing the support needed to make Indian tribes worthy of inclusion in the national family (Kaplan 28). As women’s work with missions reveals, determining whether a marginalized group is being victimized by a concept or manipulating it to their own needs is complicated by the fact that these processes shared vocabularies, theories and strategies.

Therefore, in examining Indian Removal, I follow the lead of Native American Studies scholars who insist on readings of native texts that recognizing the subversive power of appropriating the rhetoric and practices of a dominant discourse for new purposes. As Native American Studies scholars show, when analyzing the actions of peoples outside dominant power structures, it becomes especially important to recognize that the adoption of the practices and rhetoric of the dominant culture provide a means of

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<sup>11</sup> As Gillian Brown argues in *Domestic Individualism: Imagining Self in Nineteenth-Century America*, ideas of domesticity brought together concepts of race, gender, and class in ways that allowed men and women to use the home to create identity; however, as Lori Merish points out in *Sentimental Materialism* domesticity was likewise connected to the market. The ability of domesticity to both constrict women’s political participation and expand it is also explored in works about women’s public advocacy including Lori D. Ginzberg’s *Women and the Work of Benevolence* and Ann M. Boylan’s *The Origins of Women’s Activism: New York and Boston 1797-1840*.

resisting and/or adapting to changing circumstances in ways that benefit native communities and frequently ensure their continuance.<sup>12</sup> Misreading of Native American texts that present natives as comfortable with white culture or espouse ideas of the civilizing mission result in assimilationist readings that present such ideas and their producers as inauthentic and discount what are valuable acts of resistance. As a result, historical and literary narratives of the Native American rights movement become marked by chronological and theoretical omissions. The accounts of Native American rights offered by scholars and native rights groups begin with a repositioning of Indian nations after the Revolutionary War, then move to the loss of property and forced removal precipitated by the Indian Removal Act of 1830 and the forced march west on the Trail of Tears for the Southeastern tribes or violent relocations of Southwestern tribes. Many more narratives of Indian's rights offered by scholars and rights groups do not even begin until the fight for self-definition and sovereignty in the post-removal period.<sup>13</sup> Indian Removal remains a pivotal moment in Native American history, but it also remains a lacuna.

Interestingly, Indian Removal is also a gap in the narrative of women's rights.

Like their Native American counterparts, actions by women in this period are also

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<sup>12</sup> For examples of this method see Maureen Konkle, *Writing Indian Nations: Native Intellectuals and the Politics of Historiography, 1827-1863*; Lisa Brooks, *The Common Pot: The Recovery of Native Space in the Northeast*; Robert Allen Warrior, *Tribal Secrets: Recovering American Indian Intellectual Traditions*; and Laura L. Mielke, *Moving Encounters: Sympathy and the Indian Question in Antebellum Literature*.

<sup>13</sup> Recent scholarship on tribal sovereignty and history is largely divided into two categories: pre and post removal. Pre-removal studies like Lisa Brook's *The Common Pot: The Recovery of Native Space in the Northeast* and David J. Carlson's *Sovereign Selves: American Indian Autobiography and the Law* look to recover native spaces and voices in early America. Works concerning the history and states of native peoples post-removal frequently raise questions about whether the reservations are colonial or post-colonial societies as in Elizabeth Cook-Lynn's *A Separate Country: Postcoloniality and American Indian Nations* and how modern nations negotiate the complex relationships with the federal government in Charles Wilkinson *Blood Struggle: the Rise of Modern Indian Nations*. Literary approaches such as those offered by Lucy Maddox in *Citizen Indians: Native American Intellectuals, Race, and Reform* and Womack's *Red on Red: Native American Literary Separatism* work to develop a theory of native literary and cultural production in the post-removal period.

frequently read through an assimilationist lens. As supporters of the missions to the Indians, particularly the Southeastern tribes, women had been involved in the development and support of the discourse of civilization. Nonetheless, they too found in this discourse and their work with Native peoples the means for challenging their own exclusion. By using the rhetoric of Christian benevolence and women's prescribed gender roles, women found a means of advocating on behalf of Indians and themselves. Yet these uses go largely unrecognized because they repeat many of the tropes of racial and gender difference employed by others to restrict their rights. Thus narratives of women's rights offered by the likes of the Susan B. Anthony Center, the Library of Congress, and scholars such as Nancy Cott and Linda K. Kerber and more recent works by Katherine Kish Sklar focus on the restriction of rights after the Revolutionary War, followed by expanded education in the 1820s, which led to the beginning of the movement proper in 1848 with the Seneca Falls Convention. This trajectory largely ignores the political activism and arguments for rights made by women during Indian Removal. To more fully understand the rhetorical strategies of both Indians and white women during Indian Removal and more fully develop the narrative of both rights movements, texts must be read with an eye for moments of acculturation when women and Indians create a new space between prescribed poles of identity by selectively employing the ideas and rhetoric from both.

Adopting an approach that emphasizes selective acculturation over assimilation also helps to address the problems that occur when scholars attempt to connect the women's rights and Native American rights movements. When scholars such as Kaplan, Kitch, Sklar, and Alisse Portnoy others connect women's rights to the fight against

Indian Removal, they frequently make the move to also connect it to abolition. Thus women's involvement in Indian Removal is presented as a warm up for their later, and it is implied, more radical work in abolition and the women's rights movement. What results are studies that elide the significant differences between Indian Removal and abolition, namely the very different rhetorical and logistical challenges posed by arguing for tribes who had long-recognized property rights versus a group of people considered to be property. Linking together these two distinct movements through the use of women's involvement also recreates in scholarship pieces of the mentality that allowed the U.S. government to redefine Cherokee identity in the 1866 treaty by making Indians and African Americans interchangeable others. In the end, attempts to align women's and Native American rights movements have proven as problematic as those that divide them, for in their attempts to create linear accounts of history both produce significant omissions and echo the oversimplified, straightforward trajectories of savage to civilized and east to west used to frame the terms of the Indian Removal debate.

This project works to disrupt these trajectories by using the paradigm shift proposed by Daniel K. Richter in *Facing East from Indian Country* to establish Indian Removal as an intersection of the women's rights and Native American rights movements. Richter contends that in order to understand American expansion from the Indian viewpoint, and I would argue any viewpoint other than the cultural dominant, one must abandon the accepted westward trajectory and instead stand in Indian country and look east. Whether that Indian country is the Arkansas reservation of the nineteenth century or the Ohio Valley in the 1750s, facing east creates a shift in place and perspective that allows critics to focus on those people and moments largely excluded

from official histories and challenge the rhetoric of westward movement with its attendant ideas of manifest destiny, the forward march of civilized nations over savage ones, and property as central to personhood and nationhood. Facing east not only brings into focus new groups and moments but it challenges the ways history and ideas move people. Instead of one straightforward trajectory imagined by expansionists and too often reinforced by historians and literary critics, facing east reveals intriguingly fluid paths that circle back on themselves, make abrupt turns, zigzag, and frequently cross the paths of others.

As part of establishing Indian Removal as an intersection of the women's rights and Native American rights movements, it is also important to make sure a variety of voices are included. For, as Laura L. Mielke contends in *Moving Encounters: Sympathy and the Indian Question in Antebellum Literature*, interaction between whites and Indians was necessary, perhaps even vital, to native survival. Therefore, in this project I seek to disrupt trajectories and explore intersections. Using a wide variety of voices and texts including historical romances, domestic novels, legislative acts, Supreme Court cases, speeches, memorials, circulars, and newspaper articles, I mark moments within the fight against Indian Removal when the needs of women's and Native American rights movements converged and diverged to allow both groups to use gender and race to challenge the patriarchal structures that had excluded them. While for the purposes of creating a clear structure, the instances I examine are indeed arranged chronologically and contextualized using the social, cultural, and legal history of the time, all of the texts examined work to in some way destabilize the straightforward trajectories of time, nation, civilization and expansion, by using what Lauren Berlant terms counter-memory to



challenge constructions of both past and present in order to ultimately revise both (6).<sup>14</sup> Therefore my reading of the variety of responses to Indian Removal alongside the legislation to which they frequently responded focuses on highlighting the ways authors question notions of past and present as decided, finite categories in order to explode the male/female, civilized/savage, domestic/public dichotomies that confined them and sanction their subversive actions by writing their own precedents.

Chapter one explores how in the 1820s, when the literary market was flooded with republications of many Puritan texts and captivity narratives -- including Winthrop's *History of New England*, Cotton Mather's *Magnalia Christi Americana* and the captivity narratives of Mary Rowlandson and Mary Jemison -- Catherine Sedgwick and Lydia Maria Child use the genre of historical romance to reconfigure relationships between women and Indians in order to create counter-narratives of American history that critiqued the ways both groups have been marginalized. I am particularly interested in how in *Hobomok* and *Hope Leslie; or Early Times in the Massachusetts*, Child and Sedgwick shape their protest of the exclusion of women and Indians by simultaneously addressing the past and present through characters that challenge nineteenth century ideas of rights, race and gender by complicating the relationships between the individual, the state, and the home.

While scholarship on *Hope Leslie* and *Hobomok* has long acknowledged the ways in which Sedgwick and Child re-insert women and Indians into the Puritan past, the scholarship too frequently concentrates almost exclusively on the role of women and in doing so repeats to some extent the subordination or erasure of an Indian presence seen in

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<sup>14</sup> As defined by Berlant in *The Anatomy of National Fantasy*, a counter memory is “the residual material that is not identical with the official meanings of the political public sphere” (6).

the Puritan texts that Sedgwick and Child revise. In this vein, Lucy Maddox sees *Hope Leslie* and *Hobomok* as a female answer to William Gilmore Simm's call for a national literature that made use of Indians but also "declared the Indians necessarily irrelevant to the future of American society" (36). Carolyn L. Karcher reads *Hobomok* as Childs' defiant critique of a patriarchal society. Mary Kelley claims that *Hope Leslie* "has two basic concerns. The first addresses the Puritans' subjugation of the indigenous population, and the second presents a tale of romance among the Puritans" (xxi). However, in the next breath Kelley launches into a lengthy discussion of the unconventional female characters presented in the text before eventually returning to Sedgwick's ideas on Indians to explain how her belief that they are not inferior manifests itself in the text (xxix). In his work *The Making of Racial Sentiment*, Ezra Tawil removes Indians entirely from *Hope Leslie* in order to contend that the novel is really about individuals who never appear in the text—slaves. While all of these approaches are useful for understanding particular aspects of the two novels, their failure to do full justice to the interconnectedness of gender and race in the Indian Removal debates ultimately removes the texts from the complicated politics and social circumstances in which they were produced and on which they consequently offer commentary.

Therefore, my reading of *Hobomok* and *Hope Leslie* privileges those moments in which relationships between white women and Indians such as those found between Hobomok and Mary Conant or Hope Leslie and Magawisca, Oneko, and Nelema serve as the foundation for challenges to those institutions, namely the church and state, that excluded them both. By examining these moments, I argue that, in the novels, being deemed worthy or unworthy of citizenship hinges on a person's ability to negotiate

productive relationships with Indian figures, and in this the women of the two novels far exceed the men. The message of women's fitness for citizenship based on their relationships with Indians and capacity for bold action, delivered in the form of a historical romance, allows Child and Sedgwick to write for themselves a historical precedent for the actions women and Indians were taking in the nineteenth century.

The second chapter explores how when the fight over Indian Removal moved to the pages of periodicals and the Eastern band of the Cherokee Nation took an active role in the fight, the challenge facing women and Indians became determining how two marginalized groups might use their exclusion from patriarchal structures, namely property and citizenship rights, to argue for inclusion and do so with enough force to demand the attention of the American people. In order to counter the laws of coverture and the figuration of women's rights as duties, women must reconfigure the concept of duties in ways that placed their work on Indian Removal within their prescribed purview, which meant depicting Indians as either children or savages in need of Christian guidance. For the Cherokee, who had been feminized by their association with the land and infantilized by the concepts of the Great Father, successfully arguing for their property and rights required them to appropriate the patriarchal construction of the Great Father in order to prove their collective manhood, which meant at times publicly defining themselves in opposition to white women. Such acts of defining themselves through and against the systems that would exclude them as well as each other create two seemingly disparate rights movements and a rhetoric that is, on the surface, marked by an absence of engagement between women and Indians. However, I argue that when examined more closely, these instances are in fact deliberate, strategic rhetorical choices that allow the

Cherokee and their female advocates to construct interdependent approaches to tackling the issue of Indian Removal. By appearing to ignore each other, women and Indians have the opportunity to play to their individual strengths while they also collectively construct a more complete rhetoric of rights.

In this chapter I track the construction of these alliances by means of absence through accounts of U.S./Indian relations and reconstructions of the trope of the Great Father offered in three texts: the 1829 “Memorial of the Cherokee People,” Catherine Beecher’s “Circular Addressed to Benevolent Ladies of the United States,” and the “Letter to the American People” adopted by John Ross and the Cherokee leadership. Written in direct response to Andrew Jackson’s First Annual Address to Congress, the “Memorial of the Cherokee People” responds to Jackson’s version of the history of U.S./Indian interactions and use of the Great Father to restrict Indian Rights by offering a vision of an Indian father. Published a mere five days after the Cherokee Memorial, Beecher’s “Circular Addressed to Benevolent Ladies” adopts many of the same depictions of history as the Cherokee but counters the use of the Great Father with a reading of the national family that promotes shared parenting over a patriarchal family structure and subtly emphasizes the ability of Cherokee men to be parents of their own nation. In their “Letter to the American People” the Cherokee build on previous reconfigurations of the Great Father to directly attack the Jackson administration’s actions and patently reject the classification of Indians as savages or children. Published in *The Cherokee Phoenix*, the official print organ of the Cherokee Nation, and in white newspapers, these texts present on their pages and in their publication histories the ways that close relationships must be reconfigured as distant and the distant made personal if

women and Indians were to counter removalist arguments and call the American people to action. Taken as a whole, the rhetoric of rights constructed by women and the Cherokee Nation used moments of distance and alliance to provide Americans with the impetus and means for acting in support of the Cherokee Nation, and it used gender and race to reconfigure the relationship between duties, rights and citizenship in a way that made it possible to challenge the basic tenets of representational government.

In chapter three, “Bad Beginnings,” I look at how the women’s rights and Native American rights movements continue to intersect and inform each other even after the Cherokee are removed on the Trail of Tears and women have gathered to make their declarations in Seneca Falls, by reading E.D.E.N Southworth’s *Retribution* and Nathaniel Hawthorne’s *The House of the Seven Gables* through the lens of the 1831 ruling on the Cherokee Nation v. Georgia. Chief Justice Marshall’s ruling, which drew upon what Kaplan calls domesticity’s imperialistic meanings to conflate geographic location, rights, race and gender in ways that foreclosed many of the possibilities of assimilation and rights imagined by those fighting Indian Removal and cleared the way for Georgia’s violent possession of Cherokee land and the continuing Indian wars in the South. In declaring the Cherokee “domestic dependents” and confining their rights within the domestic bounds of the US, Marshall’s ruling also makes violence and the liminal status of women and Indians a seemingly permanent part of the nation. So when Southworth and Hawthorne write their domestic fictions and construct homes as metaphors for the nation, even as they seek to revise the relationships between the inhabitants, they bring into these homes the violence of Indian Removal and the continuing marginalization of gendered and racialized others. Therefore, I argue that in *Retribution* and *The House of*

*the Seven Gables*, Indian Removal, with its violent taking of property and central question of what constitutes civilization, provides the vocabulary and theoretical strategies for talking about women's rights and challenging the nation's handling of people with liminal legal status. Through the use of curses, haunted houses, and violent personal relationships precipitated by what Jeffery Clymer terms "the racialized violence of property" (79), these novels create a complex exploration of race, gender, and class that challenge the foundations of American history and identity. In the end, I question whether the reconfigurations of interpersonal relationships and the establishment of new homes presented in the novels actually offer new model nations because these nations are always already inscribed in the rhetoric of the domestic.

## Chapter Two

### Making Space for an Other: The Individual, the State and the Home in Women's Nineteenth Century Historical Romance

As a specific genre aimed at organizing complex processes chronologically, timelines provide insight into what a society deems significant and how these moments are used help to make sense of the past and present. The timelines of women's rights and roles in America in the eighteenth and nineteenth century offered by groups such as the Susan B. Anthony Center for Women's Leadership at Rochester University, PBS, the government of Michigan, the Annenberg organization, and the Library of Congress paint a picture of the women's rights movement as a fight against the restrictive laws enacted after the Revolutionary War rooted in the improvements in women's education during the 1820s and beginning in earnest with the 1848 Seneca Falls Convention.<sup>15</sup> Chronologies by scholars such as Linda K. Kerber, Nancy Cott and Mary Beth Norton often repeat this narrative of post-revolutionary restriction followed by a later suffrage movement. While all three explore very carefully the conditions of women in the early republic, they frequently focus on outlining the problems faced by women and place less emphasis on how women were challenging social and political norms prior to the Seneca Falls Convention in 1848.<sup>16</sup> For example, Kerber's analysis, which spans several books, begins with a discussion of the position of women after the American Revolution in *Women of the Republic* and takes up women's fight for their rights during the women's

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<sup>15</sup> "US Suffrage Movement Timeline, 1792 to Present." *rochester.edu*.; "Timeline of U.S. Women's History." *pbs.org*.; "Timeline-Highlights of U.S. Women's History." *michigan.gov*.; "Women's Rights Timeline." *annenbergclassroom.org*.

<sup>16</sup> For Norton, Cott, Kerber and later Gould, the early republic is defined as the period from the end of the Revolutionary War to the 1830s. I too will be adopting this definition of the early republic.

suffrage movement (1848-1920) when she deems women begin to fight for their rights in earnest in *No Constitutional Right to be Ladies*.

Omissions and false divisions similarly mark timelines of the Native American rights movement. Those offered by many scholars and rights organizations are divided between an early, pre-revolution focus such as those integrated into the works of scholars like Brooks and Matt Cohen, and a post-removal focus that emphasizes Indian advocacy beginning with the Indian Removal Act of 1830, which is the most prevalent starting point for timelines by groups such as the Reporters Committee for Freedom of the Press.<sup>17</sup> Still other accounts of Indian rights offered by the American Indian Movement mark the passing of the Indian Civil Rights Act of 1968 as the beginning of the modern rights movement.<sup>18</sup> In the case of both women's and Indians' rights the most significant gap left in these timelines is the historical moment in which the two movements intersect: the debate over Indian Removal. In this intersection women and Indians create a rhetoric of rights in which they fight against and utilize the limitations placed on them by simultaneously working outside of and within prescribed norms of behavior.

For both women and Indians, acceptable behavior was largely determined by ideas of race and gender, which through complicated legal, social, and rhetorical maneuvering, were used to make members of both groups into political and economic children who depended upon a patriarchal father figure to connect them to the state. Though women and Indians shared a restricted role in society, turning this shared experience into an actual alliance was tricky because of the ways interactions between the

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<sup>17</sup> Lisa Brooks, *The Common Pot: The Recovery of Native Space in the Northeast*. Cohen. *The Networked Wilderness: Communicating in Early New England*. "A timeline of American Indian history affecting reporters' access to land, records and meetings." *rcfp.org*..

<sup>18</sup> Wittstock, Laura Waterman and Elaine J. Salinas. "A Brief History of the American Indian Movement." *aimoverment.org*.



two groups had been shaped by popular culture. Both before and after the Revolutionary War, the most prevalent depiction of women and Indians together was the captivity narrative, which worked to reinforce perceived racial, cultural, and religious differences between whites and Indians. If women and Indians were going to work together against Indian Removal and for their individual rights, they must find a way to turn negative, fictional accounts of their interactions into real alliances that reshaped the very nature of their relationship in popular culture. While women chose a rhetoric of Christian duty and Indians emphasized historic precedent in order to counter popular images of their interactions, both groups forged their alliance by trading on an idea of shared humanity that was capable of making the past relevant to the present. The Christian duty to save lost souls through conversion was cited as the reason for the first colonies, and women drew upon this to justify their rhetorical approach and make the lessons of the past relevant to the nineteenth century. Likewise, the past became present in the fight for Indian rights because tribes sought the honoring of previous treaties and promises to ensure their right to land and citizenship in the nineteenth century. When real alliances were created and past became present, women and Indians were able to protest in new ways.

In this chapter I examine the role Lydia Maria Child's *Hobomok* and Catherine Maria Sedgwick's *Hope Leslie* play in effecting such alliances and constructing a new rhetoric of rights by reading them in the context of nineteenth century debates about women's and Indian rights in order to understand how historical romance can offer crucial critiques of the position of women and Indians in contemporary society. I am particularly interested in how Child and Sedgwick shape their protest by simultaneously

addressing the past and present through characters that challenge nineteenth century ideas of rights, race and gender by complicating the relationships between the individual, the state, and the home.

Set in Salem in 1629, Lydia Maria Child's 1824 novel *Hobomok* explores life in the early colony of Salem just prior to the Pequot War by narrating events in ways that highlight the experiences of the women and Indians who were largely excluded from the colony's official records. The novel's central plot focuses on the life of Mary Conant, the daughter of one of the colony's most prominent, and most religiously bigoted, founders. Like her mother, Mary leaves behind education and wealth in England in order to be an obedient daughter who follows her father into the new world. However, she struggles to be faithful to a father and religious culture that forbid her to follow her passion and marry her love Charles Brown because of his loyalty to the Church of England. When the colony banishes Brown for allegedly cultivating unrest among its inhabitants, the two young lovers vow to be together again. Their reunion is postponed when Brown seeks his fortune on an East India ship that is reported to have sunk. Despondent, Mary hastily decides to marry Hobomok, a Wampanoag chief who long ago sacrificed his standing in his tribe in order to spend time with her and protect Salem. The two are united in a traditional Indian ceremony, and Mary begins her life as his wife. She later gives birth to Hobomok's son whom she names Charles Hobomok Conant and affectionately calls little Hobomok. Though she begins to feel "something like affection" toward Hobomok for his generosity and love of her and his son, her heart still belongs to Brown (135). Hobomok knows his marriage to Mary is simply a substitute or placeholder, so when Brown reappears after capture, not shipwreck, Hobomok quickly divorces Mary, gives up his

claim to his son and removes to the west. Mary and Brown marry, are accepted back into Salem and the Conant household with open arms, and they raise little Hobomok with all of the advantages his inherited English wealth can provide.

Set seven years after *Hobomok*, Catherine Maria Sedgwick's 1827 novel *Hope Leslie* takes place in 1636 just after the Pequot War and tells the story of the its namesake Hope Leslie in her early adult years, when she lives with the Fletcher family in Bethel and Boston. Hope Leslie is the eldest daughter of Alice Fletcher, Mr. Fletcher's cousin and first love whom he had to leave in England because he refused to give up his Puritan faith in order to marry her. Years later, after the death of her own husband, Alice Fletcher makes the long trip from England to Boston with her two daughters, Hope and Faith, and their aunt Dame Grafton. When Alice Fletcher dies her two daughters and Dame Grafton are left to the care of Mr. Fletcher and are blended into his already large household that also includes Oneco and Magawisca, the son and daughter of a Pequot chief. Hope embraces this new family and its patriarch and stays with Mr. Fletcher in Boston to help him recover from an illness while her sister Faith and Dame Grafton are sent ahead to the family home at Bethel just outside Springfield. In the time that Hope and Mr. Fletcher are in Boston waiting for him to recover, tragedy befalls the family when Magawisca and Oneco's father, assuming his children are mistreated servants in the Fletcher household, attacks the home at Bethel. In the raid the Indians reclaim Magawisca and Oneco and kill Mrs. Fletcher and the youngest Fletcher child. They also carry Faith Leslie and Everell Fletcher into captivity. Everell is eventually redeemed when Magawisca selflessly sacrifices her arm by taking the deathblow intended for him. Faith Leslie, however,

remains with the tribe where she is protected by the care of Oneco whom she eventually marries.

Despite their losses, the surviving members of the Fletcher family manage to pull together, and in many ways, Hope becomes their moral compass. She continually sacrifices her own safety and social standing to pursue the course of action she feels is the most moral. This includes defying the Puritan authorities by testifying on behalf of the Indian healer Nelema when she is accused of witchcraft and then helping her escape from the would-be executioners. Hope repeats this self-sacrifice later in the novel when Magawisca, through a plot of the devious Sir Phillip Gardiner, is accused of being part of an Indian uprising. Though Hope is barred from the courtroom because she is female, she still manages to once again free a condemned Indian woman from her jailers. In her steadfast moral acts, Hope gains the undying love of the Fletcher family, particularly Everell whom she eventually marries.

With their Puritan settings, Indian characters, and heroines, *Hobomok* and *Hope Leslie* were quickly labeled by nineteenth century critics as historical romances in the pattern of those written by Sir Walter Scott, James Fennimore Cooper, and other writers who looked to the past for their plots. Literary scholars today have frequently taken the classification of historical romance as the entry point for criticism and have offered readings of the novels based on how they uphold and subvert the genre's conventions. The result is a body of scholarship that largely focuses on race and gender in the two works. Lucy Maddox sees *Hope Leslie* and *Hobomok* as a female answer to William Gilmore Simm's call for a national literature that made use of Indians but also "declared the Indians necessarily irrelevant to the future of American society" (36). In her

introduction to *Hobomok*, Carolyn L. Karcher reads the novel as Childs' defiant critique of a patriarchal society. Mary Kelley claims that the novel "has two basic concerns. The first addresses the Puritans' subjugation of the indigenous population, and the second presents a tale of romance among the Puritans" (xxi). However, in the next breath Kelley begins a trope used by many literary critics of the novel and launches into a lengthy discussion of the unconventional female characters presented in the text before eventually returning to Sedgwick's ideas on Indians to explain how her belief that they are not inferior manifest itself in the text (xxix). In his work *The Making of Racial Sentiment*, Ezra Tawil effectively repeats what the Puritans did in their histories and removes Indians entirely from *Hope Leslie* in order to contend that the novel is really about individuals who never appear in the text—slaves. While all of these approaches are useful for understanding particular aspects of the two novels, what they ultimately do is in some way remove the texts from the complicated politics and social circumstances in which they were produced and on which they consequently offer commentary.

Of course reading *Hobomok* and *Hope Leslie* in the context of the nineteenth century is complicated by the nineteenth century perception of historical romance's relationship to actual historiography. As both Nina Baym and Phillip Gould point out, historical romance was seen as residing somewhere between historic record and novels. It was safer than novels in that it was seen to offer the opportunity to instruct, even being used in place of textbooks in many instances. Historical romance also offered an intimate look at individuals and intrigue often judged by nineteenth century readers to be missing from historical accounts. Gould warns that to read the Puritan history of the historical romance as "an analogue for the early republic" is to misunderstand or underestimate the

ways in which it speaks to its contemporary moment (8). Instead, the “language of anachronisms” presented by historical romances makes Puritanism a metaphor for the early republic that allows authors to redefine and comment upon their own society and its issues (Gould 8). For female writers, the ability to fictionalize and romanticize parts of history to include women offered a way of writing women, if not into the historical record, then certainly into contemporary conceptions or reinterpretations of it.<sup>19</sup>

Historical romance also gave women a socially sanctioned entry into nineteenth century debates on citizenship, rights, Indian Removal, and other issues of concern to the young republic because, as Baym contends, history was seen as a means for instruction and deemed a safe, dignified field of study especially for women (13). Puritanism in many ways serves as both an analogue to and sometimes a direct indictment of the republic on which Child’s and Sedgwick’s novels offer commentary.

In the 1820s, the debate over how to address the presence of Indians, generally referred to as the “Indian Question,” a series of Indian wars with the Creek and Seminole, and an increased demand for the cession of Indian lands dominated the political landscape. In the need to construct a national narrative about expansion and Indians that justified their taking of Indian lands, Americans actively returned to their Puritan histories for models of how to proceed. The republication of many Puritan texts and

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<sup>19</sup> As Gould, Baym, and other scholars argue, in the nineteenth century the genres of history and historical fiction are closely related. Writers of both genres frequently drew on the same resources to present visions or revisions of the past. The extent to which writers of either genre stayed true to or revised history to appeal to the social and political beliefs of their nineteenth century audience is less clear than the fact/fiction divide typically used to describe the differences in the two genres. This is also to say nothing of the view among many literary scholars that “historical ‘reality’ is as much created as recorded” (Gould 8). Given the blurring of the lines between historical reality and historical fiction during the early nineteenth century as well as the fact that many of the documents historians and novelist drew upon were the personal accounts and reflections of Puritan leaders, making a concrete distinction between history (what actually happened) and history (what people record or argue really happened) seems superficial at best. Therefore, I will be using the term history to refer to both.

captivity narratives, including Winthrop's *History of New England*, Cotton Mather's *Magnalia Christi Americana* and the captivity narratives of Mary Rowlandson and Mary Jemison, highlighted the prominent role of history in the early nineteenth century literature. In fact, "over 85% of the nation's best sellers during the 1820s were books of history" (Gould 9). The presence of so many history and history-based texts at the time also points to parallels between nineteenth century and Puritan concerns over faith, rights, the status of the republic, and how to handle the presence of Indians in the face of expansion. Texts by Winthrop, Mather and others, re-presented to the American public the ways in which Indians were removed by their ancestors and from the national consciousness at a time when precisely the same questions must be addressed.

While a return to history could be fruitful, it also risked reproducing the problems of the past. In eighteenth and nineteenth century captivity narratives, novels, newspaper accounts, sermons and official histories of early America, the relationship between women and Indians was problematic at best. Both groups were routinely excluded from written records except when their inclusion proved in some ways advantageous to established systems of government, church or dominant ideology. For example, captivity narratives reinforced the need to protect white women and punish those Indians who interfered with Puritan expansion. Rarely did acts of female strength or Indian civility appear in Puritan accounts or histories. This selective exclusion, or "structuring absence" as Tawil would label it, was both a function of and justification for their marginalized status and lack of rights (6). Returning to these depictions of history in the nineteenth century reinforced the exclusion of women and Indians in the contemporary moment and

in many ways sanctioned the continued restriction of rights by providing a cultural precedent. However, it also offered the opportunity for revision.

In *Sex and Citizenship in Antebellum America*, Nancy Isenberg contends “equality was a difficult concept because it was premised on a false dichotomy. Women had to act exactly like men to secure equal rights, and yet they were supposedly so different that they had to be treated as a special sexual caste” (xii). Inclusion in this “special sexual caste” meant that the differences between men and women were increasingly emphasized over their shared attributes. These differences were institutionalized by a series of laws that made women perpetual children that required the constant protection of the white patriarchy and were legally incapable of property ownership once they married. As historians Carol Lasser and Stacy Robertson suggest, in the period after the Revolutionary War women were largely stripped of the rights and freedoms they enjoyed during the war. This happened in part because even though the new government heralded ideas of equality and virtue, it still left the “patriarchal structures of authority largely intact.” This meant that women were praised for their actions during the war but “neither the new states nor federal government made efforts to change women’s relationship within the household or to the government outside it” (Lasser and Robertson 2). In effect, women were sent back to their pre-revolutionary roles and felt little of the Revolutionary War’s impact, “for most Americans remained loyal to the notion of ‘natural’ hierarchy within the family and within society,” thus “essentializing the inferiority of women” (Lasser and Robertson 3). Laws, particularly those governing marriage and property, were also based on British ideas of hierarchy and legal precedents such as coverture, which stripped married women of their legal identity by making them dependent upon the



presence of man for any economic or political relationship with the state. According to Isenberg, the concept of coverture and the economic dependence it created “fit within the logic of protecting private property” but was complicated in the nineteenth century by a relationship between “conjugal affection” and property (27). In the new republic women did not hold the right to vote due in part to the qualification of property ownership for suffrage. Therefore, coverture limited rights by ensuring women had little opportunity to own property and making first the father and then the husband the political and economic representative of women. Such a system assumed a sense of continual dependence that “reinforc[ed] the idea that women’s political standing remained constant from childhood through adulthood” (Isenberg 27). They were, legally, forever children—a position that was reinforced by a depiction of women as ruled by emotion, too fragile for the world of politics, and most happy running a household.

Many of the attributes assigned to women that made them supposedly unfit for public life were essentialized by the idea of domesticity. As Cott explains, ideas of domesticity “reinforced women’s orientation toward interpersonal goals in the emotional realm rather than self-reliant accomplishment” (71). This was done by characterizing the spaces in which political acts and business occurred a place of “selfishness, exertion, embarrassment and degradation of the soul” and setting up the home as the antidote to such an evil world (67). So, it became improper for a woman to desire political and economic involvement and their exclusion was framed as a blessing. Of course, because single women were afforded rights to their own wages, domesticity did not fully thrive without the institution of marriage. The economic and political dependency created by marriage was a key element in the functioning of domesticity.

In *Prodigals and Pilgrims*, Jay Fliegelman contends that beginning in the eighteenth century United States there was a decided shift toward the concept of marriage as an affectionate relationship entered into by choice and less influenced by parents or economic concerns than in the past. He also upholds Daniel Scott Smith's assertion that "by the end of the eighteenth century the perception of spouse as property had become antiquated" by saying that an increase in the number of couples who cited "ego-happiness" as the main reason for marriage "suggests that daughters were standing up for their rights" (Fliegelman 137). Certainly a woman could refuse the marriage proposal of a man she did not like, but she could not choose who asked her or ask someone herself. She also could not retain her property after marriage. So, in what Fliegelman describes as the debate over "whether marriage was essentially a property transfer between father-in-law and suitor or a sacred contract between lovers" and the larger debate "as to whether property or personal rights were more sacred," the answer differed for men and women (135). Men could gain property, love, and personal rights through a marriage. Women on the other hand could gain only love because their personal and property rights were subsumed by their husband. This meant while men chose a spouse women "were to choose their bondage" (Cott 78). When combined with the ideas of domesticity, the belief that women had a choice in their marriage only furthered their isolation and reinforced the ideas and assumed attributes that excluded them.

Indians also felt this isolation and exclusion. Like women, Indian tribes experienced a constriction of rights after the Revolutionary War that was reinforced rhetorically and legally by their inability to be civilized white men. Prior to the Revolutionary War, the language of treaty negotiation had long drawn upon ideas of

monogenesis and similarity to create a friendship between Indians and Anglo-colonials that relied on ideas of brotherhood. As Ivy Schweitzer shows, the “fictional fraternity” created by such language “implied relations of equality important in Revolutionary rhetoric of the time” (63). However, the rhetoric of treating took on a decidedly different tone after the Revolutionary War when a weak, cash-strapped United States had to address Indian relations and its own imperialistic goals. In 1783 American commissioners negotiating with the Six Nations told the tribes assembled that they were dependent upon the mercy of the United States for their land and existence:

You are mistaken in supposing that having been excluded from the United States and the King of Great Britain, you are become a free and independent nation and may take what terms you please. It is not so. You are a subdued people; you have been overcome in war which you entered into with us, not only without provocation, but in violation of most sacred obligations. (qtd. in Horsman 19)

Despite a shift in rhetoric, Indian tribes still engaged in treaty negotiations in hopes of rebuilding the system of trading and diplomatic relations that had been destroyed during the war (Nichols 11). However, restoration of diplomatic relations was also a time to reshape the ways Indians were depicted and incorporated into American culture and politics. Not only did treaty negotiations frame Indians as ungrateful dependents, but a shift in the language used to describe Indians as increasingly different from white men also led to further loss of land and rights. As demonstrated by the description of their supposed willingness to enter into war “not only without provocation, but in violation of most sacred obligations,” Indians were increasingly framed as savages incapable of civilization. The concept of civilization promoted by white government and society

included ideas of religion, land use, and individual property ownership that reinforced the need of Indians to act exactly as white men. When Indians did not live up to these standards, due to the conflict between traditional Indian and Anglo-American cultures it created, they were depicted as increasingly feminized and infantilized, which proved detrimental to their ability to treat and retain tribal lands.

In the period after the Revolutionary War, land was increasingly depicted as female and in need of proper husbandry. Traditional tribal use of land, which relied upon crop rotation and communal ownership, did not fit the ideas of proper land use envisioned by Anglo-American leaders and society because it did not properly subdue the land by fencing it in or awarding ownership to a single individual. The Indian approach to land use and ownership, both of which marked them as non-white, made them improper husbands for the land. More than that though, Indian use of land more closely aligned them with nature and a natural state free of civilization, which meant they were seen as more dependent upon emotion and therefore also more feminized. Feminization implied an inability of Indian tribes to claim the collective manhood required for equality and political participation. It also meant that they, like women, were seen as perpetual children who needed supervision, protection, and punishment when they resisted what the Anglo-American patriarchy had determined was best for them.

Indian tribes who participated in land negotiations with either state or federal governments were increasingly viewed as ungrateful children that had not learned to properly function or prove their manhood under the rules set by their Great Father—a term used by both Indians and Americans to describe the role of the American government in Indian/American affairs such as treaties. Failure of the tribes to fulfill the

roles set out by their Great Father also gave grounds for excluding them from a civilized culture. In the end, the Indians' association with the land and the feminine identity it extended to them became a way to justify an increasingly harsh policy of patriarchy and conquest as well as attempts to marginalize tribes to the point of political and cultural extinction. Much of this was done through a system of laws and treaties that followed the logic and rhetoric of coverture.

If the primary role of government was to protect property, then the communal ownership practiced by the Indian tribes presented a threat to the American government because it complicated land cessions and meant that, if the government refused to honor earlier treaties that established tribes as sovereign states, a large number of Indians might be able to argue for the right to vote in light of their rights as property owners. In a larger sense, it also questioned the concept of consent to rule that the new government relied upon for legitimacy. If it could not govern by consent those Indian tribes who lived within its expanding borders, then its ability to govern any citizens might be called into question. Therefore, the government increasingly emphasized the dependence of tribes on white supplies and institutions as a sign of consent. Indians were also more frequently depicted as the dependent children of the Great White Father who required his provisions and protection because, if Indians became children who were dependent on a father, they could be treated in much the same way women were. They would never reach adulthood. Like women, when Indians were the children of their Great White Father they were under his protection, and when they grew up enough to participate in treaties, they were expected to relinquish their property in a marriage of survival. In this way women and Indians were, to varying degrees, restricted by the same legal approaches and rhetoric.

By the early nineteenth century the march toward what government officials and many writers of the time termed extinction had been all but confirmed by those working most closely with Indians and justified by a growing rhetoric of national character that framed Anglo-American and Indian relations in terms of how Indians might be fit into civilized American society. Despite numerous treaties, continued cession of land, and noted attempts by tribes like the Cherokee to assimilate, the general consensus among policy makers was that an Indian presence in the heart of a new nation was an ill fit at best. As Monroe summarized in 1825, “in their present state it is impossible to incorporate [the Indians] in such masses in any form whatever into our systems” (qtd. in Maddox 6). In 1828 John Quincy Adams asserted that “the ultimate design was to incorporate in our own institutions that portion of them which could be converted to the state of civilization” (qtd. in Maddox 6). By claiming that at best only a small portion of Indians could assimilate, the leaders of the new country set up a false choice that worked to establish a rhetoric of national character that defined itself both through and against women and Indians.

However, through the use of historical fiction and benevolent societies, among other means, women were able to create some control over this rather tricky alliance and use it to write themselves into the debate over Indian Removal. In the 1820s many benevolent societies made missions to the southeastern Indian tribes a priority. Women raised funds for Indian schools and teachers, sponsored Indian students, and corresponded with those they sponsored. They also took more public steps to forge their relationship with the Indians by regularly writing articles promoting the Indian missions for the widely circulated religious periodicals of the time. In these articles women touted

the progress made toward civilization and defended Indian rights to their land on the basis of their historical interactions and agreements with the government. They also organized speaking tours for leaders of the Southeastern tribes and saw that the speeches and ideas of the Indians were published (Hershberger 19-20). Women not only used the issue of Indian rights to give themselves a public voice; they also used it to give voice to Indian concerns. Therefore, read in light of the rights issues and history of the early nineteenth century debate over Indian and women's rights, the novels of Child and Sedgwick become part of a larger rhetoric about Indian rights, women's role in the republic, and the trajectory of the nation. In this context, these novels become a narrative of Indian and women's rights that highlight the potential and pitfalls of a public alliance of two disenfranchised groups and provide commentary on the problems and impracticalities of a republic where women and Indians must rely on white men to mediate their relationships with the state.

The first step that Child and Sedgwick take to construct their commentary is to use the genre of historical romance to blur the lines between past and present. Women who wrote historical romances that challenged the patriarchy and limited rights used the genre to make their ideas seem part of the past but also made them applicable in a time when Americans increasingly sought their future by calling for a "return to a tradition that had not existed" (Lasser and Robertson xix). Both Child and Sedgwick play upon this duality in their novels as they seek to make the home, women, and Indians central to the success of the government and the nation. Setting novels in the past gives them solid footing for presenting a revision of history that will resonate with a nineteenth century audience that is familiar with women's work in benevolent societies and the strategies

used by women to gain a voice in contemporary rights issues. To this end, both women choose seventeenth century Puritan New England for their setting and populate it with characters that appear in the written records they use as resources as well as others who get at most a brief mention in colonial histories.<sup>20</sup> Providing cultural referents, in addition to fictional characters that embody some of the same traits (positive and negative) found in nineteenth century Americans makes history both past and present. The presence of concepts such as the division of responsibility and rights by gender and the power of the church and state in determining what actions one should take in her daily life also make Puritan New England familiar to nineteenth century readers.

### **I. The Church and the State**

Once Child and Sedgwick have made history both past and present, they use these people, events and concepts to begin challenging commonly held beliefs about religion, rights and gender. As Patricia Larson Kalayjian explains, Sedgwick, and I argue Child, “patterns a method by which women writers could camouflage their challenges to hegemony, employing a technique that allows a conventional reading on the surface while subverting that surface through a skillful use of linguistic cues and textual dialogics” (64). Rather ironically, both women couch their resistance in terms of the very institution that was seen to repress women and Indians in modern readings of the seventeenth century: religion. The church and religious life, even the most intimate aspects of it, were seen as public actions in Puritan New England because in many

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<sup>20</sup> The resources used by Child and Sedgwick reflect the vast reprinting of Puritan texts in the nineteenth century as well as their continued use as instructional texts. Child draws upon John Winthrop’s *History of New England*, William Hubbard’s *A General History of New England*, Nathaniel Morton’s *New England’s Memorial* and Winslow’s *Good News from New England and The Story of the Pilgrim Fathers*. Sedgwick utilizes John Winthrop’s *History of New England* and William Hubbard’s *Narrative of the Indian Wars in New England*.



instances the church was the state. In the nineteenth century the church still played a central role in politics and the daily life of Americans, but ideas of the separation of church and state had reduced its ability to directly govern. Still, religion and government overlapped when it came to the ideologies upon which American property law and rights were founded. Nineteenth century tensions between the church and state gave rise to “new forms of communication and public institutions” that raised “crucial issues about the shifting, if not overlapping boundaries between publicity and privacy, political action and moral reform, and religious belief and public opinion” (Isenberg 9). It is these overlapping boundaries that Child and Sedgwick exploit to critique the restricted role of women and Indians in society and to further blur the lines between private and public actions in a way that gives women access to new spaces.

The blurring of lines between private and public works in the novels to question the gendered construction of the division between these two ideas. Therefore, my use of the terms private and public is influenced by Sedgwick’s explication of it in *Hope Leslie*, Habermas’s concept of the public sphere, and the many scholars who have pointed to the ways in which ideas of private and public are exclusionary in their gendering. In an exchange late in *Hope Leslie*, Sedgwick delivers the novel’s clearest definition of public and private through the character of John Winthrop. In the midst of a heated exchange with Everell Fletcher about the fate of Magawisca, Winthrop angrily tells Everell that in this matter “private feelings must yield to public good” (234). Sedgwick uses Winthrop’s assessment to present nineteenth century rhetoric of private and public in language that evokes Habermas’ theory of private and public spheres. According to Habermas, a public is constructed of individuals who come together to engage in debate in order to, as

Joan Landes contends, protect commercial economy and promote the commodification of culture (Landes139). The ability of this public to engage in debate is predicated on the assumption that participants are disinterested, meaning they value the aims of the public over their own individual needs. In addition to being a theoretical space for debate, the public sphere as Habermas describes it also has concrete locations such as salons, coffeehouses, and other spaces beyond the home. The private sphere on the other hand is the intimate domain of the family and the home. Individuals in the private sphere are interested and motivated by voluntary, personal and emotional connections. As Elizabeth Dillon, Nancy Cott, Nina Baym and Joan Landes each explain, divisions between private and public have been complicated by ideas of natural hierarchy, liberalism, domesticity and legal constructs such as coverture, which have all served to gender the two spheres and exclude women, at least ideologically, from the public.<sup>21</sup> Women are seen as subordinate to men in concept of natural hierarchy and cannot own property or vote due to coverture laws, thus they are excluded from the public sphere and placed in the private sphere, which is increasingly aligned with the home and concepts of domesticity.

However, as the exchange between Everell and Winthrop signals, there is a certain liminality to the spheres, and men as well as women are capable of public and private acts because such acts are defined not simply by the space in which they occur but also by intent. If the concern of the private is interested and rooted in voluntary and emotional connections, then Everell's appeal on behalf of Magawisca is certainly a private action motivated by and made in the private setting of a home. In contrast, Winthrop's appeal to the idea of the public good is a public act made in a private setting.

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<sup>21</sup> See Dillon, *Gender of Freedom*; Cott, *Bonds of Womanhood*; Kerber, *No Constitutional Right to Be Ladies*; Joan B. Landes "The Public and the Private Sphere: A Feminist Reconsideration."

For Sedgwick and Child, both the nature of the action and the place in which it occurs are central to their purposeful blurring of lines between private and public. Therefore, I am using the terms private and public to reflect both the physical spaces implied and the motivations of the actions associated with each.

The first place that Child and Sedgwick challenge the concepts of private and public is in their discussion of the marriages and nature of the voluntary connections made in the two novels. In *Hobomok* all of the women follow husbands or fathers to Salem, and all of them find their lives seriously limited by this choice. For Mrs. Conant and Lady Arabella, following their husbands into the fledgling colony means a loss of wealth, social standing, comfort, and ultimately their lives. While the reason cited in the text is a constitution weakened by the trials of life, the implied cause of their deaths is their husbands' insistence on following religious doctrine at all cost and despite the perils to which this exposes women with no viable alternatives. In *Hope Leslie*, Sedgwick complicates the narrative of female obedience by first relaying the story of the failed union of Alice and Mr. Fletcher, who cannot be married because Fletcher will not compromise his religious beliefs or remain in England in exchange for Alice's hand. Once Fletcher arrives in Boston, Winthrop "persuade[s] [him] to unite himself with an orphan girl, a ward of Mr. Winthrop, who had, in the eyes of the elders, all the meek graces that befitted a godly maiden and dutiful helpmate"(14). This woman, as the faithful Mrs. Fletcher, follows her husband into the wilderness where she will eventually fall victim to the violence between Indians and Puritans.

The younger generation of Puritans fares only marginally better in their options and marriages. In *Hobomok*, Sally Oldham gets to marry her chosen partner, Mr. Collier,

but not without harsh interference from the colony's elders. Mary Conant is denied marriage to Brown because of the religious intolerance of her father and the colony, and in a rash, desperate move she marries Hobomok. In *Hope Leslie*, Faith Leslie remains with the Pequot after her capture and adopts Indian culture and Catholicism when she marries Oneco. Esther Downing, the intended bride of Everell Fletcher, remains single at the end of the novel. Rosario, the shamed lover of Sir Phillip Gardiner, is killed in an explosion. Magawisca puts aside her love for Everell in order to remain true to her culture and family, for it is only in this role that she has any social or political power. Only Hope Leslie is successful in love, but this is in spite of the machinations of the colony's elders. While marriage and traditional gender roles might be seen as peripheral to the arguments of equality made in the novels, they are indeed central because they demonstrate the extent to which the lack of a divide between church and state denied women the ability to negotiate their own relationships. In each case of marriage, the partner and outcome of the union is highly influenced, if not outright dictated, by the church. The church's interference in the institution of marriage, which would by the nineteenth century be considered a private decision, is not simply an anachronism. It is an indictment of women's continued lack of rights under the laws of coverture because of the ways that the state, like the church of the seventeenth century, finds it proper to interfere in the private relations of women in order to ensure that their unions uphold traditional values and by extension the government.

In their attempts to govern marriage, colonial elders use religion to make all acts public, even those that occur in the home. In *Hobomok*, Sally Oldham refuses the proposal of marriage made by Mr. Hopkins via a message delivered by James Collier and

instead gives her hand to Collier. In response, an enraged Hopkins gives vent to his fury by running to the church elders and leveling a public charge of deceitfulness. To prove his innocence, Collier must not only face the vengeful accusation of a man in whose emotional reaction “resentment was uppermost,” but he must also tell the tale of his private life before a panel of minister judges lest they be suspicious of his “good faith” (54). Despite his belief that “things appertaining to love are of too slight a nature to be brought before the church, that they should discuss upon,” the hearing proceeds and the ministers even send a letter to Plymouth requesting that Sally corroborate Collier’s account and confess her role in the ordeal (54). Sally’s truthful response and accounting of her actions garners the ire of the ministers who declare that “were she within [their] jurisdiction, [they] should give her public reproof therefore” (56). Even though the judges eventually dismiss the charges against Collier and give permission for Collier and Sally to marry, they still insist on passing judgment on the lovers’ conduct. As Child remarks to her nineteenth century audience via her narrating ancestor, “in these degenerate times when even plighted love is broken with such frequent impunity” the interference of the church in such a matter would be laughable, “but in those days, the church kept careful watch upon the out-goings and in-comings of her children, and suffered not the pollution of a butterfly’s feather to rest upon her garments” (53). The interference is literally made light of in Child’s comparison to a butterfly wing. Use of the pronoun her in reference to the church, makes it appear like a vain mother who will not see her own status impacted by a child’s misdeeds. It also mocks gender roles by turning the ministers who would use their high station to intrude in the love life of their congregation into laughable busybodies who exhibit the very traits that supposedly make women unfit for public life.

However, these busybodies are far from harmless because they have the power to very severely impact the lives of those upon which they intrude.

This type of intrusion into and publicizing of the private choices and emotions of an individual in the name of the church/government is repeated numerous times in *Hope Leslie* when Governor Winthrop, the embodiment of both the church and state, seeks to marry couples in a way that is advantageous to the colony, even if it is not the way the affections of the teenage characters run. Winthrop seeks to once again align a Fletcher, Everell, with his niece Esther who is likewise deemed appropriately submissive and religious by Winthrop and the other Puritan leaders. To this end, Winthrop and Esther's father Mr. Downing have conspired to make sure Everell and Esther are placed in close proximity. Mr. Downing invites Everell to stay with his family prior to his departure to England, and upon his return Winthrop arranges for Everell to stay at his own home while Esther is also there. When Everell returns from England, Downing writes to Winthrop to vouch for his in-tact Puritanism and high mettle, but he cautions that the "stricter brethren often remark that he has little of the outward man of a 'pilgrim indeed'" (150). Downing's solution is to marry Everell to Esther because she meets the criteria of "a member of the congregation...who may, in all likelihood, accomplish for him that precious promise of the apostle 'the believing wife shall sanctify the unbelieving husband'" (150). Yet, his scheme does not end there. In order to guarantee the match between Everell and Esther, the headstrong Hope Leslie must also be married to ensure she is not an option for Everell. Downing cautions Winthrop against what he sees as Everell's unfortunate affection for Hope Leslie who he deems "wanting in grace" but of "rare comeliness." He is also concerned by the possibility that "he hath been assiduously

courted by Miss Leslie's paternal connexions" so that Everell might marry her and remove to England (151). In short, Downing worries that others with intentions not as pure as his own might also attempt to arrange Everell's marriage in a way that might serve selfish purposes. To comfort Downing and ensure the match between Esther and Everell, Winthrop suggests that Hope Leslie marry Sir Phillip Gardiner, a newly arrived Puritan whose outward appearance shows him a true believer. That the governor should play matchmaker seems laughable, but the manner in which he uses his elevated position and authority to achieve what he wishes in the private lives of his constituents is not. For instance, in an attempt to convince Mr. Fletcher of the wisdom of the matches, Winthrop shows him Downing's letter in order to appeal to his sense of propriety. By essentially blackmailing Mr. Fletcher and persuading him that his own judgment in the management of the lives of his children is flawed, Winthrop pursues his own desire as that of the state. Eventually, Mr. Fletcher concedes to Winthrop's judgment despite his own misgivings about the matches. Thus the arrangement proves once again that no decision is out of the reach of the state and church or the men who serve as its representatives.

As the plot of *Hope Leslie* proceeds, the validity and rightness of Governor Winthrop's judgment of Gardiner and his interference in the marriages of Everell and Hope Leslie is questioned and ultimately found to be in error. However, the match of Everell and Hope Leslie is, in the end, deemed prudent for the colony and families involved once the true merit of Hope Leslie's moral judgment is revealed. Therefore, her waywardness is forgiven by the colony's elders and her considerable wealth is welcomed into the community, for in some ways it almost seems safer for the colony that she be under the watch of a husband than left to her own devices. Unlike Esther whose choice to

remain unmarried is cloaked in the language of religious devotion and seems to imply a continuation of her dedication to the church, an unmarried Hope Leslie might pose a threat. She has property, which places her in a position to claim autonomy and therefore continue to practice her own moral code and act in any way she sees fit without the checks of a father or husband. However, it is debatable whether marriage to Everell will actually make Hope Leslie conform to Puritan ideals of feminine behavior. So, Sedgwick does leave the possibility for subversive actions.

The treatment of marriage as a matter of state concern can also be read in the historical documents written during the colonial era. As Winthrop commented in his *Journal*, just as a woman becomes the subject of her husband “in a way of liberty, not of bondage” and “a true wife accounts her subjection her honor and freedom...so too brethren it shall be between yourselves and your magistrates” (qtd. in Kerber 9). In his exertion that the relationship between the individual and the state is the same as that of a marriage, Winthrop effectively sums up the very problem that Child and Sedgwick are so concerned with, which is that in the nineteenth century the concept of marriage as a metaphor for governance severely limits women’s rights and freedoms in the name of Christianity and the greater good. At the heart of the marriages in both novels is the idea of continuance and material prosperity, not of the couples involved, but of the institutions of church and state. Except for the case of Esther and Mary Conant’s temporary union with Hobomok, marriage in the two novels reinforces the ideas of coverture and traditional gender identities.

However, to read Child’s and Sedgwick’s depiction of marriage as a mere repetition of problematic unions between individuals and between individuals and the



state is to overlook the larger purpose of their depictions of private choices as subject to public scrutiny and the implications it held for women involved in rights advocacy in the nineteenth century. The breaking down of the barriers between public and private by the colony's elders not only helps to define what is meant by private and public, but it also opens the door for a potential expansion of rights facilitated by the understanding of the relationship between the state and an individual as created by an interconnected collection of private and public actions. It also weakens gender barriers by redefining what concerns and actions are appropriate for men and women. If men, as capable leaders, can use the religion and a concern for the betterment of society to meddle in and control the composition of the home through marriage, then surely women can use these domestic concerns to find footing in the public, or republic, as it were.

Of course the sincerity of the actions of colonial leaders, which is continually questioned by Child and Sedgwick through their narrators, complicates any direct analogues between the ways in which women in the nineteenth century used benevolent societies and religion to find a public role and advocate for rights. As women who were active in both the fight against Indian Removal and Women's Rights, it seems that Child and Sedgwick would be hesitant to align the often self-serving and repressive motivations of the men who interfere in marriage in the novels with the formation of benevolent societies. Therefore, their depiction of these male interjections is a form of veiled social critique in which Child and Sedgwick question the ability of men to act on behalf of others. Despite the fact that Winthrop and others deem character judgment as essential to leadership, none of the pairings end in the way that the men expected. Mr. Conant's denial of Mary's marriage to Brown leads her to marry an Indian. Mr. Downing and

Governor Winthrop's plans to marry Hope Leslie to Sir Phillip Gardiner fails because the two men prove such terrible judges of character—a key qualification that they cite in order to have the authority to interfere. Esther remains unmarried because of a basic incompatibility between her religious goals and those traits found attractive by Everell. The failure of each of these pairings hinges in large part on the inability of the men to understand the workings of human nature, particularly emotion. The lack of this connection serves as a critique of men and an endorsement of women's ability to move between private and public because of their ability to accurately judge character. After all, only Magawisca and Hope Leslie accurately judge the character of Sir Phillip Gardiner.

## **II. The Individual and the State**

Child and Sedgwick both expand their critique of women's limited roles and of the state in their construction of the home as a public space in Puritan New England. In many ways the home and its inhabitants are held up as a microcosm of the colonies in which they reside and are frequently compared to the actions of the colonial government. This means that sometimes they serve as cautionary tales and other times as exemplars when compared to views held by society at large. Whether the home becomes an example or an admonishment depends largely on where the views held by its inhabitants lie on two axes: eastern to frontier attitudes and low to high brow views of Indians. As described by Robert Burchell, the axis of eastern to frontier attitudes traces a shift in the way nineteenth century white Americans viewed Indians based on whether they saw them as able to assimilate. Frontier attitudes were fueled by the desire for Indian lands based

on ideas that Indians were an inferior culture that “would inevitably give way to the higher, peaceably if possible, violently if not” (112). In many ways, frontier views dominated the rhetoric of treating and other official policies in the 1820s. On the other end of the continuum was the eastern view that Indians shared a common humanity with whites and therefore assimilation was not only possible but ensuring it occurred was the responsibility of white Christians (Burchell 112). Not surprisingly, the eastern view was most commonly adopted by northern women involved in the fight against Indian Removal and often drove their framing of the “Indian Question.” Therefore, in presenting the homes as a microcosm of the larger debate over Indian rights, Childs and Sedgwick pay careful attention to where they are placed on the axis and how this impacts the ability of the home to either reinforce or counteract potentially negative interactions with Indians. In the commentary offered by Child and Sedgwick, the home, which was typically depicted as a female space, represents the proper relationship between individuals and the state.

In order to use the home to offer a vision of proper interactions between individuals and the state, both authors begin by locating home in a space just removed from, but still vital to, the functioning of the town and local government. Both the Conant and Fletcher households lie just outside the boundaries of town and on the edges of the wilderness. They are geographically and metaphorically placed between the frontier and the coast and therefore able to incorporate both or neither frontier or eastern attitudes of Indians. In *Hobomok*, the Conant home lies far from the center of the colony at Plymouth because Mr. Conant had a falling out with the church elders over religious doctrine and practice. Still, in the fledgling town of Salem, which has no church until the middle of the

novel, the Conant home serves as the hub of all religious and political debate. It is also the place where diplomacy and the path of the town are decided. For the Fletcher family, their decision to reside outside the boundaries of town is likewise dictated by the patriarch, but is not dependent upon religious doctrine. Instead, it is based upon a desire for privacy and a space away from the colony's rulers. Mr. Fletcher makes his home at Bethel, just outside Springfield, humorously "deeming exposure to the incursions of the savages very slight, and the surveillance of an inquiring neighborhood a certain evil" (17). By establishing his home outside the town Fletcher ensures that he can run it according to his personal dictates—a situation that echoes Mr. Conant's move to Salem. For both families, establishing a home outside the watch of an "inquiring neighborhood" holds the potential for more flexibility than the strict adherence to Puritan ideology that would supposedly occur within the town proper. One of the key features that distance from town and Puritan leadership affords is more fluid and intimate relationships between members of the household and Indians predicated on an understanding of a shared humanity and necessity. According to Child and Sedgwick, on the frontier both groups must respect each other in order to live in peace, or sometimes simply to stay alive.

Indications of how the two families feel about their Indian acquaintances is first made obvious in their descriptions of them. Child describes Hobomok as "cast in nature's noblest mould. He was one of the finest specimens of elastic, vigorous elegance of proportion, to be found among his tribe. His long residence with the white inhabitants of Plymouth had changed his natural fierceness of manner into a haughty, dignified reserve" (36).<sup>22</sup> Magawisca is described in similar terms in *Hope Leslie*.

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<sup>22</sup> As Karcher points out in her introduction to the novel, the description offered by Child mimics that offered of the historical Hobomok by Morton and Winslow. Hobomok is described by these men as "being

slender, flexible, and graceful; and there was a freedom and loftiness in her movement which, though tempered with modesty, expressed a consciousness of high birth. Her face, although marked by the peculiarities of her race, was beautiful even to an European eye. Her features were regular, her teeth white as pearls; but there must be something beyond symmetry of feature to fix the attention, and it was an expression of dignity, thoughtfulness, and deep dejection that made the eye linger on Magawisca's face. (23)

These descriptions reinforce the "noble savage" type and echo the cataloguing of features presented by naturalists of the time who took great interest in describing the various features of native groups. Yet the listing of features possessed by Hobomok and Magawisca also assume the shared humanity and culture that is necessary in the argument for rights. Both have been exposed to Puritan culture and language. Therefore, they are capable of negotiating between white and native cultures. In Child's and Sedgwick's depictions, not only can these Indians successfully inhabit the space between Indian and white, but their presence also proves invaluable to the families with which they are linked. Hobomok is a frequent visitor at the Conant house and is permitted much time alone with Mary, a luxury not allowed Charles Brown. During this time together Hobomok tells Mary of his tribe and teaches her to make a wampum belt for him. Mary has also done Hobomok a great service when she saves his mother from death after Indian healers had decided she was a lost cause. Hobomok returns the favor by betraying his own kinsmen and bringing news of Corbitant's murderous intentions for Salem to the Conant household where the leaders of the town are congregated.

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a proper lusty young man, and one that was in account amongst the Indians in those parts for his valour" (qtd in Karcher xxii).

Prompted by his love for Mary and his understanding that most events and knowledge pass through this household, Hobomok immediately heads to the Conant home when he hears of Corbitant's plot. When he arrives, his news is received by Mr. Conant, Mr. Oldham, Mr. Graves and Governor Endicott along with Mary and her mother. Upon hearing the news of Corbitant's plan to attack, Endicott asks Hobomok for further information concerning the relations between Indian tribes. Hobomok replies that the Narrangansets are friendly to King Charles, which paints them as loyal to the English but also offensive to the Puritans. This prompts Mr. Conant to praise the strength of English numbers and faith and to go on to claim that this faith will protect them from being killed by Indians (37). The real worry according to Mr. Conant is not the Indians but that "false prophets and false Christs are abroad in the land" (37-38). From here the discussion moves away from the immediate issue that needs to be resolved and takes up the ideas of whether the elect are upheld in all cases, use of saints vs. scripture in writing, theories of "inward outpouring" and the mysteries of scripture. The men cease their discussion only when Hobomok returns to tell them that he suspects Corbitant and his followers are waiting in the woods to ambush the town. They then gather a party and surprise their would-be attackers before they can do any damage. The next day the captured Indians are returned, like scolded children, to Sagamore John. Ultimately, violence is averted and the Puritans are saved from their own incompetence in dealing with life and death matters because of the peaceful interactions between Hobomok and the leaders of Salem—a testament to what Child sees as the potential outcomes of native assimilation.

A somewhat idealistic and oversimplified depiction of cultural exchange and assimilation, Child's idea of Hobomok's actions repackages an old stereotype of Indian loyalties offered by Hubbard in his *General History of New England*. Hubbard claims that "they are indifferently affable and courteous, yet subtill and strangely revengeful, and malicious. A small kindness will oblige them for an whole generation; and as little an injury, or suspicion thereof, will worke in them a deadly hatred and opposition" (28). This dichotomy plays out in the novel in the choices and emotions of the two Wampanoag chiefs, Corbitant and Hobomok. In an interesting absolution of white fault, Child makes the hatred toward whites felt by Corbitant the result of Indian actions. Slighted by Hobomok's refusal to marry one of his kinswomen, Corbitant takes revenge on Mary and her people because she is the object of Hobomok's love. This means that goodness and badness of Indians is a result of their individual nature. So, some might be converted and others may remain hostile, but white action is connected only to the good Indians and positive outcomes. A bad outcome, as in the case of Corbitant's actions, is the sole fault of the Indian. It is Indian humanity and motives that are questioned, not those of their white counterparts.

In *Hope Leslie*, Sedgwick paints a more complicated picture of Indian-white relations by making both her white and Indian characters question each other's humanity and the outcomes of cultural exchange. When the daughter of a Pequot chief, Magawisca, arrives at the Fletcher household Mrs. Fletcher is skeptical to say the least. Magawisca's expression of "dignity, thoughtfulness and deep dejection" (23) combined with her lavish native dress causes Mr. Fletcher to react "with a mingled feeling of compassion and curiosity" and leads Mrs. Fletcher to think that her husband "might as well have brought

a wild doe from the forest to plow the fields, as to give [her] this Indian girl for household labour” (24). Her reaction, which is described by the narrator as “rather that of a housewife than a tender woman” centers first on the practical concerns of having Indian children in her house. Beyond more mouths to feed, their presence means the Fletcher household is forced, as a good Christian home, to overcome their own biases in order to treat Magawisca and Oneco fairly. Only after she reconciles the practical can Mrs. Fletcher begin to see Magawisca as human. These reactions of curiosity, practicality, and ultimately compassion are both motivated and hindered by religion and popular concepts of Indians that it conveys. Mrs. Fletcher, the first to speak to Magawisca, immediately lets her know that she should consider herself lucky to “have been taken from the midst of a savage people and set in a Christian family” (24). When Magawisca does not respond to this insulting assessment of her life and culture, Jennet reinterprets for her: “Mistress Fletcher means...that you should be mightily thankful, Tawney, that you are snatched as a brand from the burning” (24). The reactions of Mrs. Fletcher and Jennet, though different in their harshness, reflect prevailing notions, both Puritan and nineteenth century, about the dichotomy of savagery and civilization and the cultural discrimination on which it was based. The fact that these two women describe Magawisca’s separation from her tribe as being “taken from the midst” and “snatched like a brand from the burning” also highlights an assumed lack of positive familial ties among Indians. However as Burchell points out they also show a pro-Indian position in that their insistence that a Christian home will do her good shows that they see her as capable of civilization through assimilation (116). Still, these assertions would taint the whole scene if not for Everell’s command that Jennet hush. As if to apologize for Jennet and assure



Magawisca she will be treated kindly, Mrs. Fletcher repeats the tenet of the civilized vs. savage dichotomy in her promise that Magawisca will have no hard work and that she “will soon perceive that [their] civilized life is far easier—far better and happier than [her] wild wandering ways, which are...but little superior to those of the wolves and foxes” (24). Everell responds to his mother’s harshness by countering that perhaps the Indian tribes must act like wolves and foxes because of the way they have been hunted by white men. His assertions of white cruelty are almost immediately confirmed when Digby and an Indian enter and show Mr. Fletcher a scalp that the Indian has recently taken that must, on the order of Mr. Pyncheon the magistrate, be taken to Boston to collect the reward offered for the scalp of a Pequot chief. Upon hearing this, Magawisca fears the scalp is that of her father, the Pequot chief Mononotto. When she is assured the scalp is not her father’s, she charges the Indian who brought it to take a message to her father that “his children are servants in the house of his enemies” but also hesitates to fully trust the Indian to deliver the message and makes him swear on his future prosperity that he will faithfully do her bidding (26).

These initial exchanges with members of the Fletcher household and Magawisca show the difficulty of the concept of native assimilation and the prejudice inherent in it. The constant revision of responses that moves from cruel and dismissive assessments of Pequot culture toward a justification of Indian actions based on white’s actions recreates for readers the spectrum of ideas about Indians in the nineteenth century. Even though progress has been made and there is something like sympathy evolving, the abrupt ending of this evolution with the violent presence of an Indian scalp shows the ground yet to be

covered, and Magawisca's insistence that the visiting Indian swear on his future prosperity highlights what is at stake for both Indian and Puritans.

The assessment of the situation is just as conflicted for Magawisca. Despite her ability to speak English and her long exposure to Anglo-American customs, Magawisca's experience has made her a skeptic of the humanity of her white counterparts, but it has also made her wary of those Indians who might assimilate enough to engage in violence on behalf of the whites. The root of her skepticism is laid out in her retelling of the Pequot War, which contradicts Puritan accounts of it. In Magawisca's first-hand account of the attack on her home, she emphasizes the ways the Puritans engaged in the very acts that they use to characterize the "savagery" of Indians. As Magawisca explains, the colonials are guided to the village by the traitor "Wequash; he from whose bloody hand my mother had shielded the captive English maidens—he who had eaten from my father's dish, and slept on his mat." Once there they, unprovoked, surround and attack a village of sleeping women and children. The few young warriors that were in the village defended their homes and people and temporarily fought back the English. However, the English responded by burning the homes of the Indians, with many of them still in the wigwams, using a brand taken from Magawisca's family hearthstone "where the English had been so often warmed and cherished" (49). Later, after the tribe has had a few days to recover, they are once again tracked down and ambushed in a swamp. Women, children, and the elderly are fired upon at will as they sit waiting for their warriors to return. Magawisca's family is saved only because one of the white soldiers remembers her mother's kindness to him. To repay this kindness, Magawisca, Oneco, and their mother are taken to Boston where they are held captive until their mother dies.

While Magawisca makes it a point to emphasize the violence of the English actions, it is her continued depiction of the violation of Indian trust and kindness that is most important to the tale. Each act of English violence is facilitated by the betrayal of a kindness extended by Magawisca's family, so war is not an action between two faceless nations but a personal affront. When Mononotto and Sassacus return from the tribal council after the massacre, all eyes are upon Mononotto because he was friendly to the whites and had always counseled tolerance. His wife and children had survived when so many others had not. As Magawisca explains "*He* had been the friend of the English; *he* had counseled peace and alliance with them; *he* had protected their traders; delivered the captives taken from them, and restored them to their people" and now he found himself considered a traitor to his own people (50). Kindness to the English had not prevented violence or created a profitable alliance; it led to murder. This also brings up what the novel's narrator admits is "the most serious obstacle to the progress of the Christian religion, in all ages under all circumstances" which is "the contrariety between its divine principles and the conduct of its professors; which instead of always being a medium for the light that emanates from our holy law, is too often the darkest cloud that obstructs the passage of its rays to the hearts of heathen men" (51). With this admission, Sedgwick upholds the righteousness of the Christian faith and places blame on misguided believers. She is enacting an absolution of white guilt similar to the one offered by Child. Sedgwick essentially argues that all Christianity cannot be held accountable for the actions of a few. However, at the same time Sedgwick makes it possible for the few to save the reputation of the many by having one white man who held on to his humanity in the battle save Magawisca and the remainder of her family. Therefore, Magawisca finds herself in the

position of having to reconcile her experiences of violence at the hands of whites with the fact that a white man also saved her life. Depending on how she negotiates her response she can either become an Indian who continues violence and confirms the bad stereotypes of her tribe, or she can become the exception that is used to promote a shared humanity. Regardless, Magawisca finds herself caught between two worlds and does not know who she should trust, so she hedges her bets by sending a message to her father and working her best to fit into the Fletcher household.

The result is a carefully negotiated peace in which Magawisca and the Fletchers can respect each other as exceptions to the rules and care for each other for the same reason. So, when Magawisca hears that her father is planning an attack on the Fletcher household, she finds herself trapped between two worlds not simply because of past deeds but because of shared devotion. She loves her father but distrusts his ability to read the true nature of her role in the Fletcher household. She loves Everell and other members of the Fletcher household but feels guilt at choosing them over her father. Her ability to broker peace between the two of them is hindered not by her dual allegiance but by each side's unwillingness to accept it or understand her warnings and pleas. Three times Magawisca attempts to warn the family that something is afoot so that they might be saved. And in an interesting rewriting the biblical parable of Peter's denial of Christ, three times the Fletchers refuse to understand her. First, Magawisca sadly exclaims, "how soon the flush of the setting sun fades from the evening cloud!" When she is called a "bird of ill-omen" for her comment she explains that though the Fletchers call an owl a bird of ill-omen Indians hold him sacred for "he is [their] sentinel, and when danger is near he cries, 'awake!' 'awake!'" (62). The Fletchers respond to her warning by telling

her she is unkind for not sharing in their excitement at the return of Mr. Fletcher. Later they brush off her cryptic warnings as mere melancholy and instead ask her “Magawisca, you are neither a stranger, nor a servant, will you not share our joy? Do you not love us?” (62). She replies, “love you! I would give my life for you.” Still, the family does not understand the importance of her warning or her response. After she has delivered her third warning, her father and a group of Indians appear and commence their attack. In the midst of this violence Magawisca pleads with her father to stop his warriors by exclaiming “the mother—the children—oh they are all good—take your vengeance on your enemies—but spare—spare our friends—our benefactors”(63). Mononotto is blinded by his rage and too acutely remembers the destruction of his own village to heed his daughter’s pleas. The Fletchers must be the stand-ins for all English so that revenge can be exacted. In both cases, the two sides of the civilized/savage divide between which Magawisca is caught fail to realize or acknowledge that they share parts of each other on a grand scale. While they can make exceptions for individuals or in their particular homes, those exceptions do not translate to a social tolerance.

In *Hobomok* and *Hope Leslie* the tolerance expressed in the home is not necessarily upheld by Puritan leaders or the members of the household itself when faced with scrutiny from the larger community. In the case of Hobomok, his acceptance in the Conant household shows an appreciation for his ability to negotiate two cultures and a trust based on his loyal devotion to the settlement and family. However, his presence is also acceptable because he, to Mr. Conant’s mind, can never fully integrate because he cannot marry or procreate with Mary. According to eighteenth and nineteenth century

ideas of human development, Indian men were sexually underdeveloped.<sup>23</sup> Therefore, unlike Charles Brown who is seen as a potential sex partner, Hobomok can be an amusing companion to Mary and is granted unsupervised time with her. Read in the context of nineteenth century debates about race and intermarriage, Mr. Conant is unable to conceive of the possibility of his daughter marrying an Indian because such a union defies accepted sexual and racial norms and also contradicts the presumed purpose of interracial marriage. As Maddox explains, nineteenth century attitudes toward intermarriage emphasized the importance of making Indian women ready to marry white men (39). A marriage between a white woman and an Indian was taboo because not only it was offensive to concepts of female delicacy, but it also served no economic purpose. There would be no gain of property or social position if a white woman married an Indian man. However, because the majority of Indian societies were still largely matrilineal at the beginning of the nineteenth century, marriage between a white man and Indian woman meant access to much desired Indian land. So, while he is willing to invite Hobomok into his home, Mr. Conant is unwilling to call him family.

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<sup>23</sup> In Georges-Louis Leclerc, Comte de Buffon's *Historie Naturelle* he says of the Indian that "the organs of generation are small and feeble. He has no hair, no beard, no ardour for the female. Though nimbler than the European, because more accustomed to running, his strength is not so great. His sensations are less acute; and yet he is more timid and cowardly. He has no vivacity, no activity of mind" (25-26). In *Notes on the State of Virginia*, Jefferson refutes some of de Buffon's ideas regarding Indians declaring "they are formed in mind as well as in body, on the same module with the 'Homo sapiens Europaeus.' The principles of their society forbidding all compulsion, they are to be led to duty and to enterprize by personal influence and persuasion. Hence eloquence in council, bravery and address in war, become the foundations of all consequence with them. To these acquirements all their faculties are directed. Of their bravery and address in war we have multiplied proofs, because we have been the subjects on which they were exercised. Of their eminence in oratory we have fewer examples, because it is displayed chiefly in their own councils. Some, however, we have of very superior lustre" (61). However, like de Buffon, Jefferson includes his description of Indians in his section on the variety of animals. He also explains that special exceptions must be made for the difference in culture.

When after her disappearance, Mr. Skelton delivers the news that Mary is not dead but has become the wife of Hobomok, Mr. Conant replies that he “could more readily have covered her sweet face with the clods than bear this” because he “had made up [his] mind to her watery grave... but to have her life in the bosom of a savage and mingle her prayers with a heathen, who knoweth not God, is hard for a father’s heart to endure” (133). The implication is that Mary’s decision to marry Hobomok is worse than her committing the sin of suicide. Both are considered sin, and intermarriage is the worst of the two because it is not final. While suicide would have been a tragedy and a sin, its finality would have given Mr. Conant the ability to keep his public role and reputation undamaged. However, by marrying Hobomok Mary is alive and therefore continually able to remind the public of the transgressions of the Conant family, especially after she has a child. Because of the community’s ideas about Indians’ religion, culture, and humanity, Mr. Conant would rather socially disown his child than be seen as accepting her marriage to an Indian. Mr. Conant does write Mary to urge her to consider her marriage unlawful and return to him, but Mary realizes what Mr. Conant will not articulate which is that “she should only be considered an outcast among her brethren” (136). Mary also knows that her vows to Hobomok were her choice and as such they were not “any less sacred than any other voluntary promise” (136). Her father’s pleas to have her see them differently are founded on the premise that because Hobomok is not white, then promises made to him are less binding than those made to whites. Hobomok has humanity but not equality under Puritan doctrine—the implication being that laws and promises can be upheld or broken when advantageous to the colony or individual.

Lack of equality under the law and fickle application of justice also characterize the instances in *Hope Leslie* when the morals and relationships of the home conflict with Puritan ideologies and government. Interestingly, in *Hope Leslie*, these conflicts are at times between home and town, as in the case of Nelema's trial and between one home (Bethel) and another home (Governor Winthrop's residence) as in Magawisca's trial. In Nelema's trial, the dictates of the Puritan theocracy are allowed to invade the Fletcher home because Mr. Fletcher cannot reconcile his faith with the necessities of frontier living. The whole incident begins when a poisonous snake bites Mr. Cradock while he is on a hike. Hope immediately runs to the home of Nelema, the local Indian healer, for help. Nelema comes to the house with a bag of herbs and chants over Cradock while she waits for the herbs to take effect. Her singing and dancing is part of a traditional Indian healing practice, but to Jennet who is watching through the peephole, Nelema is practicing witchcraft. After danger has passed for Mr. Cradock, Jennet runs to tell Mr. Fletcher of the evil she witnessed. Mr. Fletcher largely dismisses Jennet as a busybody and seeks no punishment for Hope. However, his Puritan teachings say that he cannot ignore the possibility of witchcraft and local law makes him subject to investigation, so when the elders of the village hear of the event, Fletcher allows Nelema to be arrested and carried before the "triumvirate, Mr. Pyncheon, Holioko, and Chapin" (108). These men take the word of "Jennet and some of her gossips" who "imputed to [Nelema] all the mischances that happened for the last seven years" as the truth of the matter because it matches their own opinions of Indians and Indian culture as savage (108-109).

When Hope is called as a witness and refuses to testify against Nelema she too finds herself threatened that she might be "found in the folly of Balaam," and when she



does respond that Nelema is innocent and that she thought it “better to mistake in blessing than in cursing” Hope is told that her opinion is regarded “but as the whistle of a bird” (109). So, her words have enough importance to condemn Nelema but not to call to task the elders of the community. Digby, who speaks out against the proceedings of the court and their decision to deem Nelema worthy of death, is also “summoned before the magistrates, and publicly reprov’d” as well as threatened (109). Mr. Pynchon warns him to “speak no more against godly governors and righteous government, for ‘to such scoffers heaven had sent diverse plagues—some had been spirited away by Satan—some blown up in our harbors—and some like poor Austin of Quinnepaig taken into Turkish captivity” (109). This over-the-top threat points to Mr. Pynchon’s own overinflated sense of self-importance. It also shows that the court is motivated not by justice but by the justification of their right to judge. As social inferiors, one by virtue of gender and the other by lack of property, Hope Leslie and Digby are deemed as unworthy witnesses. Therefore, their testimony is inconsequential. Likewise, Nelema is not even called to testify in her own defense because the word of an Indian cannot be used against whites. In the end, the judges disregard any testimony that contradicts their seemingly predetermined sentence because there is nothing in the law that says they must listen to a woman, an Indian, or a white man without property. Each of these people is subject to punishment under the law but not its protection.

The disconnect between the reality of Nelema’s healing of Mr. Cradock, which those within the household deemed a necessary step for saving a family member, and the magistrates interpretation of it once again points to a problematic relationship between individuals and the state. The magistrates are blinded by a narrow interpretation of

religion, a rigidity that does not allow for exceptions, an inability to accurately assess the character of those levying the charges, racial prejudice, and a good dose of self-importance. The council of magistrates also seeks to control individuals in a way that allows them to follow their own sense of right and wrong even when it flies in the face of reason or Christian charity. In combination these attributes lead to a restrictive, punitive religion and government that defines difference as potentially dangerous degeneration. Therefore, while the home might uphold a position on Burchell's axes that tends more toward high brow, eastern notions of the relationships between Anglo-Americans and Indians, the government holds a decidedly more frontier and low brow estimation of the same relationships.

This point is reiterated and expanded when Hope and the Fletcher family later move into the residence of Governor Winthrop. As the home of the governor and a place where he entertains diplomats and makes state decisions, the Winthrop home is decidedly a public, government space as much as it is a private, individual one. In showing how Winthrop runs his household and the decisions he makes for those housed in it, Sedgwick explores the danger of too much individual power in a single *man*. Not only does Winthrop take it upon himself to meddle in the personal lives of Everell, Esther and Hope, but he is also shown to be a dupe who cannot assess the true character of the people he encounters. Winthrop relies so narrowly on the *performance* of piety that he cannot discern a person's intentions. When Sir Phillip Gardiner, a poor schemer and Church of England faithful who associates with the worst papists and pirates of the colony, arrives Winthrop, and by extension the other Puritan leaders, are immediately taken in by his portrayal of Puritan godliness. Gardiner successfully inserts himself into

society and the good graces of Winthrop by donning Puritan dress, manners, religious ritual, speech and praise for the elders. When Gardiner follows Hope Leslie to a secret meeting with Magawisca and later spins a lie about an Indian uprising based on what he saw, he gains the confidence of Winthrop because he speaks the same language of prejudice and fear of Indians as Winthrop, and does so in the tongue of a Puritan. Gardiner's deception and the rumors about Magawisca as the leader of an Indian rebellion might not be so threatening or cause such a chain of events had not the lie been given to the governor who runs his home and the colony according to the dictates of his own political and religious ideas—ideas that are surely proven foolish and empty by the ability of such a dubious character to so effectively mimic them.

Of course, Sir Phillip's success also relies on his ability to play upon the prejudices he knows Winthrop has, particularly his narrow view of Indians. These views are most clearly expressed when a contingency of Indian leaders is invited to the Winthrop home for dinner and is clearly snubbed. As the narrator describes it, in addition to the main dining table "a side-table was spread, but in a manner so inferior to the principle board, which was garnished with silver tankards, *wine cups*, and rich china as to indicate that it was destined for inferior guests" (145). The anticipated discrimination is confirmed when the Indian chief Miantunnomoh, his two counselors, and interpreter are asked to take their seats at the side table instead of with Winthrop and his white guests. When Miantunnomoh and his company refuse to sit, a flustered and somewhat indignant Winthrop demands to know what the problem is. In a chastisement that recalls Magawisca's assessment of the English concept of equality and reciprocity, the interpreter explains that the chief "expects such treatment from the English saggamore, as

the English receive in the wigwam of the Narrangasett chief” where “when the English stranger visits him, he sits on his mat and eats from his dish” (146). Winthrop is appropriately shamed and admits his fault by moving the Indian party to the main table. Yet his motives are questionable. Does this action reflect his personal beliefs or is it a smart piece of diplomacy? Can the two be separated in this instance? Winthrop’s apology only muddles the distinction for he claims that the chief deserves a place of honor due to his generosity toward the English as reported by Roger Williams. No intimacy is implied in this explanation and the second-hand nature of the information points to a lack of actual interaction with the tribe beyond the dinner and matters of state being discussed that evening. The lack of personal connection between Winthrop and any of the Indians at the meal, or presented in the entire novel, means that he is once again unable to judge their true character and makes bad decisions about Indian affairs. By making Winthrop a dupe who can easily be manipulated because of his prejudices, Sedgwick too questions the fitness of even “great” men to make decisions by depicting them as having the same characteristics that supposedly make women unfit for public life. Of course Winthrop’s inability to judge character also makes him unfit for navigating the private home as well.

Winthrop’s dual role as governor and head of household means that state affairs are intimately tied to familial ones, and his ability to dictate the outcomes of both centralizes power in a way that proves detrimental to the freedoms of those who dwell in the household. One of the freedoms at stake is the ability of the individual to form relationships with Indians that are not in keeping with the official policy or rhetoric of the state. This means that the personal relationship the Fletcher household has with Magawisca and their pleas for reasonable treatment of her go unheeded. When

Magawisca is captured, she is brought to Winthrop's home before being sent to jail, which gives him the opportunity to make a private decision that will influence the state. He can follow the dictates of his own emotion and the advice of his housemates who know Magawisca more intimately. However, he does not take this opportunity and instead upholds the impersonal state position. When Everell's excitement to see Magawisca alive is tempered by the realization that she is being guarded, he demands that Governor Winthrop explain. The exchange between Everell, Magawisca, and Winthrop that follows demonstrates the heartlessness that comes from a lack of personal interaction and the danger of too little division between the male individual and state:

“It means, sir,” replied the Governor coldly, “that this Indian woman is a prisoner of the Commonwealth.”

“It means that I am a prisoner, lured to the net, and betrayed”

“You a prisoner—here Magawisca!” Everell exclaimed,— “impossible; justice, gratitude, humanity forbid it. My father—Governor Winthrop, you will not surely suffer this outrage.”

Everell's appeal to justice, gratitude, and humanity falls upon deaf ears because the state does not officially recognize Indians as being worthy of or legally entitled to any of these sentiments. Angry at Everell's interjection, Winthrop replies,

You will do well, young Mr. Fletcher, to bridle your zeal; private feelings must yield to public good; this young woman is suspected of being an active agent in brewing the conspiracy forming against us among the Indian tribes; and it is somewhat bold in you to oppose the course of justice—to intermeddle with the

public welfare—to lift your feeble judgment against the wisdom of Providence, which has led by peculiar means to the apprehension of the enemy. (234)

Winthrop's response labels the concepts of humanity and gratitude as private emotions, not values to be upheld by the state and offers an alternative concept of justice that emphasizes dealing fairly with the state and not the individual, since public good must always supersede private feelings. The hierarchy of private emotion versus public good highlights the very hypocrisy of Winthrop's statements because they also assert that "feeble" individual judgment cannot stand "against the wisdom of Providence," which means that his own judgments have the potential to be equally feeble and wrong.

Winthrop too is but one man who cannot fight Providence, but because he is in control of the home and the state he can define providence in any way he chooses and ignore any of the facts he chooses by deeming them emotional. Just as a complimentary recommendation of chief Miantunnomoh by Roger Williams earned the Governor's kind treatment, it would stand to reason that the character recommendations for Magawisca provided by his closest friends would carry at least equal weight. A reasonable man might also question the means by which Magawisca came to be captured. However, because unkind treatment of Magawisca is as expedient to state aims as kind treatment of Miantunnomoh, Winthrop proceeds with his imprisonment and trial of Magawisca.

In the end, the homes of Conant, Fletcher, and Winthrop and their interactions with the state highlight the very discrepancies between households that are run according to individual morals and the supposed public good of the state and show how the differences between the two make the fight for equality difficult. For while an individual or group of individuals can be an exception to the public rules and forge alliances that are

advantageous to both, unless the state rhetoric and actions are aligned with the individuals no sustained positive interaction occurs. The marriage of Hobomok and Mary Conant cannot last; Mononotto cannot have an alliance with whites and ensure the survival of his tribe and family; the Fletcher household cannot take in Magawisca and Oneco without violence; Magawisca cannot love both the Fletchers and her family; Nelema cannot heal Cradock without risking her own life, and Magawisca cannot bring together the Leslie family without the potential loss of her own. As this list of impossible relationships indicates, the majority of the impact from negotiating the discrepancies between individual morals and state interests falls upon the women and Indians of the two novels. Although the home has become a public space, the state does not recognize the rights of these two groups or their presence, and their causes are always mediated by a man. So, even though women and Indians can forge beneficial relationships and maneuver to the benefit of society, their impact is limited because they do not have the full, official rights of participation that would allow them to restructure their relationship with the state so that the ideas of justice, gratitude, and humanity they practice are no longer incongruous with the state.

### **III. Renegotiating Relationships**

In order to fight the “justice” of the state and argue for the humanity of both women and Indians, these two disenfranchised groups must align to fight against a patriarchal society that largely excludes them. Interestingly, when the women in particular fight back, they fight not just for a new understanding of Indian/white relations but for more freedom of choice for women in terms of their ability to enact autonomy in

their lives. Working within more traditional roles, Mrs. Conant seeks to maintain balance by influencing her husband to act charitably toward Mary and her love of Brown. When her husband rails against England, its church and wealth, Mrs. Conant tempers his wrath by reminding him of their own past and her choice to give up familial connections and wealth to follow him into the wilderness (108). Additionally, when Mr. Conant is away, she allows Brown and Mary to meet at their house. On her deathbed, Mrs. Conant makes her husband promise that, if Brown ever returns to the colony, a marriage to Mary will go unopposed. Mrs. Conant's pleas and actions are also supported by Widow Willet who allows the couple to meet at her house. The women of Salem are able to overcome prejudice that the men cannot. When the help of her mother and Widow Willet are not enough to persuade Mr. Conant to overcome his prejudice and treat his daughter with compassion, Mary enacts a full retreat from Puritan society.

With her marriage to Hobomok Mary breaks cultural taboos and at least temporarily relinquishes her social status, wealth, faith, and family in order to escape the restrictive bounds of the Puritan patriarchy. In the wigwam of Hobomok she can dictate her own life in a way that was unavailable to her in Salem or her father's home. Mary's eventual return to Salem and her family and social status as well as her marriage to Brown is facilitated by Hobomok's willing departure and divorce when Brown returns. This points to the temporary nature of her escape to Indian culture and certainly complicates our understanding of Indian/white relations in the novel and its nineteenth century implications. Still, a return to society could not occur without her marriage to Hobomok because only through personal loss is Mr. Conant able to understand the



impact of his prejudice. Mary must throw in her lot with the Indians before she is able to renegotiate her role in society.

Likewise, Hope Leslie must break cultural norms and prejudices to correct the misjudgments of the Puritan elders. For Hope this comes in the form of two jailbreaks. Early in the novel when Nelema is convicted of witchcraft, Hope, with the help of Digby, orchestrates Nelema's escape. Hope makes certain to be in the home of Mr. Pynchon where Nelema is being kept, and during dinner she simply happens to notice where the key to Nelema's cell is hidden. According to the explanation of events Hope gives in her letter to Everell, after dinner Digby comes to escort her home but is dismissed because there is no pressing reason she must return to Bethel. That night she goes to bed like usual and hears nothing of Nelema's escape until one of the Pynchon girls wakes her the next morning. Of course there is the small matter of Hope's mysterious dream that night in which she stands in the Pynchon garden with Nelema who promises never to forget her kindness and to ensure that Hope will see her sister again. It is the keeping of this promise by Nelema that precipitates Hope's second jailhouse delivery.

As part of her promise to Hope that she should see her sister Faith again, Nelema seeks the help of Magawisca, who in addition to being undyingly devoted to Everell, is Faith Leslie's sister-in-law. Magawisca's capture while fulfilling the promise of reuniting the sisters and the Puritan leaders' misinterpretation of the actions and character of those involved means that Hope Leslie once again finds herself in the position of defying Puritan leaders in order to bring about true justice. She, as a woman, must step in when male leaders have erred. To this end she breaks into the jail by convincing the jailer through appeals to the help she rendered his family that she and Mr. Cradock should be

allowed to see Magawisca even though they do not have a pass from the governor. Once in the cell she makes Cradock change places and clothing with Magawisca and then walks her out the front door and to the pier where Digby is waiting with a boat.

For Mrs. Conant, Mary Conant, Hope Leslie and Magawisca the stimulus for their acts of resistance is an offended sense of justice and the impact of the patriarchy on their personal lives. In the case of Mary Conant and Hope Leslie in particular, their ability to act and demand change is very closely tied to Indians, thus echoing nineteenth century rights debates that offered women an alternative concept of the relationships between Indians and the state, women and the state, and women and Indians. Mary Conant's marriage to Hobomok offers a viable alternative to the restrictive relationships of Puritan society, and he proves worthy of her affection not only because he dotes on her but because he too sacrificed his cultural standing to be with her. Hobomok negotiates a middle ground between Indian and Anglo cultures that makes him a respectable figure in the Puritan community. He is able to adapt to change, honor a true sense of justice, and overcome prejudice leveled at him from both whites and Indians in a way that his white counterparts are not. This too is a key element of the nineteenth century women's depiction of Indians that becomes relevant to the fight over Indian Removal. Not only do the Indians most intimately tied to the heroines of the two novels overcome prejudice, but in their interactions with whites they are trustworthy, honest, and deserving of fair treatment. In fact, they often act more honorably than the Puritans. Hobomok sacrifices standing in his own tribe to protect the woman who cured his mother and her people. And in the end he is willing to walk away from Mary and his son so that she might be happy. Such selflessness is unseen in the Puritan men. Nelema also risks much in her

willingness to heal Mr. Cradock, and she faithfully keeps her promise to Hope Leslie. Magawisca loses her arm at the hands of her own father in order to push Everell out of the way and take what was meant to be his deathblow. Each Indian character is deemed worthy of the risks taken by the white women who would defend them. Not only is each Indian character faithful and self-sacrificing, but they are also able to show the error of Puritan doctrine through their innate sense of justice. Hobomok shames Mr. Conant and other Puritan leaders by reminding them that god and justice are bigger than racial distinctions, and Magawisca defends herself in court in a way that points out the falsehoods of Gardiner.

Lest the relationship between the heroines and Indians seem too idealized, it is also important to examine the conflicts in these relationships. Mary Conant is unable to entirely reconcile herself to her new life with Hobomok. When Sally Oldham extends an overture of friendship, Mary will not immediately accept on the grounds that she is ashamed of her life and fall from grace (130). Even after the birth of her child Mary still sees Hobomok with a love of appreciation but not one of passion like that felt for Brown. Her willingness to quickly accept the divorce of Hobomok and the marriage proposal of Brown also indicates uneasiness with life as an Indian. Though she can find happiness in her home and son, she is still concerned that she is culturally neither fully white nor fully Indian and therefore subject to prejudice from both. She is doubly othered and susceptible to losing standing as a white woman and an Indian. Thus she supports ideas about passionate marriage as well as strictly gendered ideas about intermarriage.

Hope Leslie also struggles to negotiate the two cultures in her relationship with her own sister and with Magawisca. Magawisca had long been a figure of heroism in

Hope Leslie's eyes and in the Fletcher household because of her rescue of Everell. So for Hope, Magawisca is tied to the family through the bonds of a shared past and sacrifice. She and Hope are also tied because they share a sister. Yet, Hope, like Mr. Conant, cannot reconcile herself to a definition of family that includes a full mixing of cultures. Her sister's loss of English, marriage to Oneco, and conversion to Catholicism are an affront to her Puritan values that cannot be fully or easily accepted—not necessarily because of religious reasons but because of the distance they create between her and her sister. This distance is furthered by Faith's refusal to return to Hope or the Fletchers.<sup>24</sup> Hope's relationship with Magawisca is likewise impacted by her hesitance to fully accept Magawisca's decision to return to her father and Indian culture instead of staying in Boston. In Hope's mind someone so like herself in conviction and belief (many critics have pointed to the ways in which the two women twin each other) should easily be accepted, and willing to be accepted, by white culture.

The problem at the heart of these relationships between women and Indians in the two novels is precisely the problem that made advocating on behalf of Indians so tricky in the nineteenth century: cultural identity. No matter how much women and Indians highlight their shared attributes, differences cannot be overcome without some loss of status for one or both sides of the alliance. If Magawisca stays in Boston she will be seen as a second rate citizen who as a woman and Indian is doubly othered. If Magawisca

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<sup>24</sup> The choice made by Faith Leslie and the family's difficulty in dealing with her adoption of Indian culture and Catholicism echoes the narrative of Eunice Williams told in John Demos' *Unredeemed Captive*. In 1704 Eunice, along with several other family members, was captured by Indians in Deerfield and marched north to Canada. Over time the release of all of the other family members was secured, but Eunice's was not released at first because she was a favorite of her captors and later because she refused to return. Despite repeated attempts by her family to persuade her to return to Deerfield, Eunice refused to leave her Indian husband and the tribe. She remained with the Mohawks for the rest of her life, but in her later years she did make contact with her Puritan family. The story would have been particularly familiar to Sedgwick who was a relative of Eunice Williams.

returns to her father, even if he is regarded as a shadow of his former self, she still has social status and some rights. Of course this also works in the other direction. If Magawisca stays, then Hope becomes closely aligned with her in a way that might cause her own status to be questioned. Likewise, if Faith Leslie were to return to Puritan society, she would never be considered fully white again, and she would face religious persecution. Staying in Boston would also mean total isolation of the type she felt in the Winthrop household would pervade her life.

In the end, all Indian characters return to their native culture or simply fade away into the west never to be seen again, which points to the difficulty white women who advocated on behalf of Indians had imagining whites and Indians as part of one family. The lines that must be crossed to promote such an idea of a national family meant that women might lose societal standing and run the risk of being doubly othered. There is much at stake in this alliance, but *Hobomok* and *Hope Leslie* point out there is also much to lose if the relationships between Indians, women, and the government do not improve. If the national rhetoric regarding Indians continues to adopt the lowbrow, frontier notions of racial inferiority and official policy demands cession of lands over all other political goals, the result is literally the physical and cultural death of entire tribes of people. However, a road forward is difficult to navigate because the ability of either women or Indians to participate in the discussion is limited by their shared inability to achieve full political participation. This has prompted many critics of *Hobomok* and *Hope Leslie* to claim that they address what might have been in Indian white relations. Yet I would argue that the novels are both a look to the past, and a vision for the future. They offer an argument for restructuring the republic in a more inclusive way and models of the

responsibilities and sensibilities of female and Indian citizens beyond the founding generation.

In the case of Mary Conant, she manages to avoid the passive death of her mother and is ultimately able to choose her husband without sacrificing her wealth and social standing to do so. By marrying Hobomok she is, in the end, able to enact social change within her family and the community. Her marriage to an Indian clears the way for her to choose her own partner by essentially presenting an alternative so disgraceful that the economic and religious differences that made a marriage to a rich follower of the Church of England unacceptable seem trivial. Of course, she has made all of this happen at Hobomok's expense. He is the one that sacrifices his family, culture and home to Mary's happiness. While his choice to divorce Mary and leave Salem upon Brown's return has all of the characteristics of the romantic hero who would sacrifice his own happiness for the woman he loves, Child's plot also points to a willingness on the part of women to utilize Indians in the fight for their rights while disregarding the rights of the Indians themselves. Yet the plot might also be read in a more positive light as the relationship necessary for a new, more inclusive society where the son of a white woman and an Indian chief might become fully integrated into society.

The question of which way the conclusion of the novel should be read lies largely in the willingness of the nineteenth century audience to accept the marriage between Hobomok and Mary. It is also partly influenced by the reality that Child cannot erase the fact that the Puritans had effectively removed Indians from the Northeast by cession of land, disease, and violence. If Child has Hobomok stay with Mary, she offends nineteenth century ideas of sexuality even further by making the marriage permanent. By making

him leave she upholds the trajectory of Indian/white relationships in New England and makes him a figure whose loss is to be mourned because of his superior character. In the end, perhaps the most meaningful fight against removal that Child can offer is that to remove the Indians would mean the loss of greatness and the ability to mutually benefit from a positive relationship with Indian tribes.

In *Hope Leslie*, the vision of the future is more multi-faceted and offers a wider variety of potential relationships between men, women, Indians, and the government by offering three heroines: Hope Leslie, Magawisca and Esther Downing. As what Jennifer Camden terms the “secondary heroines” Magawisca and Esther are “seemingly representative of the possibilities available to American identity in the seventeenth century” (144). As such, Camden reads Magawisca’s return to her tribe as closing the door on the possibility of interracial marriage and creating a separation between home and the state as well as between Indian and American nations (141, 143). Magawisca’s decision to leave Everell and Hope does indeed mark the end of an Indian presence in the novel. However, it does not entirely preclude the possibilities of intermarriage or positive future relations. After all, Faith Leslie links Hope and Magawisca forever through the bonds of figurative and genealogical sisterhood. Also, Magawisca’s choice is not solely the product of racial discrimination on the part of the Puritan community. She does not want to stay in Boston any more than the government wants her to. By returning to her nation, she returns to her family and leadership of the tribe. In this way she does not separate private and public or domestic and national concerns. Instead she finds the most valuable way to combine them in her own leadership. Finally, Magawisca’s decision to return to her tribe as a leader means that she can use her time with the Fletchers to broker

a better relationship between Indians and the Puritan government. Magawisca becomes a potentially positive outcome for cultural exchange without complete assimilation. Also, she is a woman who can deal with the power structure within her tribe and with the Puritan government without having to express her opinions through a male mediator.

Ironically, the freedom and status granted to Magawisca on her return to her family and tribe is more extensive than that available to the novel's heroine Hope Leslie. Throughout the novel Hope has defied the principles and decisions of the Puritan establishment that she felt were unjust. In the end, this earned her a good reputation in the community because her heart was pure even if her actions were not always acceptable. Yet, these traits were also seen as something that would be tempered by marriage. In her marriage to Everell, Hope Leslie has been able to experience a truly mutual agreement between lovers, and this marriage is blessed with the wealth inherited from her family. Nonetheless, Hope is restricted by the ideas of coverture, because she cannot influence the politics or economy of the nation except through her husband. Everell of course seems amenable to all of Hope's ideas, and actually appears to rely on her for actions that he cannot render. For example, Everell's attempts to free Magawisca are easily thwarted, but Hope's scheme works brilliantly because, unlike Everell, Hope can use her connection to people through acts of benevolence to secure what she wants. In this relationship, Hope is the stronger of the two and more capable of negotiating the public space. Yet she must rely on Everell to be her mouthpiece after marriage if she wants to be socially accepted. She has in some ways won both a direct line to the state and a loving marriage. Still, Sedgwick seems hesitant to praise this as the ultimate goal of the fight for rights, for her description of their marriage is offered secondhand by Esther and is limited



to a single sentence addressed to “that large, and most indulgent class or our readers, the misses in their teens” in which she urges them to fill in the details of the wedding to suit their own fancy. For Sedgwick, ending at love seems insufficient.

The final model offered by Sedgwick is that of rigid Esther Downing whose strict adherence to the rules throughout the novel proves disenchanting to Everell and detrimental to a fully developed sense of justice. In the end, Esther remains single and vows not to “give to a party what was meant for mankind” (350). Though she gets the last line of the novel and seemingly Sedgwick’s praise for her benevolent actions, Esther’s choice to remain single is not without its complications. Her choice not to marry means that Esther would, in a nineteenth century context, get to control her own finances. She also avoids the “vast deal of misery” Sedgwick sees as connected to marriage. However, this does not mean that she fully escapes the restrictions of coverture or the demands of domesticity. Instead she replaces the family and home in which she would perform her domestic duties with the Boston community.

While the novels do offer a vision of the future through the paths taken by their heroines, this future is still complicated by the historical setting of the novels. The intersection of rights movements during the fight against Indian Removal made any alliance between women and Indians potentially fruitful and potentially dangerous. For women, Indian Removal became an opportunity to prove their fitness for citizenship by showing they could participate in political discourse as part of fulfilling their traditional roles. If their efforts failed, women risked further exclusion because it would confirm the reasons they were excluded and make advocating for rights, theirs or the Indians, an inappropriate activity for women. Therefore, as authors and supporters of women’s and Indian’s rights, Child and Sedgwick are also limited by their own restricted role in

society. Without the right to vote, women had to rely upon their ability to influence the beliefs of the men in their lives, and they must couch their opinions in traditional gender roles that emphasized private, domestic relationships. Child and Sedgwick find themselves subject to the same problematic relationship between men, women, the home, and the government that their female and Indian characters face. Unsurprisingly, the models for the future put forward by Child and Sedgwick are centered on the women who embody these traits while at the same time attempting to defy them. The result is a series of imperfect but progressive models that demonstrate the difficulties faced by women and Indian nations advocating for rights in the nineteenth century.

These imperfect models will be put to the test when in the 1830s women are called upon to act very publicly on behalf of the Cherokee and other southeast Indian tribes who face removal. In creating a rhetoric that advocates for rights, both women and Indians must draw on the gendered and racialized models of civilization used to discriminate against them to validate their own words and actions. Women must draw on domesticity and traditional gender roles to expand their role as nurturers in a way that it encompasses their membership in benevolent societies and their public speaking, petition writing, and circulation of print articles on Removal. Indians and their female advocates must also appropriate the discourse of civilization to prove the worthiness of Indians to act as sovereign nations and retain their land. Though their arguments draw upon the same doctrine and aim for the same objective—the prevention of Indian Removal—the centrality of property to the debate means women and Indians cannot move on exactly parallel paths to achieve their goals. Women, who have no property rights, are fighting to gain them for the first time. Indians on the other hand are dealing with a loss of property

rights due to their feminization. This means that while women might still write on Native American rights as part of the fight for their own, Indians cannot and do not fully address women's rights in the same way because explicitly arguing for women's rights would jeopardize their own campaign for rights by reinforcing their feminization. As a result, in the Indian Removal debates, women's writings about Indians and Indian advocacy in and of itself build a rhetoric of rights in which the women's rights and Native American rights movements implicitly intersect.

### **Chapter Three**

## **Alliance and Intersection: Negotiating Race and Gender in the Fight Against Indian Removal**

When Elias Boudinot stood in front of Northern audiences and delivered his 1826 “Address to the Whites,” at Philadelphia’s First Presbyterian Church, he faced the whites in the crowd as the embodiment of the success of the “civilizing” mission supported by benevolent societies.<sup>25</sup> Educated at the American Board of Commissioners of Foreign Missions (ABCFM) school at Cornwall, Connecticut, married to a white woman and fully committed to the cause of Christianizing the Cherokee Nation, Boudinot was neither wholly savage nor wholly white and as such he represented both the assumed benefits and the uncanny doubleness of assimilation. Thus, far from simply arguing for funding for a printing press and type, Boudinot’s presence and his speech embody the complex intertwining of gender, race and political exclusion that problematized representation for Indians and women involved in the Removal debate. To convince his audience of white men to support the cause of an Indian newspaper, Boudinot must balance ideas of cultural and racial similarity and difference, independence and dependence. In many instances this meant accepting, and even playing to, those views of Indians that had led to their exclusion.

Boudinot begins this complex balancing act by acknowledging that his audience might be tempted to “throw back their imaginations to ancient times, to the ravages of

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<sup>25</sup> Born Buck Watie, Elias Boudinot was the son of two full-blooded Cherokee parents and could count several prominent Cherokee men including Major Ridge and John Ridge as family. He had first obtained an education at the Moravian mission school in the Cherokee Nation and then later at the American Board school in Cornwall, Connecticut. At the Cornwall school he met and later married Harriet Ruggles Gold. He lived most of his life in the Cherokee Nation where he served as editor of *The Cherokee Phoenix* until he was forced to resign the post during the controversy over the New Echota Treaty, which he along with several of his prominent family members had signed. After the Cherokee were removed Boudinot would be killed for his signing of the treaty, which was seen as a betrayal of the Cherokee Nation.

savage warfare, to the yells pronounced over the mangled bodies of women and children” and form “an opinion inapplicable and highly injurious to those for whose temporal interest and welfare” he advocates (69). By evoking the most feared and sensationalized depictions of Indians as savages, Boudinot reminds his audience of what is at stake in their “civilizing” mission. He also establishes a point of comparison to highlight Cherokee assimilation, for he then offers himself as an example of the successful adoption of Christian civilization. Boudinot asserts, “You here behold an *Indian*, my kindred are *Indians* and my fathers sleeping in the wilderness grave- they too were *Indians*. But I am not as my fathers were- broader means and nobler influences have fallen upon me” (69). By defining himself, and by extension the contemporary Cherokee Nation, as an exception to savagery, Boudinot sublimates the threat of violence. He also points to a patriarchal organization and shared manhood that would counter the basis of the tribe’s political exclusion. By presenting himself as an exemplary, Boudinot depends on his own physical presence to confirm his adulthood and maleness. He cannot in person be characterized the way Indians are in theory. However, he does not entirely disabuse his audience of all stereotypes or depict Indians as white, for maintaining some of these differences and the racial and gender hierarchies they imply produces tangible benefits.

To gain the support of his white audience, Boudinot must prove that the Cherokee are exceptional among their peers for their civilization and Christianity, but not so exceptional or independent as to no longer warrant the patronage and political support of white Northerners. Thus he describes the Cherokee as “rapidly improving in all those particulars which must finally constitute the inhabitants an industrious and intelligent people.” As support for his assertion he provides a detailed list of the number of various

livestock, spinning wheels, wagons, plows, blacksmith shops, ferries, schools and roads within the Cherokee Nation.<sup>26</sup> He also points to the parallel between traditional Cherokee faith and the Christianity so many of them have adopted. In addressing those aspects of assimilation most likely to be seen as evidence of a settled life and agriculture, Boudinot makes a subtle argument for the rights of the Cherokee to retain their land on the basis of their similarity to white men. As part of his argument Boudinot elides areas of conflict such as the Cherokee Nation's continued use of communal property rights and the true nature of their religion.<sup>27</sup> Such strategic omissions work to build similarities between whites and the Cherokee. Nonetheless, Boudinot must also be careful to keep just enough difference to maintain the threat of savageness, because such ideas make the Cherokee cause seem urgent and thereby justify white support. Therefore, he holds up the printing press, not as an opportunity for Cherokee autonomy, but as a way to more widely disseminate Christian gospels and promote the causes of benevolent societies. Boudinot proposes the Cherokee present themselves to the world in their own words through the publication of a newspaper in which they "may exhibit specimens of their intellectual efforts, of their eloquence, of their moral, civil, and physical advancement, which will do quite as much to remove prejudice and to give profitable information" (77). The aim of such efforts by the Cherokee is to show their fitness for rights and independence as the same as whites' precisely by showing their ability to be a pitiable other. They must

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<sup>26</sup> The figures used by Boudinot to prove Cherokee civilization are drawn from both the 1810 census conducted for the federal government by Return Jonathan Meigs and a census conducted by the Cherokee in 1824.

<sup>27</sup> In her edited collection of Boudinot's writing, Theda Perdue points out that "Boudinot was so thoroughly Christianized that he did not understand the religion of his own people. The Cherokee did not believe in a 'Supreme Being' or an 'evil spirit'" (Editor, 81).

simultaneously uphold and defy the concepts of gender and race that would exclude them from gaining rights in the patriarchal legal and social systems of the United States.

When the debate over Indian Removal moved from the pages of novels to periodicals and political speeches, the Eastern Cherokee were actively engaged in defining themselves and their right to property for the American public.<sup>28</sup> The question and challenge for the Cherokee and the white women who would support them was determining how groups of people excluded from patriarchal systems of government might use their very exclusion to argue for inclusion and do so forcefully enough to demand attention. They must also grapple with determining how two marginalized groups might align without jeopardizing the success of both. As political others, the Cherokee and the white women involved in the fight against Indian Removal had been excluded along similar lines and faced similar obstacles. For women, the legal concept of coverture gave them few rights and depicted them as children in need of male guardianship. This child-like legal status combined with the increased enfranchisement of white men and changes in the structures of political parties worked to define female citizenship in terms of duties, not rights, and reduced opportunities for public, political participation (Zagarri 156-157). The increased exclusion of women from direct political involvement meant the activities available to them became those associated with the morality of the country. They became the national conscience that operated from above the political fray largely because they were excluded from it. The Cherokee Nation had also been excluded through the use of gender and race. Gendered concepts of civilization

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<sup>28</sup> In 1817 approximately 1,500 to 2,000 Cherokee decided to move west as part of a treaty that offered lands west of the Mississippi and government help in exchange for lands in the southeast (Anderson ix). The Cherokee who chose to remove acted in defiance of tribal government, and were eventually stripped of claims of alliance with the Cherokee who remained. Those who remained were designated the Eastern Cherokee and engaged in the fight against Indian Removal.

and proper land cultivation had feminized the Cherokee. The feminization of the tribe combined with the paternalistic rhetoric of the “Great Father” used to describe the relationship between the US and the Cherokee Nation meant that, like white women, the Cherokee were victims of a patriarchal legal system that viewed them as child-like and in need of white, male guidance.

For both women and Indians the rise of benevolent societies offered a way to productively, if not somewhat problematically, negotiate their exclusion and the benefits of an alliance. Benevolent groups operated on the basic premise that by doing good works and sacrificing of their own time and money they might create a more perfect society.<sup>29</sup> To this end, these groups engaged in local and national campaigns aimed at alleviating a number of societal ills such as poverty, drunkenness, unfair wages, and public health. Given the religious affiliations of many benevolent societies, they also engaged in national and international missionary efforts like the ABCFM work with the Cherokee as well as political issues seen important to the moral character of the US. Each of these benevolent causes depended on first identifying an aspect of society, usually a group of people, in need of perfecting and then building support for the cause by developing feelings of public sympathy for the object of the campaign. As Glenn Hendler explains, cultivating sympathy or compassion depends on a person’s ability to “feel *like*” the subject through a process that asks them “to compare his or her emotional experience analogically” with those they are to help, but do so “in a way that maintains a degree of difference between the subject and object of sympathy” (5). The fact that those

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<sup>29</sup> For discussions of the origins, rhetoric, and reach of nineteenth century benevolent societies and women’s involvement in them see Anne M. Boylan, *The Origins of Women’s Activism: New York and Boston, 1797-1840*; Hershberger, Mary. “Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s”; Susan Ryan, *The Grammar of Good Intentions: Race and the Antebellum Culture of Benevolence*. Ithaca: Cornell UP, 2003; Bolt, Christine. *The Women’s Movements in the United States and Britain from the 1709s to the 1920s*. Amherst: U of Massachusetts P, 1993.



identified by a benevolent society as in need of aid frequently differed from its largely middle class, female members in race, social class, economic status, or gender meant difference was inherent in most campaigns. Therefore, sympathy creates affective connections that are also frequently marked by condescension and the need to see the object of sympathy as racially or culturally different.<sup>30</sup> However, as Meilke points out, this does not mean that all attempts to foster sympathy between individuals through benevolent causes was disingenuous (4). It does however mean that as a rhetorical tool, ideas of sympathy can come to stigmatize or further marginalize those it aimed to help, especially when utilized by another othered group such as women. As the case of women's benevolent work on Indian Removal reveals becoming the object of female sympathy held the potential to confirm the feminization of Indians.

Therefore, though they shared similar positions and had been put in those positions by similar, but in no way identical, constraints, too close an alliance between white women and the Cherokee could prove detrimental to both groups' argument for rights. This was in part because of their different aims and the consequences of the outcome for each group. White women involved in the anti-removal movement were not only fighting for the prevention of forceful relocation of southern tribes but also sought a socially sanctioned avenue for developing a national political voice and a platform for entering the discussion about the gendering of property and citizenship. In order to

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<sup>30</sup> See Lauren Berlant, *The Female Compliant: The Unfinished Business of Sentimentality in American Culture*. Durham: Duke UP, 2008; Jane Tompkins, *Sensational Designs: The Cultural Work of American Fiction, 1790-1860*. New York: Oxford UP, 1985; Shirley Samuels Ed., *The Culture of Sentiment: Race, Gender, and Sentimentality in Nineteenth-Century America*. New York: Oxford UP, 1992 ; Cindy Weinstein, *Family, Kinship and Sympathy in Nineteenth Century American Literature*. New York: Oxford UP, 2004; Sandra Gufstason, *Religion, Sensibility and Sympathy*. New York: Cambridge UP, 2012; Julie Ellison, *Cato's Tears and the Making of Anglo American Emotion*. Chicago: U of Chicago P, 1999; Julia A. Stein, *The Plight of Feeling: Sympathy and Dissent in the Early American Novel*. Chicago: U of Chicago P, 1997; Lori Merish, *Sentimental Materialism: Gender, Commodity Culture and Nineteenth Century American Literature*. Durham: Duke UP, 2000;

achieve both of these goals, women had to play to the concepts used to exclude them by employing their restricted political role as an entry point into national participation. As the moral force that acted from above the political fray, women could gain political influence by showing the question of Indian Removal to be a moral one, not a question of legal premise. However, in order to make Removal a socially acceptable, moral cause, women must make the Indians in question part of a white woman's religious domain. To this end women needed to depict the Cherokee as savages capable of civilization through Christian benevolence or as children in need of parenting. Such characterizations, however, could simply reinforce the exclusion of the Cherokee and harm their chances of effectively fighting Indian Removal by undermining their right to political participation.

While women were fighting for a political voice, the Cherokee were fighting for the political definition and survival of a nation, for which success meant proving a collective manhood. If Indians had been classified as female and child-like by patriarchal systems, then only when they became symbolically male and adult could the Cherokee gain the ability to challenge their exclusion through political and legal means. Establishing manhood meant upholding (at least publicly) patrilineal systems of inheritance, private property and Christianity—all of the elements of civilized adulthood that had been used to demonstrate the Cherokee's previous lack of fitness for inclusion. Yet such moves toward manhood meant ignoring and at times excluding the white women who might support them because an alliance with a group of people who were female and lacking in legal rights meant that the Cherokee might also been seen that way by association.

Nonetheless, both white women and the Cherokee needed each other in order for their individual goals to be achieved. Women needed the Cherokee to be a cause that would prove their fitness for not just the duties but also the rights of citizenship by showing they could participate in political, public debates independently of men. The Cherokee needed women to provide them access to Northern social networks and benevolent groups in order to gain the support of white men and women. Therefore, women's depiction of Indians as in need of Christian guidance in order to achieve civilized adulthood provided the Cherokee a platform for gaining political support from benevolent societies by proving how much progress they had already made. Such acts of defining themselves through and against the systems that would exclude them as well as each other create two rights movements that, on the surface, are marked by absences. However, when examined more closely these absences are in fact deliberate rhetorical choices that allow the Cherokee and their female advocates to construct interdependent approaches to tackling the issue of Indian Removal. These seeming absences give each group the opportunity to play to their individual strengths and collectively construct a more complete rhetoric of rights. Thus it becomes important to examine those moments in which the two movements intersect.

In exploring the interconnectedness of the two movements it is important to remember that intersections between rights movements were not simply political or national. For many white women advocating for Indians' Rights, these intersections between their search for rights and Indians' rights were the result of personal, local relationships and connections that reflected of the complicated questions of race and gender that shaped the national debate. Perhaps the best example of this is the web-like

set of connections that tied together three of the anti-removal campaign's most prominent figures: Elias Boudinot, Jeremiah Evarts and Catherine Beecher. Their lives intersected with the presence of the ABCFM school in Cornwall, Connecticut. Established in 1817, the school aimed to "civilize" and "Christianize" Indian men so they might return to their tribes and spread the gospel. As a member of the board of ABCFM, Evarts participated in decisions related to the group's missionary activities, including the establishment of the school. He also became editor of the group's official publication, the *Missionary Herald*. Evarts would later go on to work with Elias Boudinot to translate the Bible and hymns into the Cherokee language. For his part, Boudinot was a student at the school from the age of fifteen until 1826, when he graduated and married Harriet Gould, the daughter of a prominent white family. The Boudinot-Gould marriage caused intense public outrage and effigies of the couple were burned in the town square. The governing board of the school, of which Catherine Beecher's father Lyman was a member, publicly denounced the marriage as "criminal" and an "outrage on public feeling" (Report on the Foreign Mission School, June 1825). Catherine Beecher would herself become directly involved in the fight against Removal after Jeremiah Evarts, a long-time friend of her father, spoke to her about the Removal crisis.

As the relationships between these three individuals show, alliances across race and gender could be complicated and carried potential negative outcomes for each. The closeness of the relationship between Evarts and Boudinot might lead some to wonder to what extent the Cherokee editor wrote his own articles or could remain connected to the Cherokee people. The outcry over the Boudinot-Gould marriage had shown Catherine Beecher that too close an association with an Indian man would not be tolerated by her

own family or the educated elite whose daughters she hoped to enroll in her school. Clearly, while an alliance between Indians and whites was necessary for fighting Indian Removal, so too was space. Seeming disconnects between the aims of women and the Cherokee offered both groups the distance needed to define themselves against, not only the patriarchy that had excluded them both, but also each other as necessary.

Such spaces and intersections between the rights movements are most clearly displayed in periodicals of the time, which offered women and Indians a wide audience, the ability to write and borrow from numerous articles, and access to extensive networks of people. They also provided the opportunity to translate such personal relationships, with all of their complications, into public causes, without jeopardizing the character of individuals or the aims of the movements they represented. Denominational periodicals were unique in their ability to give women and Indians an opportunity to present public arguments in a forum that was socially sanctioned because of its ties to benevolent causes. Such publications offered a way for women to use their exclusion from overtly political acts to their advantage. Such journals also gave the Cherokee the opportunity to speak to white audiences in their own words through reprinting speeches, letters, and memorials written by the nation. Through the circulation of religious and other periodicals, voices that might otherwise have been absent from the larger political debate over Indian Removal could become powerful and aligned in the mind of the readership. And perhaps no other periodical more aptly combines the interests involved in resisting Removal than *The Cherokee Phoenix*.

*The Phoenix* was unique among the periodicals of the time, for from its inception it represented an alliance between the Cherokee Nation and the ABCFM. Its funding had

also been obtained by Boudinot's speaking tour and his ability to convince audiences of white Northerners that the Cherokee were a cause of advocacy and sympathy. However, the paper was also to function as the official print organ of the Cherokee Nation and argue for Cherokee sovereignty. Balancing such needs meant that, as editor, Boudinot must simultaneously appeal to Cherokee and white audiences. He must also account for the fact that he was writing to a readership of white men and women who must be continuously persuaded of the rightness of fighting Indian Removal as well as members of the Cherokee Nation who would participate in their own defense. Boudinot accommodates such demands in the structure of *The Phoenix*. From the beginning, *The Phoenix* was a dual language newspaper with a dual audience of Cherokee and whites.<sup>31</sup> Articles were written in both the Cherokee syllabary and in English and placed alongside each other in a way that structurally and visually showed the parallels between the two cultures. The content was also selected with such an alliance in mind. Boudinot published official tribal documents such as the Cherokee constitution, letters received from federal Indian agents, memorials sent to Congress, the proceedings of the Congress and the House of Representatives, as well as the views of Cherokee who traveled across the US, death notices, items for sales, and findings of the Cherokee courts. Historical accounts of white and Indian interactions and the reports of missionaries in the Cherokee Nation were also routinely published. This range of items proved important for informing the Cherokee of events pertaining to the fight against Removal as well as creating a more complete picture of the Cherokee Nation for the paper's white readers. It also sought to unite the different groups invested in the fight against Removal by erasing from its format

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<sup>31</sup> In reports of his visits to Indian country, Boudinot's father-in-law Benjamin Gold claimed that the *Phoenix* "is respected throughout the United States and is well known in Europe" and that the "office regularly received over one hundred newspapers from publishers far and wide" (Parins 8).

gender and race barriers that might be interpreted as disunity among the pro-Indian movement. Thus articles by white men and white women are placed alongside each other as well as articles written by Cherokee men and women. At a time when even most of the periodicals published by benevolent societies were segregated by gender, such a move is both radical and practical. It creates a unified front and ensures that the Cherokee continue to receive support from all who might give it. Ultimately though, Boudinot's formatting of the paper and selection of articles lays out an extensive argument for continued support for Cherokee rights on the grounds of their civilized nature.

This argument begins as early as the first edition of the paper, in which the first of a multi-part printing of the Cherokee constitution is published alongside a note on the Cherokee alphabet, a translation of the Lord's Prayer in English and Cherokee, and article on Indian emigration that features excerpts of a letter from Secretary of War Thomas McKenney and Boudinot's rebuttal (*Cherokee Phoenix* 1.1). In later publications such as the March 20, 1828 edition, Boudinot pairs an explanation of Cherokee laws with an article containing a speech to the Cherokee by George Washington. The contents of these two editions allow an association of the Cherokee Constitution and laws with one of the US's most revered founders and begin to create a rhetoric of civilization where Christian ideas and American concepts of government can not only be appropriated by Indians but can be used as a rebuttal to the unjust actions of Indian Removal. Boudinot also seems to hope that the proximity of these items on the page will, with the support of his white readership, translate into political proximity. He draws upon the tropes of history and precedent as justification of Indian sovereignty that is used throughout the debate over Removal. Evoking a founding father and signer of the US constitution in the

same issue as the Cherokee laws also lends gravity to the passing of the Cherokee constitution and civil laws as the founding of a legitimate nation. Equating Cherokee actions and white actions reminds white readers of the strides being made by the Cherokee and helps define what is at stake for the ideologies of both if the Cherokee are removed.

*The Phoenix* also sought to foster the relationship between white men and women and the Cherokee through its practice of reprinting articles concerning Indian affairs from other newspapers across the country. In reports of his visits to Indian country, Boudinot's father-in-law Benjamin Gold claimed the Phoenix "office regularly received over one hundred newspapers from publishers far and wide" (Parins 8). Like other editors of the time, Boudinot engaged very actively in the reprinting of articles from other newspapers that he received.<sup>32</sup> He frequently reprinted, with commentary, articles from local southern newspapers that espoused a pro-Removal stance. He also borrowed from northern periodicals accounts of meetings, rallies, speeches and other political functions in which white northerners came out in support of the Cherokee. In addition to reprinting from other papers, particularly those that would promote the Cherokee cause, Boudinot routinely published Cherokee texts that would be republished in Northern periodicals, especially those affiliated with the ABCFM and other religious and benevolent societies.<sup>33</sup> This borrowing brought even more perspectives to the readers and helped

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<sup>32</sup> In *The Newspaper Indian: Native American Identity in the Press 1820-90*, John M. Coward explains that "before the telegraph (and well into the telegraph era), news circulated largely through the mails. Editors used the post office to establish exchanges with editors in distant cities. By clipping items from exchange papers editors could obtain regular accounts of national and international news, materials otherwise difficult to obtain." The fact that such exchanges were free meant that "many editors filled their columns with exchange material" (14).

<sup>33</sup> Fortified by a worldview that emphasized justice and the idea that society could be made better by sacrificing for the greater good, these groups, which were often affiliated with a religious denomination and organized by women, embarked on regional and national campaigns. Many times these campaigns focused



Boudinot further shape the debate over Indian Removal as a national concern, not just a local, Indian problem. By presenting a collage of articles Boudinot was able to shape the Cherokee image for a large audience of whites. Reprinting from a wide variety of white sources also had the effect of helping whites literally and figuratively see themselves in the paper. Their voices, ideas, and words became important and the sharing of the page reinforced their belief in the cause and in their ability to influence questions of national policy in the name of Christian morality.

Active borrowing, the paper's dual purpose, and an association with the ABCFM also offered practical advantages in terms of circulation and audience. According to Theda Perdue, in 1827 Boudinot had "hired agents in a number of states to accept subscriptions from whites for the Cherokee Indian newspaper. By July, he could boast thirty to forty subscribers in Mobile, Alabama and a like number in Troy, New York as well as scattered subscribers throughout the United States. A year later, a copy of *The Phoenix* had even reached Baron William de Humbolt in Berlin" (15). While this reach is by no means insignificant for a dual language paper, it falls far short of the number of subscribers enjoyed by white denominational periodicals. As Mary Hershberger explains, "religious organs were by far the most widely circulated of all periodicals at the time." In addition to a larger readership, these periodicals also appealed to a more diverse readership than the "primarily male and elite" one aimed at by "the traditional party and secular periodicals." Thus, "At a time when the esteemed *North American Review* had a

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on specific social causes such as temperance or the alleviation of poverty in a particular city. Just as frequently, they worked on a national scale to engage in missions and organize around political issue like Indian Removal. See Anne M. Boylan *The Origins of Women's Activism: New York and Boston, 1797-1840*; Mary Hershberger "Mobilizing Women, Anticipating Abolition: The Struggle against Indian Removal in the 1830s."; Susan M. Ryan *The Grammar of Good Intentions: Race and the Antebellum Culture of Benevolence* and Lori D. Ginzberg *Women and the Work of Benevolence: Morality, Politics and Class in the Nineteenth-Century United States*.

circulation of only 3,000, thirty religious periodicals reported subscription lists of 3,000 or more, with fifteen of those having over 5,000 subscribers each” (18). For example, the *Christian Advocate and Journal* boasted 25,000 subscribers and the *Zion’s Herald*, which would eventually be merged with the *Christian Advocate Journal*, had 6,000 subscribers. The official organ of the ABCFM, *The Missionary Herald*, had 14,000 subscribers (Hershberger 18). Access to these titles, as well as having his material borrowed by them, meant that even if *The Phoenix’s* subscription numbers were limited, the ideas and articles it contained had the potential to reach an audience of men and women, Cherokees and whites far beyond those listed among its subscribers.

This chapter plots the interdependence of the Cherokee and women’s rights during the fight for Indian land rights and examines the public arguments of women and Indians and how the complicated relationship between gender, race and political power represented in the texts functions as a rebuttal to, not just Indian Removal, but legal and social arguments that excluded them from the rights of citizenship, particularly political participation and property. I will address the 1829 “Memorial of the Cherokee People,” Catherine Beecher’s “Circular Addressed to Benevolent Ladies of the United States,” and the “Letter to the American People” adopted by John Ross and the Cherokee leadership. Each text was printed in *The Cherokee Phoenix*, as well as at least one other white newspaper. At least two of the three also enjoyed circulation in pamphlet or leaflet form. These texts and their authors also illustrate the complicated, interpersonal connections that drove the anti-Removal campaign. They serve as junctures when for a time each group adopted and promoted the rhetoric of the other. Given their appearance in *The Cherokee Phoenix*, wide circulation and the relationships between the authors, these texts

together offer an opportunity to explore the dialogue created between women, Indians and their audiences during Indian Removal and understand the interconnectedness of two, at times, seemingly disparate rights movements.

## **I. Assimilation and Exclusion**

In many ways, the rhetorics employed by anti-removalists and removalists were formed by differing interpretations of the history and outcome of white attempts to assimilate the Cherokee, as much as they were by contemporary events. After all, as scholars of Indian relations point out, the federal government's nineteenth century scheme to remove Indians ahead of western expansion was nothing new.<sup>34</sup> As early as the first colonial governments, Indian policy frequently sought to gain tribal land by advocating a path of Indian assimilation.<sup>35</sup> The regularity with which white settlers and land speculators ignored government policy and encroached on Indian land was also an old tale. Stuart Banner explains, "What was new was the speed of the process and the attention being paid to it...For the first time, the details of Indian land acquisition became enmeshed in national party politics and in debates about constitutional law" (192). One key reason the fight over Removal became a national debate is the Cherokee themselves. The Cherokee Nation's willing integration of Christianity and settled agriculture into their traditional tribal structure as well as a relatively high number of bicultural members

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<sup>34</sup> See Ronald N. Satz "Rhetoric Versus Reality: The Indian Policy of Andrew Jackson," David A. Nichols *Red Gentlemen and White Savages: Indians, Federalists, and the Search for Order on the American Frontier*; Reginald Horsman *Expansion and American Indian Policy 1782-1812*; William G. McLoughlin *Cherokee Renaissance in the New Republic*; Francis Paul Prucha *The Great Father*.

<sup>35</sup> For perhaps the most extensive exploration of the relationship between the US and Indian tribes, see Prucha's *The Great Father*.

made it difficult to paint them as “savages” standing in the way of civilization.<sup>36</sup> Their ability to use the press to organize a very public campaign against Removal also made them a new type of adversary.

Considered by white, nineteenth century observers to be the most civilized of the Southeastern Indian tribes, the Cherokee were early adopters of an assimilation policy. After the Revolutionary War, the federal government established a series of trading posts throughout Indian Territory known collectively as the factory system. The aim of the factory system was to “control and regulate geographic areas and certain populations” by establishing a federal presence that, if it chose, could enforce terms of treaties and assimilate Indians through trade (Rockwell 92). Yet it was the latter part of this stated purpose that proved most appealing to Indian agents and the presidents under which they served. The factory system was viewed as a way to move Indians from a subsistence economy built upon hunting to one of settled agriculture and wealth attainment. Advocates reasoned that in the transition to “civilized” farmers, Indians would come to value individual ownership over collective property rights and realize they did not actually need all of their tribal lands (McLoughlin 35-36). In many instances, the philosophy of assimilation inherent in the factory system was reinforced by the teachings of missionary societies. These groups used the money available from the federal government to settle among the tribes and establish schools where Indian children were

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<sup>36</sup> In *“Mixed Blood” Indians: Racial Construction in the Early South*, Theda Perdue refers to those members of the Cherokee tribe who are of mixed white and Cherokee ancestry as bicultural because they had special experience in bringing together and living within two different cultures.

given basic educations in reading, writing, history and mathematics and taught the gendered duties of farming and domesticity.<sup>37</sup>

The Cherokee accepted the factory system, the mission schools, and the policy of civilization because these institutions represented a way to survive in a changing world. By the 1820s the Cherokee had an established agricultural tradition, a successful stake in the deerskin trade, a network of towns that provided protection from invasion, and a centralized leadership (Perdue 33-35). The use of white agricultural practices also meant the Cherokee population had been spread across tribal lands. As Douglass Wilms explains in his study of Cherokee land use, Cherokee law said “each family has the right to clear and cultivate as much land as he pleases, so long as he does not go nearer than a quarter mile to his neighbor” (10). In fact, some Cherokee had proven so successful at farming that they also “adopted the whites’ system of black slavery and had established extensive plantations, rivaling their white counterparts” (Prucha 185). A convenient by-product of this policy was that, theoretically, the Cherokee Nation could protect more land from white settlers because it was considered a developed farm, not a wilderness. Thus, the nation more closely resembled prosperous white settlements than the Indian country imagined by those in charge of the factory system. In fact, the Cherokee proved so successful in adopting agricultural and trade practices that the factory system began losing money and was eventually ended in 1811.

Another Cherokee development not accounted for in official government attempts at assimilation was the rate of intermarriage. A significant number of whites, mostly men,

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<sup>37</sup> As early as 1799 Christian missionary groups had taken up residence among the Cherokee and begun establishing schools. In the nineteenth century groups such as the American Board of Commissioners, motivated in part by politics and by philanthropy, moved beyond the civilizing mission and became key allies in the fight over Indian Removal.

had married into the Cherokee Nation. Following the traditionally matriarchal structure of the tribe, the children of such unions were considered full Cherokee. These bicultural Cherokee were uniquely suited to bridge the gap between traditional Cherokee and white cultures and as such were “more amenable to adopting white agricultural practices than the full bloods, who tended to be conservative.” As interactions with encroaching settlers increased, these bicultural men and women rose to power in the Cherokee government and “played a crucial role during the nineteenth century” (Wilms 3). In addition to, or perhaps because of, the economic, geographic and demographic composition of the tribe, the Cherokee were also able to in many instances negotiate the terms upon which the institutions of “civilization” entered their territory.

For the Cherokee Nation, contact with white settlers and the process of assimilation was by no means without significant problems; however, because the institutions of assimilation were frequently based on a fundamental misunderstanding of the true nature of tribal life, the Cherokee were better able to control the impact. The result was a blending of cultures that allowed the tribe to adopt those practices they found helpful and disregard the rest. As Theda Perdue explains, the Cherokee adopted white practices in ways that were particularly economically advantageous: “By the end of the eighteenth century a number of Cherokees had accumulated substantial capital” and in the early nineteenth century “they began to look for ways to invest that capital” (34). While the decision of these wealthy Cherokees to invest in livestock, equipment, and infrastructure might have been seen as a triumph for the factory system and Christianity because it moved them toward a white system of commodities and agriculture, it did not have the desired effect of increasing the reliance on individual property rights. If

anything, the adoption of white practices taught the Cherokee the value of their land and the practicality of communal ownership. The Cherokee realized that “the practice of holding land in common freed capital for investment elsewhere” (Perdue 36). Far from making them willing to sell or cede their land, the factory system and Christianity had offered the Cherokee the means, education, and motivation to resist. In the nineteenth century the Cherokee Nation consolidated its leadership, made it illegal for any one person to sell land, and adopted a written constitution. According to supporters of Cherokee rights, the history and actions of the Cherokee proved their collective manhood and right to sovereign status. They had done all that the government asked and should be rewarded accordingly.

At the same time that the Cherokee Nation began to more closely resemble a white settlement, demands that the government open more land to accommodate westward expansion and the pervasive practice of land speculation led to increased clashes between white squatters and Indian tribes. This increasing tension placed new emphasis on the failure of assimilation to cause the Cherokee to willingly give up more of their landholdings. Such pressures combined to make the federal government to re-examine, and ultimately rewrite, the history and legal premises upon which it based its interactions with Indian tribes. The long-established process of gaining land by treaty, which underscored the push for assimilation, had been based on the understanding that Indians owned the land; therefore, tribal lands could be acquired only by a formally negotiated treaty with the federal government. After the government procured the land it could be sold to white settlers or the states in which the territory lay. However, this chain of legal ownership had not stopped land speculators from selling investors “preemptive

rights” to land before the Indians had even ceded it. This meant speculators would sell “not *land*, or even the right to *buy* land from the Indians, but rather the prospect of being the owner of the land once the *government* bought the land from the Indians (Banner 160). Land speculators created a system in which Indian land could be sold many times over even while Indians still legally owned it. In a sense that seemed very real to speculators and buyers of preemptive rights, Indians started to feel less like fee-simple owners and more like tenants (Banner 161). Though this shift in thinking about Indian land ownership flew in the face of all official government policies, it became legal precedent in the Supreme Court’s 1823 ruling on *Johnson v. McIntosh*.

In his majority opinion John Marshall, himself a land speculator, used the shifting concept of Indians as occupants of federal land to erroneously rewrite legal and cultural history. First he asserted that “[w]hile the different nations of Europe respected the right of the natives as occupants, they asserted the ultimate dominion to be in themselves, and claimed and exercised, as a consequence of this ultimate dominion, a power to grant the soil while yet in possession of the natives. These grants have been understood by all to convey a title to the grantees, subject only to the Indian right of occupancy.” He then argues that “The British government, which was then our government and whose rights have passed to the United States, asserted title to all the lands occupied by Indians within the chartered limits of the British colonies. It asserted also a limited sovereignty over them and the exclusive right of extinguishing the title which occupancy gave to them” (*Johnson v. McIntosh* 21). The assertion of the right to grant occupied lands opens the way for speculators, and Marshall’s later claim that it “has never been doubted that either the United States or the several states had a clear title to all the lands within the boundary



lines described in the treaty” gives individual states power to bypass the federal government and extinguish and grant land rights on their own. The impacts of the ruling were widespread and shaped the focus of Indian policy as well as the arguments of those on both sides of the Removal issue.

For Andrew Jackson and those advocating the removal of the Cherokee, Marshall’s ruling provided a legal precedent for their argument that the land had never actually been owned by Indians but had always been the property of the federal government. It also justified an Indian policy based on the idea that the Indians were simply occupants who could be evicted at any point. Marshall’s ruling also enflamed debates over states’ rights by creating a legal gray area that made it possible for states or individuals to ignore treaties and dispossess Indians without the consent of the federal government. Anti-removalists would frame this policy gap and Georgia’s violent exploitation of it as a sign of the federal government’s weakness and lack of trustworthiness.<sup>38</sup> Finally, for both groups the Johnson v. McIntosh decision made the history of the relationship between Indians and whites a central tenet of their arguments. This history became encapsulated most fully for both groups in the image of the President as the “Great Father.” For each group, their interpretation of the “Great Father” hinged on the ways they used it to navigate the racial and gender hierarchies implied by the term.

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<sup>38</sup> Between 1828 and 1832 Georgia would seek to make the Cherokee relinquish their lands through a combination of harassment and a very public argument over states’ rights. In 1828 Georgia made a move to annex Cherokee land into four counties. In 1829 Cherokee laws were declared illegal; Cherokees were not allowed to testify in their own defense or as witnesses in cases involving white men. By 1830 white men such as missionaries who might come to the aid of the Cherokee would be required to get a permit and take an oath to the state of Georgia before being allowed to live on Cherokee land. In addition to such legal maneuverings, Georgia also unofficially encouraged white settlement of Cherokee land and formed the Georgia Guard whose stated purpose was the enforcement of Georgia laws but actual activities were more squarely aimed at making life in Georgia so miserable that the Indians would agree to Removal.

The variances in these interpretations can be seen in Jackson's "First Annual Address to Congress" and the responses to it penned by the Cherokee Nation and Catherine Beecher.

## **II. To Parent a Nation: The Great Father and Patriarchy in the Indian Removal Debate**

Perhaps no one embodied the attitudes that must be challenged by anti-removalists more than Jackson himself. A veteran of Indian wars, negotiator of exploitative treaties and a staunch believer in states' rights, by the time Jackson was elected president he had already been actively involved in the removal of Indian tribes from the Southeast.<sup>39</sup> He had also developed a rhetorical approach to the Indian question that combined tropes of benevolence, paternalism, and cultural superiority to read history in a way that depicted Indian Removal as the only viable option. In his first address to Congress on December 8, 1829 Jackson opens his discussion of Indian affairs with his explanation for why the Indians retain their "savage ways" and remain in "a wandering state." According to Jackson, the problem is in the American approach, which on the one hand professes "a desire to civilize and settle them," but on the other, loses "no opportunity to purchase their lands and thrust them farther into the wilderness." He does however allow for exceptions for "a portion... of the Southern tribes" who "having mingled much with the whites and made some progress in the arts of civilized life, have lately attempted to erect an independent government within the limits of Georgia and

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<sup>39</sup> As Robert V. Remini explains, at the end of the War of 1812, Jackson was assigned the task of executing Article IX of the Treaty of Ghent. This article said that all land taken from Indian tribes after 1811, including the approximately twenty-three million acres Jackson wrestled from the Creek Nation during the 1814 Creek War, must be returned. Citing the presence of Indians in the Southeast as a threat to national security, Jackson simply ignored the article and continued removing the Creek (47). Though the federal government never officially endorsed Jackson's actions, it also did not stop him because removing the Indians was expedient to westward expansion, and they feared the reaction of western settlers and Southern voters to whom Jackson was a war hero (Remini 47).

Alabama.” The tribes in question, largely the Cherokee Nation, offer evidence that the civilizing project has been a success, but Jackson is unwilling to acknowledge this because it came after “having mingled much with the whites” and presents a challenge to the US government.

Jackson’s discounting of what advocates of Indians’ Rights would deem successful assimilation reveals two important tenants of removalist rhetoric. The first is the need to solve the problem that adoption of white practices and interracial relationships posed for patriarchal concepts of property ownership. Both of these factors make it difficult for Jackson to deny the Cherokee right to land ownership based on either their lack of “civilized” agricultural practices or white influence. The presence of bicultural Cherokee men who most clearly represent the fusion of white and Cherokee practices prove particularly problematic reminders of the complications interracial relationships caused for racialized, patriarchal concept of property laws. These men, though they frequently had white fathers, had primarily obtained their property through the Cherokee Nation’s matrilineal inheritance patterns, not its more recent adoption of patriarchal inheritance. The presence of a patrilineal system and their status as free individuals meant that arguments such as the “condition of the mother,” which had been used to deny the biracial children of enslaved black women property rights or citizenship, could not be used with the Cherokee. Since removalists cannot exclude Cherokee men on the basis of gender, they must find another means to avoid the problems caused when patriarchy and race do not uphold policy. The solution then lay in the other restriction to conferring property and legal manhood: age. Therefore Jackson returns to the notion of the Cherokee as children incapable of achieving even “some progress in the arts of

civilized life” without the guidance of white men. The Cherokee’s status as children and Jackson’s emphasis on states’ rights instead of assimilation work together to further exclude the Cherokee by making them incapable of participating in the legal systems that will determine their status.

Once Jackson has ensured Cherokee exclusion, he spends a significant amount of the speech explaining the case of states’ rights in reference to the claim of sovereignty of the Cherokee Nation. He then tells Congress that he has unequivocally “informed the Indians inhabiting parts of Georgia and Alabama that their attempt to establish an independent government would not be countenanced by the Executive of the United States, and advised them to emigrate beyond the Mississippi or submit to the laws of those States.” Ironically, Jackson’s statements to the Cherokee and his suggestion that they remove repeats the very contradiction in policy he points to in the beginning of his remarks on Indians, which is that despite advocating civilization, the main motivation was the taking of Indian land. Jackson seeks to relieve the tension of this contradiction by framing Indian Removal as a benevolent act, and the only feasible option. In Jackson’s estimation “it is too late to inquire whether it was just in the United States to include them and their territory within the bounds of new States, whose limits they could control. That step cannot be retraced. A State cannot be dismembered by Congress or restricted in the exercise of her constitutional power.” In short, history is history. Therefore, the only solution to a problem that is so “deeply interesting to our national character” is to take the “remnants” of tribes that were once “possessors of these vast regions” and move them west so they will be able to avoid “the whites with their arts of civilization, which by destroying the resources of the savage doom him to weakness and decay.” Jackson

bolsters his claim that such acts are benevolent by asserting that “[h]umanity and national honor demand that every effort should be made to avert so great a calamity.” Yet he tenders no offer to protect Indians from either the states or the whites who would figure so prominently in their supposed demise. Instead, he promises removal will be voluntary and ample amounts of land will be set aside for them in the west.

Never in his discussion of Indian Removal does Jackson waver from his position that Indians are wandering savages or children. In fact, in many ways, his remarks echo the rhetoric of not only removalist but of the anti-removalist as well. The tropes of a once powerful people who had been reduced through contact with whites and of a native culture that was more savage than civilized are present in the majority of arguments made by whites during the debate over Indian Removal. For most whites involved in the Indian Removal debate there was an implied racial hierarchy to their view of the Indians. While some envisioned the possibility of Indians assimilating into white culture, this concept still implied that Indian culture was somehow inferior, that Indians would have to “improve” in order to be fit for white, civilized society. Depending on who was crafting the argument, such racial and cultural differences could become reasons for sympathy or scorn, for both relied on perceived distance to create an emotional response. The challenge for anti-removalists was to counter removalist rhetoric in a way that maintained implied differences but moved its audience toward sympathetic responses.

After Jackson’s first address to Congress, the Cherokee wasted no time responding to the discussion of states’ rights and framework for benevolence outlined in the speech. On December 18, 1829 the Cherokee leadership penned a memorial to Congress, and the same memorial appeared in *The Cherokee Phoenix* January 20, 1830

with the attribution “Cherokee Nation December 1829.” By presenting their grievances in the form of a memorial, the Cherokee leadership uses the form’s understood purpose as a direct petition to Congress to respond to specific elements of Jackson’s speech. They question Georgia’s right to claim Cherokee land, their place in civilization, and their relationship with the government by reconfiguring Jackson’s own language to offer a careful plotting of Cherokee/US interactions that expose as false the premises upon which Jackson bases his interpretation of events. In doing so, the Cherokee also outline an argument for Cherokee sovereignty that relies on defining the tribe as worthy of sympathy *and* capable of claiming collective manhood as the basis of their challenge to the gender and racial classifications used to exclude them.

Just as Jackson’s message to Congress sought to define the issue of Indian Removal for a national audience, so too did the Cherokee response. The publication history of the memorial and its rhetorical framework and content all point to an intended audience of both Congress, Northern supporters of the Cherokee (male and female), and a more generalized American public. In order to appeal to all potential audiences, the Cherokee must walk a fine line between making assertions of sovereignty and showing that they understand and respect the procedural, social and racial constraints present in the rhetorical situation. As memorialists they must also observe the common tropes used in such documents. Therefore, the Cherokee begin their memorial with a formal address and quickly follow by introducing themselves as memorialists who “humbly make known to your honorable bodies, that they are free citizens of the Cherokee Nation” who bring their case to Congress because they know that those in Congress are “generous and just.” By couching the first assertion of Cherokee sovereignty in terms of humility, the

Cherokee show reverence while at the same time claiming a status equal to members of Congress, for they too are male representatives of an independent nation. They then seem to weaken their own claim to equal status by likening themselves to “weak and poor children” who “are accustomed to look to their guardians and patrons for protection.” However, after claiming that Congress is “generous and just” in nature such a claim of feigned inferiority frames the potential actions of Congress in terms of morality. If Congress helps the Cherokee, they prove themselves worthy of the accolades. If Congress denies the Cherokee they prove their own lack of benevolence. The Cherokee present not simply a petition but a moral and political challenge to Congress. By adopting, and complicating, the patriarchal language of the Great Father used by Jackson, the Cherokee are creating the potential for exposing the holes in the argument that Removal is an act of benevolence, namely the true motivations for moving Indians and the unjust legal wrangling by which such ends are being achieved.

After challenging Congress to act in a way that lives up to their assumed status, the Cherokee provide an answer to Jackson’s narrative of Indian land loss and tribal extinction that draws upon a history of successful Cherokee assimilation. According to Jackson, the Indians were stripped of their land by “persuasion and force” and because they had been surrounded by whites who “with their arts of civilization, whereby destroying the resources of the savage doom him to weakness and decay.” While he admits Indians were sometimes driven off their land by force, Jackson places the blame largely on the inability of Indians to keep up with a far superior civilization. In order to challenge racialized and gendered definitions of civilization, the Cherokee offer a lengthy

rebuttal of this theory that focuses on the ways the whites and the federal government have betrayed the basic tenets of fairness in both personal and legal actions.

First, the Cherokee recount the history of early interactions with whites in a way that emphasizes the kindness with which the Indians treated whites and the fact that the Indians were the original owners of the land. As the Cherokee explain, “When the ancestors of the people of these United States first came to the shores of America, they found the red man strong--though he was ignorant and savage, yet he received them kindly, and gave them dry land to rest their weary feet. They met in peace, and shook hands in token of friendship. Whatever the white man wanted and asked of the Indians, the latter willingly gave.” As the “lord” of the land, the Indian was kind to the white man, but such kindness became weakness because the whites were unwilling to reciprocate. The implication here is that treating people justly and with charity is the hallmark of a civilized, Christian society; therefore, instead of being reduced to “remnants” by a superior civilization, the Cherokee and other Indian nations have been reduced by the “sweeping pestilence” of white incivility.

Nonetheless, the Cherokee must be careful not to portray all white men as part of the problem or they risk alienating those white men and women who might support them. They must point out those specific cases and specific men who have failed them. Therefore, they begin to outline their complaints about Georgia and Jackson’s policies by making it clear that they see those in Congress as allies. The memorialists explain that congressmen are addressed as “brothers” because that is the “usage adopted by our forefathers, and the great and good men who have successfully directed the Councils of the nation you represent.” Such a statement connects current congressmen with past ones



and reminds them of the long history of Indian interaction with Congress. It is also aimed at reminding the Congressmen that they are “the immediate representatives of the American people” and as such have certain responsibilities to those people.

The Cherokee’s application of the term “brother” also reconfigures other key relationships implied by the rhetoric of the Great Father. In the Cherokee version of patriarchal structure established by the Great Father, the President remains father of the country, but Congress itself, as we see above, inhabits the same position as the Cherokee memorialists. Claiming such similarities makes both groups children who must claim their manhood by using their roles as representatives of a nation to defend the will of their people even when it means going against the Father/President. Consequently, Congress has the duty to stand with their Cherokee brothers if that is what the American people demand. Such a construction of the role of the Congress implies that claiming manhood also relies on the ability to stand up to a father figure when he is wrong. Congress and the Cherokee can truly become brothers and represent their respective nations by challenging Jackson’s stand on Georgia’s actions and Indian Removal. In this moment, the Cherokee use the terms of their exclusion to forge a new relationship with the white patriarchal government in order to show themselves as both aggrieved children and champions of the people’s wishes, whether those people be the Cherokee Nation or the whites that support it.

The Cherokee lay the ground for such a dual attack in their description of Jackson’s response to Georgia’s ultimatum that the Cherokee sell their land and remove or become citizens of a state where they would have no rights. According to the memorialists, “when we first heard of this we were grieved, and appealed to our father

the President, and begged that protection might be extended over us. But we were doubly grieved when we understood, from a letter of the Secretary of War to our Delegation, dated March of the present year, that our father the President had refused us protection, and that he had decided in favor of the extension of the laws of the State over us.”

Repeated use of the words “protect” and “grief” offers the expected actions of a father contrasted with the emotions of a child who has been rejected. Jackson has failed to provide the most basic functions implied in a father/child relationship and espoused in his own rhetoric. Since he is the President, paternal failure is also policy failure and calls into question the ability of both Jackson and the government to uphold the most essential elements of white manhood implied by the notion of the Great Father, namely a superior ability to protect and guide the lives of their “children.”

Therefore, in place of the failed white father, the Cherokee offer their own concept of fatherhood, which bequeaths to them the right to remain on their land and gives their white “brothers” in Congress a rationale for standing up to Jackson. First and foremost, the Cherokee father makes Cherokee land ownership not only legal but divine: “The land on which we stand we have received as an inheritance from our fathers who possessed it from time immemorial, as a gift from our common father in heaven.” Their land rights come, not from a white man or man-made laws, but from authority with which no one can argue. After all, such a construction repeats biblical narratives offered as justification for white land ownership and dominance. Land rights are further substantiated through patrilineal inheritance in which Cherokee forefathers pass it on to their male children. And it is “This right of inheritance we [the Cherokee] have never ceded, nor ever forfeited.” Creating an inheritance that is patrilineal and predates white

land ownership in the new world, works in two ways. First, it makes the Cherokee father older and more powerful than the Father/President because presidents serve limited terms. Secondly, establishing the Cherokee right to land as determined by god and patriarchal inheritance allows them to directly counter the most controversial part of the Johnson v. McIntosh ruling and removalist rhetoric because it allows them to assert their collective manhood and constructs a history that gives them the right, as men, to speak on legal matters.

In their memorial, the Cherokee challenge the removalists' use of the Johnson v. McIntosh ruling to declare Indians tenants at will instead of fee simple owners of their own land by demanding they be shown what legal precedent there is for the latter reading of Indian land rights. For as the Cherokee are quick to point out, no evidence of a change in Indians' ability to own their land outright is contained in the treaties that ended the Revolutionary War or any treaties thereafter that were seen to supersede it.<sup>40</sup> To insert it years later when it would benefit the U.S. is illegal and immoral.

If so, why was not this forfeiture declared in the first treaty of peace between the United States and our beloved men? Why was not such an article as the following inserted in the treaty: "The United States give peace to the Cherokees, but; for the part they took in the late war, declare them to be but tenants at will, to be removed, when the convenience of the states within whose chartered limits they live shall require it." That was the proper time to assume such a position. But it

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<sup>40</sup> In their argument against Jackson's interpretation of the treaties established between the Cherokee and the US, the Cherokee base their interpretation on the language offered in the Treaty of Holston, which still gave the US "the sole and exclusive right of regulating their trade" but guaranteed "all their lands not herein ceded" (McLoughlin 24).

was not thought of nor would our forefathers have agreed to any treaty whose tendency was to deprive them of their rights and their country.

In addition to mockingly presenting the lack of legal evidence for Marshall's ruling or the shift in land ownership it precipitated, the Cherokee go on to argue their own interpretation of the situation using the US's own legal history and actions to point out flaws in the current logic.

According to a narrative of Indian land cessions based only on what is stated in treaties, not only does the US recognize their "right of inheritance and peaceable possession," but their "rights as a separate people are distinctly acknowledged, and guaranties given that they shall be secured and protected." Therefore, the actions of Georgia and Jackson mean that either the treaties do not represent the will of the government, or advocates of Removal are purposely breaking laws. The memorialists very pointedly ask, "If we were but tenants at will, why was it necessary that our consent must first be obtained before these Governments could take lawful possession of our lands?" They then provide what they see as the "obvious" answer based upon the history of Indian land cessions. They assert "these governments perfectly understood our rights-our right to the country, and our right to self government. Our understanding of the treaties is further supported by the intercourse law of the United States, which prohibits all encroachments upon our territory." In the estimation of the Cherokee, Jackson's actions are not simply based on faulty logic; they are illegal.

In using the idea of the Great Father to offer a patent rejection of the removalist line of argument, the Cherokee publicly challenge the ethics of such a position and point to the discrepancy between legal treaty and action that has come to characterize their

dealings with Jackson and his cabinet. Once again, they question the ability of their “father the President” to protect his children. They also propose that his blatant disregard for the law of the nation he represents is an appropriate moment to challenge his ability to lead, for he has become not simply a neglectful father but an abusive one. Therefore, the “matter of national character” to which Jackson refers in his speech has become nothing less than fitness of the President to lead and to represent the will of the people.

Convincing Congress and the larger audience of the American people of the need to challenge Jackson and Removal in the name of justice for Indians was complicated and required a tacit acknowledgement that Indians must be men but also sympathetic. The Cherokee, as a nation, must strike the same balance that marked Boudinot’s “Address to the Whites.” They must seem simultaneously similar enough to the whites to convince them they are a worthy cause, and different enough to flatter white sensibilities and the racial and gender hierarchies upon which ideas of benevolence are built. Both are required for white to act. Therefore, in the closing summary of their argument, the memorialists once again adopt a language of deference to and praise of Congress and more importantly the American people. This language recalls the opening of the memorial by once again emphasizing the potential for actions based on honor and justice. It also introduces more overtly the theme of Christianity that has been subtly present throughout the memorial in mentions of a common divine father. Here it becomes the key to balancing manhood and sympathy in the fight for native rights and making the Cherokee cause a national one. In the concluding paragraph, the image of the father is once more transformed, this time into a figure that is both Christ-like and Indian and whose presence justifies Indian land ownership. According to the Cherokee, the land is

“our fathers gift—it contains their ashes—it is the land of our nativity, and the land of our intellectual birth.” Evoking the images of fatherhood and the language of the nativity and birth creates a shared, Christian narrative of cultural origin that also echoes commonly espoused ideas about the Christian character of the American nation. The connection between a shared Christianity and a shared right to nationhood is carefully plotted in the memorials remaining lines. After establishing a common cultural and national origin, the Cherokee then “pray” that the “honorable bodies” of Congress will “deliver and protect them from all these and every encroachment upon their rights.” With this explanation of their desires the Cherokee then lay out the reasons for such actions in terms that echo the Declaration of Independence and more directly link nationalism and Christianity. The Cherokee assert, “Their existence and future happiness are at stake- divest them of their liberty and country, and you sink them in degradation, and put a check, if not an end soon to their present progress in the acts of civilized life, and in the knowledge of the Christian religion.” Words like happiness, liberty and country evoke nationalist language but frame the consequences in terms of Christian aims of civilization and salvation. The two entities become more thoroughly integrated in memorialists’ final appeal. Here Removal is described as “in the highest degree oppressive” and at direct odds with the ideals and assumed actions of “the people of these United States, who, perhaps of all those under heaven, are the most religious and free.” The memorialists thus conclude that such a contradictory action “cannot be expected.” After all, a Christian nation certainly cannot want Indians to fall back into savagism and paganism. At stake here is not only the fate of the Cherokee Nation but the credibility of the United States’ status as a Christian nation. Therefore, the Cherokee place the onus on the American people and their representatives

when, in the final two sentences of the memorial they play the supplicant and challenge the American people to live up to their own ideals. The memorialists state, “You represent a virtuous, intelligent and Christian nation. To you they willingly submit their cause for your righteous decision.” In such a statement, the need to appeal to an audience of white men and women means that the Cherokee are able to make strides in claiming cultural manhood in their memorial but are unable to fully claim it. They must still wait, like children, for the decision of a higher power. While the inability to fully embody patriarchal ideals seems like a failure, it is in fact a moment of intersection between Indian’s rights and women’s rights that creates an alliance between the rhetorical approaches. Given the memorial’s circulation beyond the halls of Congress, use of the familiar pronoun “you” reads as a deliberate attempt to directly address the American public in a personal way. This combined with the use of Christian deference leaves open the possibility of sympathy, and therefore gives white women a means of entering the debate by placing Indians within the purview of their benevolent work.

A mere seven days after the Cherokee Memorial is presented to Congress and only seventeen days after Jackson addressed Congress, Catherine Beecher’s response to both texts appears in Evarts’ *The Christian Advocate and Zion’s Herald* as “A Circular Addressed to the Benevolent Ladies of the United States.” The quickness of Beecher’s response and its similarity to the approach offered by the Cherokee speaks to the urgency with which she wrote as well as the personal nature of the connections between herself, Evarts, and Boudinot. Like her Cherokee counterparts, Beecher bases her response on an historical narrative of successful Cherokee assimilation and interrogates the concept of the “Great Father” in order to craft a rhetoric that draws upon the very concepts used to

exclude her to reframe women's political actions as justifiable. Unlike her fellow Cherokee activists, as a white woman, Beecher was part of the cultural dominant and need not prove her ability to adopt Christianity or other trappings of "civilization." Instead, women had been so thoroughly engendered by these institutions that their challenge lay in proving that a civilized society could indeed accommodate and even benefit from the political action of women. They were not a threat from without but a rumbling from within.

Like the Cherokee, women inhabited a place in American society that was increasingly constricted by new understandings of their relationship to the government. As Rosemarie Zagarri explains, the enfranchisement of most white men by the nineteenth century meant that increasingly citizenship became equated with the right to vote. As citizenship and voting rights were conflated, political parties began to focus more of their energy on those citizens who could actually vote. Therefore, women who had in the past enjoyed a very public role in political parties were forced to the margins (156-157). Such marginalization was ultimately justified by applying biological essentialism to concepts of citizenship and rights in a way that defined rights differently for men and women. White men benefitted from a reinterpretation of Lockean principles that separated rights from duties in a way that allowed rights to be seen as entitlements naturally owed to individuals not "part of a network of mutual obligations." At the same time that Locke was being used to extend the rights of men, Scottish Enlightenment ideas from the likes of Francis Hutcheson and Thomas Reid were being used to constrict the rights of women by reinforcing the connection between rights and duties through a system in which "inequality was a given" (Zagarri 174). By using biological essentialism to paint women



as intellectually inferior to men, the discriminatory application of political theories could be upheld as a natural extension of biology, which could not be challenged. Therefore, citizenship for men meant rights and for women it meant fulfilling their duty of creating unity by serving as the nation's moral compass. Yet, as Elizabeth Dillon argues, even though "biological essentialism operates within liberalism to establish the extrapolitical status of white women," (15) placing women in such a position is not an unfortunate consequence of liberalism, but a necessity. For, "the fictive autonomy of the idealized male participant of the public sphere depends on white woman's theoretical and material status as private" (Dillon 18). In short, though seemingly excluded, white women were an essential part of the narrative of liberalism because they provided the support system necessary for men's political action. In the fight over Indian Removal, women's work with benevolent societies offered the opportunity to use their extrapolitical role in new ways.

Since women were excluded from voting rights, benevolent societies and Christianity offered an opening in the conversation by giving women an "opportunity for moving out of the home without bringing on themselves the censure of men" by giving them a supposedly non-political way to discuss Removal (Bolt 34). Trading on the idea of women as morally superior because they were, as Catherine Beecher claims, "protected from the blinding influence of party spirit, and the aspirates of political violence," middle-class Christian women framed the cause of Indian Removal as one of Christian duty. Still, to ensure a middle-class white woman could conceivably work on the behalf of marginalized groups without becoming marginalized herself, her moral status and religion dictated she still uphold gender roles. This means that while religion

could open doors for participation it could also be limiting. For, as Lori Ginzberg explains, “in a political culture suffused with the assumption that men acquired their rights through a political compact and that women gained theirs by virtue of Christianity, women’s full citizenship could seem respectable only if it was gendered, if it seemed to uphold rather than undermine sexual difference” (43). Religion also “served as a justification...for limiting women’s standing and authority in political debate” by depicting those “who bore responsibilities of a religious nature” as undesirous of or potentially “diminished by full political rights” (42). If such effort was made to equate women with religion as a way of denying political rights, then clearly there was the potential for religion and the concept of duties to also deliver those rights. After all, religious, benevolent work offered women access to capital and extensive networks of similarly minded men and women as well as the ability to influence large numbers of people through socially sanctioned activities. Most importantly, religion and a position above the fray of politics gave women a moral platform from which to challenge their exclusion from the full rights of citizenship. It was this potential that women who stood against Indian Removal hoped to unlock.

Entering into the debate on Indian Removal through the door of religion and benevolent activities gave women a terminology and the ability to avoid the negative backlash that could occur if women simply advocated for their own rights. Instead, they could use the rhetoric of benevolence and duty to argue for both Indian rights and their own. Managing these terms could be tricky though. In order to gain the right to speak on the topic, women must pay homage to the popular notions of gender roles, but, because such roles mandated silence, they must also find ways to subvert them forcefully enough

that the public would listen. In her “Circular Addressed to Benevolent Ladies,” Catherine Beecher makes an argument for women’s intervention in the debate on Indian Removal that hinges largely on the ability of women to participate as part of their “duties.” Alisse Portnoy contends that Beecher’s use of the word duties “suggested obligation rather than rights” and that she “confirmed the exclusion of women from politics, going so far as to affirm submission to the men who governed the nation” (47). Beecher’s actions would have been in keeping with views held by many other reformers who “insisted that social reform represented an extension of their feminine role, not a challenge to it” (Zagarri 145). Yet as Beecher’s involvement in the debate over Removal indicates, the problem with such a claim is that women were engaging in political acts to fulfill their “duties.” Benevolence, with its public campaigns and community organizing aimed at changing policies, was political. Therefore, documents like “Circular Addressed to Benevolent Ladies” need to be read with an eye for how the tensions between the stated purpose and the actual impact of a rhetorical act manifest themselves in public documents. So, even though much is made of Beecher’s characterization of women and the ways in which she upholds conservative values of gender difference and domesticity, to focus only on the relatively small part of the circular that specifically addresses women’s right to participate in politics, is to ignore the significant rhetorical moves Beecher makes throughout the piece and the larger implications of her “Circular Addressed to Benevolent Ladies.”

In many ways, Beecher used gender to create an opening and an audience. Having been a public figure who had published widely by the time she wrote the “Circular Addressed to the Benevolent Ladies,” Beecher knew that her work would find a much

larger audience than the one implied by its title and that its relevance could also be determined by her gender. Since she had been encouraged to join the fight against Removal by Jeremiah Evarts, Beecher knew there was indeed a receptive audience of men and women available to her. However, her choice to circulate and publish her circular anonymously also seems to acknowledge the precarious nature of using moral rectitude as justification for breaking gender norms in the name of politics. By remaining anonymous, Beecher could avoid any public ridicule that might arise from her actions. Initially, the “Circular Addressed to Benevolent Ladies” was distributed largely by mail and through networks of women, which ensured Beecher’s public persona went untarnished.

These tactics proved equally helpful in gaining an audience and negotiating the gender politics behind the layout of many nineteenth century periodicals. When the circular appeared in the December 25, 1829 issue of the *Christian Advocate and Zion’s Herald*, unlike other articles written by women, it was not included in the women’s section of the journal but appeared among the articles written by men (Portnoy 56). This choice speaks to its importance as well as its status as an exception to the assumed rules of gender segregation. Interestingly, these gender distinctions did not apply in *The Cherokee Phoenix*, where the circular appeared on January 6, 1830 alongside articles by both white and Indian men. The printing of Beecher’s circular in both periodicals, and its placement in each, speaks to the importance it was seen to have by both the leaders of the benevolent movement and the Cherokee Nation as well as the connections between those arguing against Removal. It also indicates that the actual, and perhaps intended, audience for the article was neither solely female, nor solely white.

Beecher's intention to aim for a wider audience than the one suggested in the title is supported by the inclusive language and presentation of events in Indian-U.S. relations throughout the piece. After defining an audience in the title, Beecher then challenges the very exclusivity she constructs by claiming treatment of the Indians "demands the immediate and interested attention of all who make any claims to benevolence or humanity" and the threats being leveled at Indians are "causes of alarm to our whole country." While the use of "all" and "whole" can be read as a plea for women to be included, Beecher's use of references to "forefathers" and "white men" that eventually lead to the phrase "our infant nation" indicate the argument made throughout the text is not going to address only a female perspective or reader. Over the course of the first four paragraphs of the text, Beecher follows a trajectory that takes the piece from addressing women, to including men, to creating a nation and government that is referred to using the possessive plural pronoun "our." This collective identity and the wider audience for the piece are further confirmed in the way she chooses to present the case of the Cherokee Nation.

As a document intended for an audience of men and women, Beecher's "Circular Addressed to Benevolent Ladies" contains many of the same defenses of Indians rights presented in memorials and letters written by the Cherokee Nation as well as white men who supported the cause. In these moments, the movements intersect in very visible ways. Like her male counterparts, Beecher recounts the history of U.S./Indian relations through the lens of treaty negotiations that fundamentally reshaped the two nations involved. Her account of first contact between Indians and whites echoes the use of the language of fathers and the contention that "when our forefathers sought refuge from

oppression on these shores, this people supplied their necessities, and ministered to their comfort” found in the “1829 Cherokee Memorial.” Beecher’s account of the treaty relation likewise calls to mind those Cherokee texts that emphasize the unevenness of the treaty process and the Jackson administration’s failure to keep its promises. As she explains, such failures now also portend continued hardship for the Cherokee in the future because “they are expected to take up their residence” in the new territory west of the Mississippi “with no other hope than that when they have made their lands valuable by cultivation, they again must be driven into still more distant wilds; for if our government cannot fulfill its treaties and protect them now, well they know it could not do it then.” For Beecher and the Cherokee, the current actions of the government make all future actions suspect. Removal is not so much a solution or end but simply the beginning of another series of dubious land deals that would strip the Cherokee of their “rights as independent nations and distinct communities” and their “national character.” This scenario also points to the problem of Indian land rights. In her description of potential actions after Removal Beecher alludes to the problem with American policy described by Jackson in his first Annual Address to Congress and taken up by the Cherokee in the 1829 memorial. In many ways, Beecher repeats the most effective arguments against Removal, thus showing the connections between and continuity across the appeals made by the Cherokee and their female supporters. Where Beecher most significantly differs from her male counterparts in depicting the Cherokee and the fight over Removal is in her use of other voices in the text.

Unlike her men, who could directly address Congress on legal matters because they could vote or were the leaders of a nation, speaking to an audience of men and

women, even in the pages of a periodical, proved risky for women because it defied the belief they should remain silent in public. As the gendered divisions of periodicals suggested, men and women were seen as fundamentally different audiences with different concerns, even if these divisions did not play out in actual reading practices or social activities. Reaching an audience of men and women from the front page of a periodical demanded Beecher find a way to balance her need to uphold gender roles with being able to speak forcefully. Therefore, she decides to apply to print the coping strategy she uses in her public speaking career: a feminine delivery style.

In *Regendering Delivery: The Fifth Canon and Antebellum Women Rhetors*, Lindal Buchanan explains that “when antebellum women spoke for persuasive purposes in spaces gendered as masculine, they defied dominant gender ideals mandating their public silence, a rhetorical constraint that posed serious obstacles to the effectiveness” (78). Many women in the nineteenth century, including Beecher, chose to speak in public using a feminine delivery style, which meant they did not directly address an audience. Instead they used a variety of tactics to achieve their goals such as “asking male family members to support and promote women’s public efforts, employing conversation rather than oratory, and avowing a commitment to conventional gender roles while behaving contrary to them” (Buchanan 79). Beecher herself coped with the needs of going on lecture tours by either speaking to female-only audiences or by having a male family member read her speeches aloud while she sat quietly on the stage behind him. Essentially, Beecher must have a man introduce her work to other men and women as she sits silently in the background—an act that was interestingly replicated in both Evarts’ disclaimer that the “Circular to Benevolent Ladies” is written by a woman and Beecher’s

choice to remain anonymous beyond her gender. Thus, the acts of speaking and writing to an audience of men and women overlap in significant ways for her as she tries to successfully negotiate the gender divides in a way that still allows her to speak forcefully.

Within the circular itself Beecher creates a feminine delivery by introducing male voices who can speak for other men and challenge legal precedent because of their political roles. In presenting the cause of Indian Removal and the Cherokee to her audience Beecher includes both the testimony of an Indian and excerpts from Georgia's laws limiting the rights of the Cherokee. Including such resources strengthens her argument in two ways. The first, and most obvious, is that it provides direct evidence of both the Cherokee sentiment and the harshness of the Georgia laws that they must fight. With such evidence, Beecher can appeal to both the sympathy and sense of justice she believes her audience to have. More importantly though, the introduction of presumably male voices in the form of a Cherokee man's testimony and laws written by the white men of Georgia allows Beecher to let men make the overt political arguments but still demonstrate her grasp of the issues at hand.<sup>41</sup> This tactical maneuver also provides a moment of shared positionality between women and Indians, both of whom are structurally dependent upon white men to create the laws that govern them. Here Beecher once again works within prescribed gender norms in order to obtain a means by which to question them.

In "A Circular Addressed to Benevolent Ladies" Beecher uses a feminine delivery style to present what is at heart a persuasive argument for women's rights that, far from

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<sup>41</sup> While such an approach is considered less powerful by today's standards and the choice to employ a delivery style that upholds gender norms can be read as counterproductive in the fight for women's rights, it is important to keep in mind that in the early nineteenth century "the feminine delivery style was often more effective...because it increas[ed] the likelihood of their messages' positive reception and consideration" (Buchanan 103).



wondering if, as she says “female petitioners can lawfully be heard, even by the highest rulers of our land,” lays out a case for women’s ability to successfully enter into debates on national, political issues and argue for their own rights. This argument shows up most clearly in Beecher’s depiction of Indians and their relationship to government. Beecher’s explanation of the relationship between Indians and the government largely hinges on two failures of representation: the form of the government itself and inaccurate representation of Indians. The key rhetorical strategy uniting these two failures is the rhetoric of paternalism. Beecher challenges the paternalistic rhetoric of the government and the exclusivity it creates by taking away its two defining factors: maleness and whiteness. In the opening paragraphs of the piece, after she has made the transition from women to men and nation, Beecher introduces not the gendered concept of paternalism but the shared concept of parenting. The first mention of parenting comes in her account of early interactions between whites and Indians where Indians, “when they saw the white man continually encroaching upon their land, fought bravely for their existence and their country, yet often too, the Indian has shed his blood to protect and sustain our infant nation.” The phrase “our infant nation,” with its use of “our” and image of the sacrifice made by parents to protect an “infant,” implies the shared responsibility of raising a child. The idea of shared parenting instead of paternalism is reinforced when Beecher describes the efforts of the government to persuade Indians to assimilate as “parental care.” The need for the parent to be white is also subtly erased through the presentation of the Indians as parents. For the first instance of this we return to the phrase “our infant nation.” This phrase is delivered as part of a sentence that emphasizes the fact that often the “Indian has shed his blood to protect and sustain” the nation, which again implies

parental sacrifice and a shared stake in the United States. Indians are again shown to be parents, this time in a more patriarchal way, when Beecher warns that the impact of the laws of Georgia being extended over the Indians is that “even their wives and children could be murdered before their eyes.” Use of the word “wives” indicates she is indeed viewing the Indians as collectively male, but this does not necessarily reinforce paternalism because she knows they too are excluded from the whiteness required by governmental definitions of the term. Gone are the references to the Great Father espoused by Jackson. In its place is an understanding, patient parent who has the obligation to protect *all* his/her children. Of course who those children are and how they should be protected is up for debate.

According to the paternalism encoded in American laws in the nineteenth century, women and Indians are both children in need of protection from white men. However, by erasing the gender and racial qualifications for being citizens and active parents, both women and Indians become capable parents obligated to be responsible for the raising of a country. Indians are also interestingly placed in the role of protecting and nurturing their own nation as part of their responsibility to the American nation. So, in Beecher’s estimation, if Indians continue to work to develop a strong Christian nation and women work to protect the Indian’s right to do so, the result will be a strong United States. Therefore, Beecher’s argument is centralized around the need of both women and Indians to be involved in the government if they are to protect the nation. What is at stake here, as evidenced in her claim that “If our government has not power to fulfill its treaties, it would be a most humiliating fact thus to be exposed before the nations of the earth,” is international standing and the ability to say that U.S. citizens have raised a country to be

proud of. The question then becomes how are women to be involved in the raising of a nation and where are Indians to be included?

Beecher argues that, as parents, women have the responsibility to protect their children/nation: both the Cherokee Nation and the United States. Indians are likewise bound to their own nation and the US. She justifies Indian resistance to Removal and the role of women in facilitating this resistance as a means of protecting *all* of the people who make up the nation. In her argument for comprehensive protection, Beecher also alludes to the fact that the US has a representational government. Ergo, for the nation to truly function, it must be truly concerned with representing everyone. Beecher is particularly interested in the role of women in doing this. Her first example of direct female action in regards to government is that of Esther “the Jewish princess, who being sent to supplicate for a nation's life, was thus reproved for hesitating even when death stared her in the way.” In Beecher’s reading of events, Esther is critiqued by God, not for taking a step that is forbidden by law, but for hesitating to do such a thing when the fate of a nation depended upon it. Beecher argues then that the true danger is not in women’s actions but in their inaction. For if they do not speak, then an entire nation of Indian peoples will disappear and the righteousness of the US will be eliminated.

In another example of what she sees as a preferred role for women, Beecher claims that “[i]n the days of chivalry, at the female voice, thousands of lances would have been laid in rest to protect the helpless and oppressed.” By arguing that in the past the female voice would have had such a significant impact on male behavior, she points to what she sees as a deficiency in the attention men pay to women’s voices on issues of importance to the nation. The paragraph in which she makes such claims ends with a

rather ominous threat that God “records the malediction of those who either as individuals, or as nations, shall oppress the needy and helpless” and those found wanting will be treated accordingly. Thus, the risk inherent in women not taking action and men not listening to them, is no less than the loss or damning of not just one nation but two. The way to avoid this, as presented by Beecher’s examples, is to give women the means to directly address the government and have their voices heard. Ultimately, Beecher uses the concept of nationhood and the parent to make argument for women’s political participation based on their ability to more accurately represent others than men, and the fact that in order to raise a nation both fathers and mothers are required.

Nonetheless, Beecher runs into problems in her own schema when she must push against the fundamental problem of representing others. Like Jackson and the Cherokee men represented in the “1829 Memorial,” the dual aims of her rhetoric get in the way of creating a truly equal role for women and Indians. Women and Indians must present themselves as somehow superior so that their reasons are persuasive, but they must also appear inferior so as to create sympathy and support their cause. The complications of such a situation arise in the Indian voice Beecher chooses to present in her text. This voice reintroduces the concept of the Great Father and describes the Indian tribes as children. The Chief who is speaking in “A Circular Addressed to the Benevolent Ladies” explains the progress made by his tribe and the impact of removing to the west in terms of childhood: “We are like an infant so high, (here the chief bowed and extended his hand as low as his knee,) who has just begun to walk.” Here the need to make women co-parents and equals in the raising of a nation requires that they have children to raise. Women’s rights are predicated on Indians retaining the subject position of a child. Yet

there is no indication that Beecher sees Indians as existing in a perpetual state of child-like dependence since she advocates for them based on their success in acquiring education and Christianity and repeatedly refers to their “national character” and “perfect natural rights” to their land. The tension between the need to make Indians children and the fact that the success of the argument for Cherokee sovereignty depends on the Cherokee ability to prove their manhood is exposed in this moment.

Beecher’s inability to solve this tension stems, in part, from the need to make Indians part of women’s duty. If Indians are children, then they can be assumed to fall into the purview of women’s traditional roles. However, if women want to prove their own fitness for political rights, they need to be shown as capable of being equal in stature to men. Beecher offers a compromise by introducing a new temporality. She argues the US should not remove the Cherokee and “cause their final extinction” because they, as a sovereign nation, can grow into Christian adults. They are not yet adults, but they will be. Her movement away from Jackson or the Cherokee Nation’s use of the past toward a new vision of the future creates room for women as parents. And by presenting the nation as in its infancy, Beecher does not label the Cherokee as perpetual children. Admittedly, this is not a perfect solution, but it does allow room for continued maneuvering by women and Indians by offering up the idea that the Cherokee Nation’s need to define itself in its infancy is not entirely unlike the need of the U.S. to continue to define itself among the nations of the world. Both Indian identity and the United States’ reputation as a Christian nation are at stake. In this way, Beecher and the Cherokee Nation couch their fight against the patriarchal structures that deny them rights in a concern over the U.S. ability to stand in the world as a Christian nation.

It is this very Christian nation and the implied issues of national identity to which the Cherokee Nation appeals in their “Letter to the American People.” Published on May 28, 1830, after the passage of the Indian Removal act of 1830, this open letter adopts Beecher’s choice to directly address the American public, as well as her use of a position outside of the patriarchal structure, to respond to the bill’s passage and ask the public to avenge the injustices to the Cherokee Nation it represents. Unlike the “1829 Memorial,” which sought to balance the sympathy of whites with rallying against Jackson and Indian Removal by aligning Cherokee interests with those of government insiders, in the “Letter to the American People,” signed by members of the Cherokee government, the Cherokee stage an outright rejection of the Great Father and Jackson’s policies by appealing directly to the American public.<sup>42</sup> By moving outside of formal government procedures and systems, the Cherokee claim sovereignty on the grounds that they can govern themselves better than the U.S. government can. Using the language and constructions of the very patriarchal and racial institutions that excluded them from rights or sovereignty, the Cherokee prove they are capable of producing their own fathers and government.

In “Letter to the American People” the Cherokee leaders show their disgust and refute their role as children by stripping the relationship with the government of all pretenses of a familial or even familiar relationship and then refusing to be part of such a system. The Cherokee begin dehumanizing the government by referring to its administrators and Jackson only by their official titles. In fact, no one in the Jackson administration, Senate, or House of Representatives is addressed by their proper name.

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<sup>42</sup> The “Letter to the American People,” which appeared first in an extra edition of *The Cherokee Phoenix* on July 24, 1830 was written by Jeremiah Evarts as a document to be signed by the Cherokee delegation as it left Washington. However, the delegates instead decided to take the document back to the Cherokee Nation where they later signed it and presented it as their own in the *Phoenix*.

The only two proper names of white individuals mentioned in the entire piece are “General Washington” and Mr. Jefferson whose “frank and magnanimous conduct” is offered as a contrast to the impotence of Jackson who the authors say “could not protect us against the laws of Georgia.” The American government becomes a depersonalized system that acts without the humanity, good will, or concern implied by the term father:

More than a year ago, we were officially given to understand by the Secretary of War, that the President could not protect us against the laws of Georgia. This information was entirely unexpected, as it went upon the principle, that treaties made between the United States and the Cherokee Nation have no power to withstand the legislation of separate States; and of course, that they have no efficacy whatever, but leave our people to the mercy of the neighboring whites, whose supposed interests would be promoted by our expulsion or extermination. It would be impossible to describe the sorrow which effected our minds on learning that the Chief magistrate of the United States had come to this conclusion, that all his illustrious predecessors had held intercourse with us on principles which could not be sustained; that they had made promises of vital importance to us, which could not be fulfilled- promises made hundreds of times in almost every conceivable manner,-often in the form of solemn treaties, sometimes in letters written by the Chief Magistrate with his own hand, very often in letters written by the Secretary of War under his direction, sometimes orally by the President and the Secretary to our chiefs, and frequently and always both orally and in writing by an agent of the United States residing among us whose

most important business it was to see the guaranty of the United States faithfully executed.

In this passage the government, and Jackson in particular, not only act in ways that violate long-standing relationships and contradict their own words, but they do so with no emotion, or concern for those they would call their children. The only words that evoke a direct emotional connection or reaction – mercy, sorrow, affect – are associated with the Cherokee and are the negative impact of government action. Jackson and his government violate the basic understanding of the Great Father offered by their predecessors and seem incapable of the interpersonal interactions the term connotes. Once the Great Father has been stripped of both his greatness and parental role, the Cherokee move beyond the system that would exclude them to offer a new view of the situation and a new model of fatherhood capable of delivering Cherokee sovereignty. Therefore, in place of the Great Father the Cherokee offer their own version of a father, one that is first and foremost Cherokee but also, compassionate, reasonable and rational.

The Cherokee father is not an authoritative figure that demands an adjective or capital letter. He is an historic figure equal to the ancestors of whites and a nineteenth century man concerned about the welfare of his family. According to Ross and the Cherokee leaders, they “learned from [their] fathers” about the tensions and mistrust that once existed between whites and the Cherokee. These same fathers were also fierce protectors of their nation who “remained in possession of their country, and with arms in their hands.” In addition to being keepers of history and fierce protectors of Cherokee identity, Cherokee fathers were also closely associated with the land. This is evident in the Cherokee characterization of the land promised them in Arkansas as unsuitable



because, among other negatives, it contained “neither the scenes of our childhood nor the graves of our fathers.” In language that echoes Boudinot’s description of this own family history and Beecher’s depiction of the Cherokee, these Cherokee fathers are also patriarchs of traditional nuclear families who do not want to leave the land they cultivated and homes they “reared for [their] wives and for [their] little ones.” By making their fathers central to Cherokee heritage and associating them with the land, the writers of this letter erase their political feminization and bring the Cherokee more in line with white, Christian views of manhood. This move toward manhood is important because it gives the Cherokee a way to rhetorically challenge the depiction of the nation as a collective of children and establishes a masculine line of inheritance. They are historically and structurally men.

Moving toward manhood as opposed to a more general adulthood is also an important distinction to be made. As adult women in the U.S. could attest, being white and an adult did not guarantee access to the trappings of citizenship needed for claiming property rights. Thus the Cherokee need to argue their manhood because only then can they, according to the gendered rhetoric of rights, attain property rights and the ability to inherit or pass property from parents to their children. To reinforce the nation’s collective manliness, Cherokee acts of resistance such as the petitions signed against Removal are constructed as the actions of men. As the authors explain, petitions “signed by more than four thousand of our citizens including probably more than nineteen twentieths and for naught we can tell ninety-nine hundredths, of the adult males of the nation” had been sent to Congress. This explanation of the demographics of the petitioners indicates that it is the proportion of male signatures that matters the most, at

least to the American people. Such a distinction between genders occurs again in the explanation of Cherokee attitudes toward Removal. The authors claim that the Removal question “was distinctly before their minds when they signed their memorial” and that “if the people were to understand distinctly, that they could be protected against the laws of the neighboring States, there is probably not an adult person in the nation who would think it best to remove.” Due to the earlier classification of those who signed the petitions, the emphasis on the language of adulthood in this later expression of the Cherokee opinion toward Removal carries an implied maleness that extends to the entire tribe through the use of the collective pronoun our. This shared manhood is further reinforced by the fact that the petition and the “Letter to the American People” are written by men. Yet the gender of the authors alone should not be seen as the reason for such an emphasis on maleness, because in other documents written by the male leaders of the Cherokee Nation such prominent discussion of adulthood or manhood is absent. The denial of the Great Father and claiming of collective manhood for, not just the men who sign their name to the letter, but the Cherokee Nation as a whole is deliberately structured to build case for sovereignty and property rights and at same time make them the “fellow man” of whites who would advocate on their behalf.

Making the Cherokee the fellow men of whites erases the differences between whites and Indians so carefully maintained in the 1829 Memorial and Beecher’s circular. In removing differences, “Letter to the American People” marks a pivotal moment in the rhetoric of rights presented by anti-removalists. No longer are the Cherokee supplicants to the U.S. government or children who need to be raised to civilization. Instead they are men, who like their white counterparts, entered into voluntary agreements with the US

government under the presumption that it would result in rights to the property they already inhabited. The Cherokee expected that in exchange for their voluntary compliance with the duties and allegiances laid out in many treaties they signed they would receive rights. As the authors of the letter explain, the Cherokee “have lived in perfect peace for the last forty years” with the American people “for whom [they] have willingly bled in war.” For this same people to now remove them from land represents a violation of the compact and the “immemorial privileges” that have “been acknowledged and guaranteed by the United States.” As the Cherokee reason, “we are the invaders of no man's rights—we have robbed no man of his territory—we have usurped no man's authority, nor have we deprived anyone of his unalienable privileges.” Jackson, however, has repeatedly taken these actions in order to deny the Cherokee the property rights, promised in the treaties and other voluntary agreements. Following the rhetoric of rights presented in the Declaration of Independence, it is Jackson, not the Cherokee that should be removed, for he has committed an act worthy of rebellion. Fighting for Cherokee rights then becomes a way to stand up to a corrupt leader. Whereas Beecher is only able to say the righteousness of the country is threatened, by making the Cherokee the fellow *men* of whites, the Cherokee raise the stakes by proposing that removing the Cherokee jeopardizes the rights of all the American people. After all, if the government can usurp the property rights of the Cherokee and go unchecked, there is no guarantee that their fellow men might not face similar losses. Standing up to Jackson becomes an exercise of their right as citizens. Moreover, as citizens of a Christian nation governed by “the great law of love” which says “do to others as ye would that others should do to you,” it is

not just their right but their duty to stand up to a government that would persecute their fellow man. In this paradigm, duties are the proper expression of rights.

For women, this reconfiguration of rights and duties opens the possibility for more overt political participation by more closely relating their actions to those of male citizens. Women had always performed the duties but never received the benefits of citizenship. Now that the two elements are interconnected, rights for women seem more plausible. The Cherokee experience similar benefits in the reconfiguration of rights, duties and citizenship. Once duties and rights are no longer strictly gendered terms, the Cherokee argument for manhood and the property rights it confers prove plausible because the feminization upon which their exclusion was based becomes less relevant than their alignment with the duties performed by white men. Thus the new relationship between duties and rights allows white women and men and the Cherokee to interrogate the value of citizenship in the U.S. by asking what duties one has to a government that refuses to represent them or protect their rights. Perhaps most importantly, making rights and duties the domain of both men and women expands the reach of arguments made by women and the Cherokee and transforms Indian Removal from an issue of more local concern to one seen by many as exemplary of a larger, national discussion of rights and the merits of representative government. In this way, the intersecting rhetorics of women and the Cherokee Nation represented in the 1829 Memorial, “Circular Addressed to the Benevolent Ladies” and the “Letter to the American People” provide the impetus and means for acting in support of the Cherokee Nation’s sovereignty.

### III. The American People Respond

In response to the “1829 Memorial,” “Circular Addressed to Benevolent Ladies” and “Letter to the American People,” the American public did indeed heed the call to protect their rights by performing their duties as citizens. Men and women flooded Congress with petitions; benevolent societies across the Northeast and Midwest met to pass public resolutions in favor of the rights of Indians; and defenses of Cherokee sovereignty appeared in a vast array of periodicals. Thanks to the active sharing of content between newspapers, these local events became the basis of a national understanding of the debate over Indian Removal. These meetings and the documents they produced drew on arguments provided by women and the Cherokee. Commonly shared elements include the Indian right to land based on immemorial inheritance and treaties, the kindnesses paid to early settlers by Indians, the civilized nature of the Cherokee, and the impact of Indian Removal on national character.

In Boston, Philadelphia, and other cities across the north, the public arranged meetings and the minutes of these meetings, along with the resolutions they produced, were published as examples of civic actions that might be emulated across the country. In one such instance, the oral arguments of four Philadelphia gentlemen are recorded by the *Philadelphia Gazette*. In the exchange, each man lays out his reason for supporting the Cherokee and the dissenter among the group who supports Georgia is quickly chastened. The actual memorial produced as a result of this conversation is deemed too lengthy to print, so the interactions of the men must suffice. Other accounts, such as the one offered in the *Boston Centinel*, also include not simply the resolutions adopted by the people on behalf of the Cherokee, but the speakers and arguments that set the resolve of the people.

At the February 17, 1830 meeting reported on in the *Centinel*, S.M. Worcester, professor at Amherst College, provided a lengthy address on the state of the Indian cause and he, along with the likes of Jeremiah Evarts, was elected to a board of citizens who would draft a memorial to Congress based upon the resolutions passed at the meeting. In both cases, it is the facts that the meeting itself happened and that public, oral arguments were made that were perhaps the most important. The organizing of citizens at public forums to discuss Indian Removal and its impact on the nation strengthened the argument that the government needed to represent them and that if it did not, then it was not entitled to the privileged place it claimed. In short, the government failed to uphold its duties. This was the threat of Indian Removal: it could prove that even when citizens did their duty, representative democracy could be thwarted by politicians who ignored the will of the people. When the existence of a nation of people (Cherokee or American) was at stake, citizens must intervene.

The rhetoric of women and Cherokee not only gave citizens the reasons for intervening but it also provided particularly useful ways to do so. Constructions of sympathy, feeling and duty had been subtly, and at times overtly, woven throughout the documents produced by women and the Cherokee, and in the hands of the newspaper contributors, memorialists and petitioners who took up the charge they were universalized. Sympathy and duty were the mark of good, Christian citizens, male and female. Nonetheless, the reduction of gender difference in public responses did not necessarily lead to an equivalent amelioration of racial distinctions. Even though it was generally accepted by those advocating on behalf of the Cherokee that they were civilized

and had natural rights, benevolent societies still needed to be able to point to some defect or deficiency to be corrected in order to garner public support and funding.

By placing emphasis on presenting the Cherokee argument to an audience of potential activists, articles written in response to Cherokee documents in particular drew heavily upon perceived racial and social differences to evoke “feeling” in their readers. In a response to the “1829 Cherokee Memorial,” an article published in the *Boston Christian Herald* and reprinted in *The Phoenix* in June 1830 the author begins the argument for Cherokee rights by making the audience aware that the memorial was written by a “full Cherokee.” Including this racial designation and doing so in both quotation marks and a larger font points to the importance of authenticity in persuading whites to support the cause. For if a “full Cherokee” can produce a “lucid document” that “would do honor to any statesman in this enlightened Republic,” then proponents of Indian rights can once again claim success for the ideas of Christian civilization among the Cherokee and rally more supporters to the cause. The comparison of the Cherokee document to one written by a statesman lets the author subtly reference the claims of equivalence between leaders of the Cherokee Nation and the U.S. made in the Memorial itself.

Yet such claims of political equivalence are not to be read as racial equality. Just as women need the Cherokee to remain children in need of saving, the author of the response needs to draw upon racialized ideas of civilization to show both the progress made and the progress still to be made by the Cherokee. The Cherokee are civilized, but they are still not white men, so they need to be shown as needing more guidance. Therefore, the language of the memorial is described as “plain, simple, energetic, and pathetically expressive; at the same time dignified, decorous, pertinent and respectful.”

Such a description balances defiance and deference in a way that makes the Cherokee competent speakers who still acknowledge in some subtle ways white superiority. Positioning the Cherokee in such a way flatters the sensibilities of the whites who might further the cause of Cherokee rights and reassures them that there will be no social ramifications of their support. In fact, creating racial and social distance between whites and the Cherokee, makes the cause of Indian Rights an appropriate way to act upon one's Christian duties.

The idea of Christian duties is more forcefully taken up in the response to "Letter to the American People" offered in the *New York Advocate*. In reacting to what is a notably more assertive piece, this article by white northerners equally heightens its rhetoric. However, what is elevated is not the assertion of Cherokee nationhood or rights, but the argument that sympathy and Christian duty demand action. After giving a brief outline of the context of the "Letter to the American People," the author claims that "No man who is not doubly fortified by the degrading and demoralizing spirit of party against every feeling of justice or who is not governed by a sordid and selfish interest in the property of the Cherokees of which they are in a fair way to be plundered and despoiled can read this appeal without experiencing the deepest emotions." These emotions are to be evoked by the "plain and simple eloquence" of the Cherokee of which he asserts "nothing can be more pathetic." Here the author challenges readers to confirm their humanity by sympathizing with the Cherokee who are described as "despised and injured" as well as "weak and defenseless." Later in the same paragraph the author uses the Cherokee's reference to the golden rule in "Letter to the American People" to make readers prove their Christianity. He asks them, "Are the inhabitants of this professedly



Christian country to be taught their moral and religious duties, their responsibility as accountable beings by these despised, oppressed and persecuted Indians?” The idea that it would be shameful for white Americans to have to learn their own faith from Indians is based not simply on the shame of the pupil surpassing the teacher, but on the racial implications of this dynamic. To be taught Christianity by a racial other, is insulting and holds the potential to upset the differences upon which white charity and sense of duty is based. Yet, it is also a testament to the progress of the Cherokee.

In the end, when the rhetoric of the Cherokee is reinterpreted by whites for a white, northern audience, what is ultimately at stake is not the political fate of the Cherokee but the spiritual fate of white Americans and the nation. Responding to the “1829 Memorial,” the writer for the *Boston Christian Herald* sums up reasons for supporting the Cherokee in this way:

If their appeals are disregarded, we cannot doubt, that God will regard and treat us as altogether a *faithless nation*, and, sooner or later, will pour down the vials of his wrath upon our guilty land. If the defenseless Indian is still pursued, robbed of his birthright, rooted out of his inheritance and driven from the graves of his fathers, it is infinitely easy for the Governor of Nations, by either or all of his ‘four sure judgments,’ to root out the people of this land, and to sweep the nation with the besom of destruction.

For the author of this response to “Letter to the American People,” supporting the Cherokee holds the potential to impact, not just the Christian character of the nation, but also the functioning of the nation itself. Drawing upon the Cherokee argument that the actions of the president and Georgia cannot possibly reflect the will of the American

people, the author points to the recent passing of the Indian Removal Act by a slim majority and asserts that “we are much mistaken if several individuals in that majority did not act in direct opposition to the sentiments, opinions, feelings, and principles of their constituents.” Thus he adopts Cherokee rhetoric to point to the ways not supporting Indian Rights can bring about the breakdown of the US government by creating a situation in which elected officials disregard the wishes of their constituents. If this fundamental element of representative government dissolves, then so does the nation. Thus the Removal debates and the eventual removal of the Cherokee, which depended on the need to define the US as the property of white men, come to haunt in significant ways how the nation functions, or rather fails to function, in relation to those people who are deemed incapable of participating in the white, patriarchal structure.

## Chapter Four Bad Beginnings

While the American public's response to the arguments made by women and the Cherokee was largely positive and the shifts in the relationship between duties and rights promoted by anti-removalists successfully linked the fates of the two nations, both failed to convince the federal government that the Cherokee had property rights. In his majority opinion on the 1831 *Cherokee Nation v. Georgia* case, which challenged Georgia's taking of Cherokee land, Chief Justice Marshall forecloses many of the possibilities imagined by anti-removal arguments when he opens anew the savage/civilized debate, not by denying the Cherokee Nation's attempts at assimilation, but by questioning their very ability to be represented by the court. According to Priscilla Wald, to be civilized is to be (re)presentable and to be savage is to lack this right, and both designations hinge upon "the natural right to own property" (65). In questioning whether the Cherokee even have the right to petition the court and ultimately ruling that "[i]f it be true that the Cherokee Nation have rights, this is not the tribunal in which those rights are to be asserted. If it be true that wrongs have been inflicted, and that still greater are to be apprehended, this is not the tribunal which can redress the past or prevent the future," Marshall declares the Cherokee Nation un(re)presentable, savage, and by extension, unable to lay claim to their land against its seizure by the state of Georgia. In this sense, the idea of the savage encompasses cultural and racial difference as well as a legal status that confirms their exclusion from the benefits of political and property rights.

Marshall justifies his decision with a reading of the relationship between the Cherokee Nation and the U.S. government that uses ideas of the domestic to reinforce

property as the boundary between the un(re)presentable savage and civilized society. He admits that “much of the argument . . . intended to prove the character of the Cherokee as a State as a distinct political society, separated from others, capable of managing its own affairs and governing itself, has, in the opinion of majority of the judges, been completely successful.” Yet he is unwilling to grant those arguments allowing for Cherokee Nation property rights, standing in the court, or designation as a civilized nation. Instead he attempts a compromise and declares that “the relation of the Indians to the United States is marked by peculiar and cardinal distinctions which exist nowhere else” and according to which Indian tribes “may, more correctly, perhaps, be denominated domestic dependent nations.” As Amy Kaplan argues, the word domestic refers to “both the space of the nation and the familial home” (15) and is dependent upon “racialized conceptions of the foreign” that allows it to regulate “the borders between the civilized and the savage” (26). By using the term in the case of the Cherokee Nation v. Georgia, Marshall evokes both meanings. In his ruling on the case, the term domestic functions as both a marker of location (within the geographical boundaries of the nation) and legal standing (outside of the requirements for citizenship). Despite their assimilation and persuasive arguments, the Cherokee once again become savages because their race means they lack the right to property ownership and therefore legal representation. Domesticity in this case uses property ownership to police the borders between savage and civilized and “regulat[e] the traces of savagery within its purview” (Kaplan 26). Letting the Cherokee, a people the government has deemed incapable of property ownership, assert sovereignty and remain inside the nation with the same rights as white men would open the door for other marginalized groups to argue for rights. Therefore, Marshall’s ruling results not

merely in the construction of the domestic as a “liminal realm between the national and the foreign” (Kaplan 27) but a legal category into which anyone not white or male might be placed.

If in the use of “domestic” Marshall recalls the legal, geographical, and racial implications of the term’s political use, then his pairing of it with the word “dependent” evokes its gendered meanings in particular to delineate the nature of this liminal space. In this description women’s rights and Indian’s rights once again intersect. And though Marshall claims that the “peculiar” relationship between the Cherokee and the federal government is “unlike that of any other two people in existence,” his descriptions of what it means to be a dependent clearly draw upon the patriarchal relationships of coverture, particularly the parent/child relationship it creates between adult men and women, in order to deny Cherokee rights by rendering them legally and economically dependent upon white men. Marshall declares the Cherokee dependent because first and foremost, “[t]hey occupy a territory to which we assert a title independent of their will, which must take effect in point of possession when their right of possession ceases.” In short, the Cherokee might occupy their land, but they cannot own it.

After he has eliminated their legal right to property, he goes on to describe the closeness of the relationship between the U.S. and the Cherokee in terms that inscribe the relationships between women and men imagined by coverture into Indian policy. Marshall declares that the Cherokee Nation’s “relation to the United States resembles that of a ward to his guardian. They look to our government for protection; rely upon its kindness and its power; appeal to it for relief of their wants; and address the President as their Great Father.” In fact they are considered “so completely under the sovereignty and

dominion of the United States that any attempt to acquire their lands, or to form political connexion with them, would be considered by all as an invasion of our territory and an act of hostility.” Like women who were continually “covered” by men, the Cherokee too find themselves to be, legally, children who are permanently under the control of the US government. As Marshall explains, Indian tribes are not considered “‘foreign nations,’ not we presume because a tribe may not be a nation but because it is not foreign to the United States.” Essentially, placing the Cherokee in the liminal space of the domestic allows the US government to deny rights because of race and gender.

In ruling that the Supreme Court was not the proper venue for testing questions of Cherokee rights or mitigating the actions of the state of Georgia, Marshall’s use of domesticity aims to stabilize the terms of citizenship and national identity by defining the foundation of both as white and male and limiting the extent to which such definitions might be challenged by othered groups. If, as Susan Schekel argues, “[d]ebates over the status of excluded groups created anxiety not because they stirred confusion between ‘us’ and ‘them’ but because they produced alternative, troubling visions of ‘us’ by calling into question the very principles by which white Americans defined their collective moral ascendancy and national legitimacy,” then moving beyond these “alternative, troubling visions” to establish “the nation as a homogenous union of citizens...depends on an essential denial of reality” (10-12). By defining Indians as “domestic dependents,” Marshall indulges in a denial of an entire history of legal recognition of Cherokee sovereignty and land rights and the moral, Christian grounds upon which the government had demanded assimilation. He also ignores the existence of other groups, namely women, who already inhabit the very legal gray area his ruling creates. In doing so he

successfully undermines the foundation of the argument against Indian Removal and makes Indians and women into “that which had to be denied for a coherent image of the nation to be recognized” (Scheckel 12). Ultimately, his ruling clears the way for the violent taking of Cherokee lands by Georgia and later the U.S. government in the Trail of Tears. Ironically, the actions his ruling precipitates mark the failure of his attempts because they bring to the forefront the destabilizing impact of the very social, moral, and legal questions he sought to erase. In particular his domestication of the ideas of savagery and civilization evoke ideas of gender, race and violence in ways that call into question the foundations of the nation and the systems that sustain it. In the 1850s when Indian Removal was still happening, but without the fanfare of earlier debates, writers like E.D.E.N Southworth and Nathaniel Hawthorne exploit the weaknesses revealed by Marshall’s ruling in order to interrogate the idea of nation as home and its attendant relationships.

Published serially in the *National Era* between January 4 and April 12, 1849, E.D.E.N Southworth’s first novel, *Retribution*, tells the story of Hester Grey, a wealthy orphan and heiress to a vast Virginian plantation whose generosity and naiveté are exploited by her guardian turned husband and Congressman Ernest Dent and her friend, the beautiful, cunning Juliette Summers. These betrayals lead to Hester’s untimely death and the marriage of Juliette and Ernest. This second tumultuous relationship ends in death for Juliette and political ruin for Dent. The family is eventually redeemed by the actions of Julie, Hester’s daughter, who frees the slaves, sells the land, and moves west to start over. Also centered in the home with its symbolic personal relationships, Nathaniel Hawthorne’s *The House of the Seven Gables* tells the story of the fall of the prominent

Pyncheon family, whose violent and questionable seizure of land curses the men of the family with a mysterious physical condition and an obsession that leads them to endlessly repeat the past in pursuit of unclaimed riches. Both novels participate in the domestic by establishing the homes at the center of their plots as fronts, or places “for mediating cultural, social and political conditions” (Romero 6). And in their mediation of these conditions, Southworth and Hawthorne selectively indulge in domesticity’s anti-patriarchal origins and its imperialist motives. Indian Removal is central to the way they do both. In E.D.E.N Southworth’s *Retribution* and Nathaniel Hawthorne’s *The House of the Seven Gables*, Indian Removal, with its violent taking of property and central question of what constitutes savagery and civilization, provides the vocabulary and theoretical strategies for talking about women’s rights and challenging the nation’s handling of people with liminal legal status. Through the use of curses, haunted houses, and violent personal relationships these novels create a complex exploration of race, gender, and class that questions the foundations of American history and identity.

## **I. Cursed Houses**

### *The Vale*

In both *Retribution* and *The House of the Seven Gables*, the nation is represented by households whose homes and families are haunted by past violence that ties them to the Indian Removal in the form of familial curses. *Retribution* presents The Vale, the ancestral home of Hester Dent, as a model farm based on Jefferson’s ideas of gradual emancipation. Situated in the hills of Virginia, the farm has been passed down from mother to daughter for generations, but this pattern of conveyance is the result of past



violence rather than progressive ideas about women's property. In a scene that Vicki L. Martin describes as "a long digression" (10) and one that was alternately included and excluded from *Retributions*' various printings, Southworth outlines the root of the matriarchal inheritance and troubled relationships that mark its transference as related to the violent taking of Indian land.<sup>43</sup>

According to the "Legend of Leelo-Duskaro; or the Squaw's Curse," Hester's ancestor Dugald Chandos was a "fierce partisan and persecutor in the reign of Cromwell" who escaped to Virginia. Once there he came into a large amount of land and was, at least by reputation, considered wealthy. Despite his vast holdings, Chandos became obsessed with a particular piece of land that was the "favorite haunt at the close of the hunting season" of "the remnant of a small and weak tribe of about fifty souls" called the Wicomicoes (53). Chandos repeatedly offered the sachem a hefty sum for the land, but the tribe refused to sell. What started as "monomania...intensified into real insanity" when Chandos' son wrote to say he was returning from England with his new bride, the titled but penniless daughter of an English earl. Seeing that his offers of money were getting him nowhere, Chandos hatched a sinister scheme, the plot of which recalls the pretended friendships and economic exploitation of Indian Removal.

Described as having "the same sort of respect for these savages as he had for lions, bears, and tigers, and about as much conscientiousness in his dealings with the one as the other," Chandos, like a trading house agent of the nineteenth century, buys a large amount of fur from them and stays among them until they supply the full amount (54). In

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<sup>43</sup> When originally serialized in the *National Era*, *Retribution* did not include "The Legend of Leelo-Duskaro; or the Squaw's Curse", "Extracts from Hester's Letters" or the account of Ernest and Juliette's "First Quarrel" due to a supposed lack of space (Martin 10). Southworth ensured that these episodes were included when the novel was published in book form in the same year. However, in the subsequent 1865 reissue of the novel "The Legend of Leelo-Duskaro; or the Squaw's Curse" was again removed, perhaps to better emphasize the novel's anti-slavery potential.

reality he is laying a trap so that he might ensnare and destroy Wicomicoes and gain by treachery what he cannot by treaty or sale. His plan comes to fruition on the night the tribe returns from a fishing expedition. Chandos has prepared for them a large feast complete with “plenty of *fire-water*” and underneath the tables where they will eat and drink, he has laid a trail of gunpowder. The Wicomicoes, “delighted as children with the surprise,” sat down to the feast and “indulged immoderately in drink,” and while they “were reveling in their frantic orgies” Chandos slipped away and lit the fuse. The resulting explosion kills every tribe member and catches the vale on fire so that by morning it and the tribe are completely decimated. With the tribe out of the way, Chandos “by an alleged purchase” becomes the owner of the land and builds his grand house, which he calls The Vale (54-56).

Yet this is far from the end of the tale, for legend maintains that in the midst of the explosion and fire an “old squaw, mortally wounded, ‘bleeding at every vein,’ with her garments blazing around her, sprang up in that scene of blood and flame with the bound of a wild beast, planting her feet firmly upon the heap of the burning and dying, raising her wild face and sightless eyes to Heaven, lifting her scorched and bloody arms on high, invoked the vengeance of God upon the destroyer” (55). The squaw first curses her murderer with blindness “that he who had burned out her eyes, might be blind for evermore, *he and his children.*” She then continues to curse Chandos and all his descendants with sonlessness and with the curse of the traitor so that when his children are with those they “most fondly *loved and trusted* might they still be most *darkly betrayed*, and, *long as the shadow rested on the Vale, might the curse cleave to the traitor, to him as his children*” (55). The “singular coincidence that leads the vulgar and

superstitious to give credence to the absurd story” is that no male heir has ever been born in the Vale (56-57). By labeling Chandos’ actions as history and the squaw’s as legend believed only by people who lack sound judgment, Southworth points to the difference in the ways women’s and Indians’ experience is written into the narratives of nation. While the actions of men good or bad are written down as the official record, women’s stories live on orally and haunt firesides. They provide what Lauren Berlant terms counter-memory (6) and offer alternative, and at times disruptive, means of reading both past and present. Southworth draws on these ideas in her own use of the term history.

Dent, who is telling Hester about her family’s past, makes it clear that the story of Chandos “is *history*” (55). Southworth’s choice to italicize the word history emphasizes several important ideas. First, this is “his” story of what happened to a group of people that he knows little about, and therefore, it cannot ever fully be the truth. The italics can also be read as a sarcastic commentary on the presumed truth of history and the assumption it is always already in the past. Even though Southworth provides a footnote explaining that the actions of Dugald Chandos are based on a “piece of atrocious treachery...on the Eastern Shore of Maryland” of which “the names and locality are only changed” (54), the accompanying legend of Squaw’s Curse indicates that history is never really past and that official accounts that try to depict it as such fail to account for, or stubbornly ignore, the ways such actions have lasting, emotional and generational impacts because they refuse to incorporate the views of others. Therefore, when read in the context of the history of Indian Removal and Southworth’s own construction of history, the squaw’s curse becomes more than simple retribution enacted on one family. It serves as a critique and warning about the legacy of Indian Removal and the U.S.

approach to determining who belongs in the national family and who must be excluded. It is the alternative history, the counter-memory, which tells the truth about the violence that serves as the foundation of official history and the nation.

### *The House of the Seven Gables*

Hawthorne echoes these concerns about history, violence, and the national family in his introduction of the Pyncheon family in *The House of the Seven Gables*. Like Southworth, he provides readers with a parcel of land and a house that embodies the history of a nation and political dynasty. Using “lore” and “tradition,” Hawthorne tells of the Pyncheon family in ways that both contradict and enrich official history and opinion. In the opening pages of the novel, Hawthorne offer readers a “brief sketch... of the circumstances amid which the foundation of the house was laid” before beginning what he says is “the real action of our tale at an epoch not very remote from the present day” (6). The sketch is then briefly forestalled by a moralistic warning that the events he describes, though considered history, “serve to illustrate how much of old material goes to make up the freshest novelty of human life” and that from this past readers might derive “a weighty lesson” (6). The lesson of which Hawthorne’s narrator warns is “the little regarded truth, that the act of the passing generation is the germ which may and must produce good or evil fruit, in a far distant time; that together with the seed of the merely temporary crop, which mortals term expediency, they inevitably sow the acorns of a more enduring growth, which may darkly overshadow their posterity” (6). This forewarning is immediately followed by a description of Colonel Pyncheon’s securing of the property upon which The House of the Seven Gables sits.

In terms that recall the actions of Indian Removal, the narrator explains that the plot of land owned by Matthew Maule had once been remote from the town, but as the town grew, “the site covered by this rude hovel had become exceedingly desirable in the eyes of a prominent and powerful personage, who asserted plausible claims to the proprietorship of this, and a large adjacent tract of land, on the strength of a grant from the legislature” (7). Like the Indians living on land that had been guaranteed to them in treaties and through a long established understanding of occupancy as ownership, Matthew Maule’s ability to retain his land, despite having settled it, is jeopardized by Pyncheon’s legislative grant. For, as the McIntosh ruling established, only the government could ultimately validate land ownership. Matthew Maule managed to maintain his claim to the land for several years, but Pyncheon’s desire was not to be thwarted, so using a strategy that echoes that of removalists who claimed that Indian savagery excluded them from land ownership, citizenship, and the rights offered Christian men, Pyncheon seizes on the hysteria over witchcraft to turn a personal, property dispute into a religious prerogative. Matthew Maule, however, refuses to go quietly and “[a]t the moment of execution” he “utter[ed] a prophecy, of which history, as well as fireside tradition, has preserved the very words—‘God,’ said the dying man, pointing his finger with a ghastly look at the undismayed countenance of his enemy, ‘God will give him blood to drink! (8).

Thinking little of Maule’s words, Colonel Pyncheon dubiously claims the disputed property in what townspeople think might be an “unduly stretched” interpretation of the boundaries outlined in his land grant. Pyncheon then proceeds to build his home, using Maule’s son as the head carpenter, and life goes on as planned until

the day the completion of the house is to be celebrated. On the day his scheme is to be honored, Colonel Pyncheon is found dead in his office, staring at a large map of his land claim with bloodstains on his beard and collar. Though deemed apoplexy by the local doctors, tradition held that Colonel Pyncheon had fallen victim to Maule's curse—a condition that seemingly proved deadly for other Pyncheon men afterward. However, the real curse of the family is their endless pursuit of another *Indian* deed that mysteriously disappeared on the day of the Colonel's death. It is this piece of paper “signed with the hieroglyphics of several Indian sagamores, and conveying to Colonel Pyncheon and his heirs, forever, as vast extent of territory at the eastward” that evokes the violent removal of Matthew Maule and the curse (Hawthorne 316). The deed and the curse also serve as evidence of the “remainder of another ‘nation’ an Indian nation” (Dolis 43) that causes the Pyncheons to commit violence against one another for generations to come. Consequently, The House of the Seven Gables becomes a living memorial to the boundless greed of Colonel Pyncheon and “America's ‘original’ debt” (Dolis 43).

The problems of The Vale and The House of the Seven Gables are further exacerbated by the very public roles held by their “modern” male residents. The Vale is home to Colonel Dent, a Revolutionary War veteran, senator, and potential Virginia governor. As a veteran and senator, Dent represents the history of American government and is seen by the public as “a pillar of strength” who is highly admired, for “[w]henver it was known that he would make a speech in the Senate Chamber, mechanics left their workshops, clergymen forsook their studies, judges descended from their benches, and ladies left their drawing-rooms and boudoirs, and all flocked to the Capitol to hear his words of eloquence—the eloquences of truth and justice” (20). He was equally admired

at home, where “[h]e seemed to his household what Christ is to the Church—their patriarch, priest, and friend—their best teacher and brightest example, the image and the glory of every exalted virtue and every beneficent affection” (20). The House of the Seven Gables is likewise marked by the ghostly presence of the original Pyncheon as well as his latest incarnation, the respected Judge Pyncheon, who is known locally for the “purity of his judicial character, while on the bench; the faithfulness of his public service in subsequent capacities; his devotedness to his party, and the rigid consistency with which he had adhered to its principles...his remarkable zeal as president of a Bible society; his impeccable integrity as treasurer of a Widow’s and Orphan’s fund” (230). This man whose “eminent respectability” is recognized by the church and state is also rumored to be the next governor of Massachusetts. Both Dent and Judge Pyncheon becomes stand-ins for the government and as such, both their public personas and private actions become representative of the state, while their homes become microcosms of the nation.

As models of the nation, *The Vale* and *The House of the Seven Gables* with their dubious land deals and curses present to readers a domesticated version of the savage/civilized debate that characterized Indian Removal. Neither Chandos nor Pyncheon obtained their land through purchase or treaty. Instead, both obtained property through socially condoned greed and violence. Chandos is not punished for his killing of the Wicomicoes because he hides his sins with a fire, and Pyncheon’s killing of Maule is sanctioned by religion. Neither is deemed a crime worthy of legal punishment. The curses leveled at each family for these actions are not mere retribution, but illustrations of the long term effects of violent beginnings on the legitimacy and success of a nation. Like

many other writers of the period, Southworth and Hawthorne seemingly find in Indians “the materials out of which Anglo-American writers...might articulate a sense of national identity” (Pacheco 188). Yet both also seem concerned with the ways in which Indians and the events of Indian Removal “called into question the moral foundations of American national character” (Pacheco 188), particularly ideas of civilized behavior in regards to those in liminal positions. In each household, the actions of the father are visited on succeeding generations in the form of confused property transference and familial violence, and women are at the center of both.

## **II. Intimate Betrayals**

### *The Ideal Wife and the Other Woman*

By placing women at the center of the curses, Southworth and Hawthorne investigate the ways in which “the use of the domestic and the home as a metaphor for a nation...simultaneously expand[s] women’s influence and contract[s] their role in the nation” (Kaplan 28). Southworth seems particularly interested in exploring the contraction of women’s roles, and does so by projecting the racialized violence and questions of gender raised by Indian Removal onto her white women and their marriages in order to critique the relationships of ward/guardian, husband/wife, and master/slave codified in the laws of coverture and attacked by the women’s rights movement. In the legend of “Leelo-Duskaro; or, the Squaw’s Curse,” Southworth particularizes Chandos’ violence from a general violence against others to one specifically against Indians by making the tale about the ways intimate relationships, economic exchange, and violence culminate in or are motivated by the gaining of property. The squaw’s curse of



sonlessness establishes a matriarchal system of inheritance, which means that upon the marriage of each daughter the family name dies and the plantation passes from one man to the next with no true guarantee that he will do right by the property or the woman to whom it belonged. Jeffery Clymer explains that this pattern of inheritance also “installs the racialized violence of property at the heart of white marriage” (79). I would add that the violence precipitated by the squaw’s curse is also gendered by its direct tie to Indian Removal and because of women and Indians’ similar positions of in the legal system. Both are capable of owning but not retaining their property, or sometimes their lives, in the face of the intimate relationships with the law indicated in the roles of ward/wife/domestic dependents. These relationships, which for Indians and women were “marked by peculiar and cardinal distinctions which exist nowhere else” (Marshall), were not contracts but status relationships that obligated their guardians/husbands/providers to nothing.<sup>44</sup> The dangers of such relationships play out in the novel’s depiction of marriages where the violence of Indian Removal and the questions about the nature of savagery and civilization are represented in the domestic violence that characterizes relationships between white men and women. In both his marriage to Hester and later to Juliette Ernest Dent uses the relationships of guardian/ward and husband/wife, to justify the physical, emotional, and psychological violence that strips them of property and life. Thus Dent proves that true savagery—the ability to dispossess people of rights and property through violence—lies within the domestic space of a civilized nation.

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<sup>44</sup> In “Southworth’s Reimagining of the Married Woman’s Property Reforms,” Elizabeth Stockton explains that despite “the law’s increasing tendency to define other relationships in terms of contract, marriage continued to be seen as a unique, noncontractual arrangement” (246). This is due in large part to the fact that ideas of coverture allowed marriage to be “initiated as a contract but then became a relationship of status” by “foreclose[ing] for the wife the possibility of further contract” (246).

As the heir to The Vale and latest generation to fall victim to the squaw's curse, the failure of Hester's relationship with Dent is clearly foreshadowed. Therefore Southworth presents her tragic end as the expected outcome of a system that denies women property and representation. Throughout her life Hester is "covered" by Ernest Dent. In what the authors of the "Declaration of Rights and Sentiments" might describe as an effort to "destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent life," Dent sets out to make Hester into a model wife through an almost continuous stream of critiques. His admonishments and insults espouse common ideas about religion and wifely obedience but, in Southworth's hands, have the underlying purpose of exposing "how the various forms of violence...lurking under the guise of romantic love are not only physically dangerous for white women, but are also tied to women's economic disenfranchisement" (Clymer 85). Dent's criticisms cowl Hester by systematically removing mutual affection from his relationship with her. When Hester expresses sorrow and sympathy upon hearing about the impending death of his father, Dent launches into a religion lesson in which he chides her for her concern about his future loneliness by reminding her that "no human being need ever suffer loneliness" because they may always find companionship in God (37). When she screams and nearly faints upon hearing of the terrible actions of Dugald Chandos for the first time, Dent comes to her side but does not support her. Instead he answers Hester's imploring looks with a stern declaration that she lacks self-control or a strong will. Likewise, on the night that Dent proposes he does so, not with kindness, but with violence. Hester sits writing to Juliette about her disappointment that Dent might be courting another woman when she feels her head "clasped by two large palms" (61). He then turns her around to

face him and taking hold of her wrists removes her hands from her face and holds them firmly in his hands (61). In language that evokes images of violent sacrifice and perhaps coyly references the “rule of thumb,” Dent declares “And Hester would give one of her litter fingers to become Ernest Dent’s wife” (62). In this instance and all others Hester responds to Dent’s abusive critiques like Job. In her letters to Juliette she writes that she is grateful to her parents “for leaving her in his care, and investing him with authority to guard and guide her.” More than that, “his slightest intimation has... a divine authority” and for Hester “it is happiness, enthusiasm, *religion* to obey it” (48). Such devout attention to Dent does not however lessen Dent’s criticism or lead to any mutual understanding between them. In what Cindy Weinstein might label one of the many instances in which “linguistic ambiguity” (265) culminates in marriage in Southworth’s novels, Dent completes his proposal by purposefully punning on the words accept and except to convince Hester to set aside her abolitionist ideals and marry him.

“Humph! what, Hester, after all your asseverations that you would never marry, at least until you had freed all your people?”

“Yes; but I should have excepted you.”

“And will you *accept* me, ha! Hester?”

“Yes, I tell you.”

“But, Hester, recollect Mrs. Wimsat’s caution. Are you not afraid; a little, weak, gentle creature such as you is; to put yourself in the power of a great, strong man like me? How do you know but that I’ll misuse you; tell me that?” (63)

Dent’s purposeful interchanging of words to trick Hester into disregarding her “people” again introduces racialized violence, and his question about his potential misuse of his

power indicates that he will indeed exploit Hester as he gains access to her property as her husband.

It is this aspect of the evolution from ward to wife that troubles Marcus Derby, who truly loves Hester and serves as her advocate and the voice of reason throughout the novel. When Marcus hears of the engagement, he openly questions the motives of both Hester and Dent. “You just want to marry him because he is a colonel in the army and he wants to marry you for your money—that is it!” exclaims Marcus. Hester attempts to set the record straight by saying, “Colonel Dent likes me because I am, as it were, his mental and spiritual child. I go heart and hand with him in all his aims and objects” (68). Such a defense of her choice to marry Dent reveals the depth of her naiveté, and her continued toleration of Dent’s cruelty shows the extent to which she represents the “ideal” wife. Even on their wedding day, as Hester tells Dent about an exchange with Marcus Derby during which he confessed his love, Dent downplays the trueness of the young man’s affection by reminding Hester that she is “not the girl to attract a young man’s admiration” and goes on to remind her that he never flatters. Thus after being told she is unattractive and can expect no admiration of her looks from her husband, Hester has her first moment of seeming recognition of what life as Dent’s wife might be. She admits that she “should like to have been flattered and petted a *little* just then,” and when Dent perceives this and calls her emotions “childish and puerile” Hester declares that she “felt provoked to bid him go about his business, and marry a cast-iron woman, if it pleased him” (70). Despite this moment of anger, Hester characteristically submits and ultimately bends to Dent’s vision of her.

Only Marcus Derby serves as the voice of warning and echoes what is painfully clear to the readers—when it comes to Dent, Hester is, as the squaw foretold, blind. Thus, Marcus attempts to tear the veil from her eyes. Exasperated he declares, “He is not—this demigod of yours—what you take him to be. He is a cold, hard, black, marble Colossus, whose altitude will intercept the dear sunlight of heaven itself from your life, and in whose damping shadow you will wilt and wither and die”(71). What Marcus offers instead is a chance to break away from Dent even if it means causing a scene. He also, even after the wedding, offers to Hester male companionship of a kind she has never known—friendship, compassion, and true protection, which echoes Southworth’s own ideas about women’s need for advocates.<sup>45</sup> Before he leaves The Vale, Marcus tells Hester “deeply injured as I have been, if ever you should need a friend, call upon me. You have no father or brother, Hester! No, not even a mother to take your part, or a sister to quarrel for you. Nevertheless, Hester, bad as you have used me, if you should need a protector—if that old Jephtha should take it into his head to offer you a living sacrifice upon some alter of his fanaticism, call upon me, and I’ll shoot him!” (73). Though offered from a place of hurt and violence, Marcus’ willingness to sacrifice for Hester is something unimaginable for Dent, who prides himself on a lack of emotion which he codes as proof of strength and maturity. Interestingly, by including the episodes with Marcus in her letters to Juliette, Hester’s attempts to show her devotion to Dent paint her as foolish and the ideals she represents as absurd because readers are already well aware from both the introduction and the curse that Hester will indeed be betrayed emotionally,

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<sup>45</sup> Stockton argues that in Southworth’s fiction she does not advocate complete privacy in the marital relationship nor does she endorse wives’ legal equality. Instead she aims for a middle ground and “depicts women as needing legal mediators who can convince the law to invade marital privacy when necessary” (247).

legally and financially. Marcus' warnings will hold true even if Hester refuses to see them.

As much as Hester's sad fate and lack of control over her own life are the result of a system of coverture and false ideas of marriage that placed her at Dent's disposal, it is also a product of her utter inability to comprehend the world around her. Hester's refusal to "see" is most obvious in her letters to Juliette, which make up the first seven chapters of the novel. The elaborate and near constant praise of Ernest even when he is cruel or unfair and the overblown comparisons of Ernest and her marriage to religious experiences indicate that, more than Hester simply being the perfect child/ward/wife, there is something seriously amiss. The dissonance created between what readers know to be true about her marriage and what Hester believes calls into question the sincerity of Southworth's depiction of Hester's devotion and domesticity as much as it does the character of Ernest Dent. Perhaps no instance better demonstrates this than Hester's literal blindness before the birth of her child Julie.

In her letter to Juliette, Hester begins her explanation of her temporary blindness by saying that "About three months since, it pleased Heaven to visit me with an affliction" (82). Pregnant and without Dent, Hester wakes one morning to find herself blind. She writes that "the truth rolled on my soul, and overwhelmed me!...I sunk back upon my pillow, and in an instant all *this* poured through my mind—the hereditary, but irregularly appearing, calamity of my family—sudden blindness from the paralysis of the optic nerve" (82). Her fear is compounded when she remembers that her "great-grandfather, on the very day after his wedding while crossing the river alone in a boat with his bride, was suddenly stricken with blindness" and that, upon her birth, her own

mother “suddenly lost her eyesight; and during the six weeks that she survived, never beheld the face of her child” (83).<sup>46</sup> Both Hester’s great-grandfather and her mother suffer blindness at moments when they are about to enter into new social contracts and roles that bring another being into the family and facilitate the transfer of property, both of which are integral to the squaw’s curse. However, Hester does not relate her blindness to her impending motherhood or the curse, but to Ernest and her role as his wife.

Tellingly, her first concern after discovering she is blind has nothing at all to do with her child. Instead, what causes her the most pain is “the thought that [she] should never be useful or agreeable to Ernest again” (83). In the midst of the anguish this thought causes, Hester has the revelatory thought that she is being punished for the sin of loving her husband too much. After all, she reasons, ““the Lord loveth whom he chasteneth”” (85). Who the lord is though is negotiable, for her affliction disappears just as quickly as it appeared when Dent returns home. The insight that her literal blindness might give her about truly seeing her life and relationships is entirely lost on Hester. It is not, however, lost on the reader.

The extent of Hester’s symbolic blindness is confirmed when the format of the novel shifts from one of letters written by Hester to a narrated tale that “continue[s] their story upon the authority of tradition” (113). The first order of business for the new narrator is to set the record straight about Ernest’s true character. According to the narrator, “Colonel Dent was undoubtedly a man of high honor, of sincere philanthropy, and of fervent piety; the county said it—all men gave credence to it—and Colonel Dent believed it most implicitly of all.” Furthermore, the “causes of Colonel Dent’s high

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<sup>46</sup> In writing about her own life Southworth reveals that at twelve months old she “was attacked by an inflammation of the eyes that ended in total blindness—though happily temporary” (qtd. in Coultrap-McQuin 52). It is perhaps this experience that inspired Hester’s circumstances.

character for virtue were rather circumstantial and external than innate and self-subsistent” (114). Ernest’s father “had been a truly good man” (114) who believed in the cause of liberty and clung to ideas of emancipation even when they were not popular. His son was merely the mouthpiece through which his ideas were expressed to the public. In short, Dent is a hollow man incapable of embodying the virtues he preaches to Hester. Therefore, it is fortuitous for Dent that he marries Hester, “the pure-minded, warm-hearted girl, who, with limited powers of perception, seldom thought of looking below the surface” (114). Such a description not only reveals the depth of Hester’s blindness and Dent’s dubious nature, but it also reveals the extent to which the picture of the perfectly submissive wife depends on a woman willfully ignoring the injustices she faces. Therefore, it is also telling that the only direct discussion of women’s rights comes from Hester.

Southworth’s treatment of women’s rights proves, at best, perfunctory lip service to popular ideas of the domestic woman made ironic by the fact they are delivered by Hester on her deathbed. Instead of gaining insight or clarity from her impending death, Hester remains as stubbornly ignorant as ever. Once again, when Marcus tries to explain to her what she cannot see about the relationship between Juliette and Dent, he is rebuked for being unfair to Ernest and for not understanding that Hester’s “little family circle is bound together by affection and confidence” and that her “home is an Eden of harmony, beauty and love” (171). When Marcus switches tactics and attempts to reveal the truth of Dent’s adultery by asking Hester leading questions about the relationship between Dent and Juliette, she clings almost irrationally to her false image of the world. As the narrator says of Hester’s unwillingness to comprehend Marcus’s message, “[s]he had not the



slightest suspicion either of the *treachery* he had first intended to expose, or of the *drift* of his conversation; in fact she assigned a totally opposite meaning to his innuendoes” (172). Hester so misinterprets what Marcus says that his intended warning serves as fodder for a long soliloquy on the merits of submission and the unnaturalness of women’s rights.

In Hester’s estimation, “[l]ove married to veneration is ecstasy; love divorced from veneration is anguish. And this is in accordance with the laws of God and of nature. ‘Man is the head of the woman, as Christ is head of the church.’ Echoing commonly articulated religious arguments against women’s rights, she goes on to explain the naturalness of man’s dominance by contending that “God would not have made such a law without placing corresponding instincts in the heart of woman; and just so far as a woman’s soul possesses the distinctive lineaments of her sex, does she feel the force of these instincts” (173). She more directly addresses the power dynamics women’s rights activists hoped to disrupt when she claims that the bondage and chains of which women speak are those of protection and love and that a “husband’s authority is written on her heart, with the pen of nature, by the hand of God” (173). Interestingly, after declaring the naturalness of women’s inferiority, Southworth offers a more cryptic statement about obtaining rights when she says that advocates “must not only change the laws of the land, but the laws of woman’s nature before they can improve upon Divine Providence, by changing her relations” (173). Here Southworth uses anti-feminist language to highlight a challenge and complaint frequently voiced by women’s rights leaders.

As articulated by those gathered at Seneca Falls, one of the problems faced in the struggle for women’s rights is that man “has endeavored in every way that he could to

destroy her confidence in her own powers, to lessen her self-respect, and to make her willing to lead a dependent and abject life.” If women were going to advocate for their own rights, they needed to change how they saw themselves and their relationships. Changing laws and women’s self-perceived nature are not presented as markers of the movement’s impossibility, but rather are the two necessary components for improving women’s status and “Divine Providence.” The rather odd end of Hester’s musings then, in many ways, comes to outline the challenge women’s rights advocates face if they are to convince women who believe as Hester does in the ideal marriage. In her final direct assertion about women’s rights Hester contends that “[w]oman’s subordination of love is not only a law of nature, a law of revelation, but a doctrine of all inspired books since the Bible.” Southworth follows this strange movement from nature, to revelation, to literature with a discussion of the depiction of women in literature read through the lens of Hester’s own misunderstanding of love. Referencing Shakespeare and Milton allows Southworth to show her own literary prowess and the dignity of her profession, and it also highlights the extent to which the idea of love and marriage supported by Hester is founded upon fictions written largely by men.

The seriousness of Southworth’s critique of women’s rights is also undermined by the fact that it is offered by a woman who is so submissive, so blind to the true nature of the people and relationships in her own life, that even on her deathbed when Ernest attempts to confess his sins she fails to understand what he says or how it contributes to her death. In an attempt to confess his relationship with Juliette, Ernest asks Hester “suppose my heart had turned away from you, and set itself upon another woman. How then?” (185). Hester replies with incredulity “Heavens! Suppose the sun had been blotted

out, or the earth had rolled from beneath my feet—while we *are* supposing impossibilities. I don't know, but I *do* think, Ernest, that your defection, supposing that it could *possibly* have occurred, would have killed me, annihilated me, soul and body!" (185). Readers know that, not only has Ernest given his heart, passion and money to Juliette, but he has also failed to give Hester's illness the attention it needed. That Hester's declining health coincides with Dent's increasing obsession with Juliette hints to the larger significance of both his betrayal and Hester's death. Hester embodies the idealized image of the pure, devoted, submissive wife, but as her life and death reveal, such a model is dangerous to women because it offers none of the benefits of protection that it so loudly proclaims. Moreover, as a Senator and representative of the government, Dent's relationship with Hester also carries overt references to the expected relationship of women to the government. Using socially promoted visions of marriage and the laws of coverture, he has exacted from her endless devotion, an heir, and now her life.

In the final act of betrayal Dent also exacts from Hester her property and legacy. As her guardian and later husband, Dent had the ability to control Hester's finances, but The Vale and her slaves had been left in trust until she reached her majority on her twenty-first birthday so her husband might not waste them. It had long been Hester's plan to complete the process of gradual emancipation the Dents had begun on her farm by freeing her slaves when she reached her majority, and Dent had, in the past, encouraged such actions. Yet he increasingly lost his fervor for the cause as he sought higher political office.<sup>47</sup> Unfortunately, but predictably, the kind mistress dies before her slaves might be

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<sup>47</sup> According to Vicki L. Martin, Dent's shift in opinion concerning emancipation presents an historical reality. When veterans of the Revolutionary War no longer found the metaphor of slavery an apt description for their position and became more interested in furthering their own fortunes, emancipation lost priority (52).

freed. However, unlike many such plots, it is not because of forgetfulness, illness, or a change in fortune but because the law and her husband actively prevent it. When Hester realizes she is dying, she summons Mr. Jenkins, an attorney who is aware of the Dents' plans to emancipate their slaves as well as the clause in her father's will that will not let her do so until she is twenty-one. In one of the only assertive moments of Hester's life, she directs Mr. Jenkins to prepare the deeds of manumission for all of their slaves. Jenkins is hesitant and reminds Hester that, legally, even after she reaches her majority she can do nothing without her "husband's presence and co-operation" (180). Assured of Dent's support, Hester responds by outlining what is really at stake:

Oh! I know that; but then Colonel Dent can do nothing at all, if I die without affixing my signature to these deeds, for the property would then go to our daughter, and he would have to wait until she was of age, when many of the poor creatures whom I wish to emancipate would be dead, and others would be old.

Then, Colonel Dent himself might

die before our daughter grows up, and Julie and her property fall into other hands, and so my poor people and their children, remote generations, remain in slavery. (180)

For Hester, the drafting and signing of the deeds is not merely a question of today or her own life but preserving the lives of others. Therefore, she valiantly stays alive until after midnight on the day of her twenty-first birthday so that she might sign the papers and legally free her slaves. She has as faithfully as ever done her part and must once again trust Dent to do the right thing.

Once again, her trust is misplaced. The morning after Hester's funeral Dent meets with Mr. Jenkins to sort out the bills of manumission Hester signed. Dent declares them

invalid. According to Dent, “they could not pass in any court of law” because even had they “been drawn up with the utmost legal precision, other causes would have invalidated the deeds not among the least of which is the fact that Mrs. Dent had not attained her majority when she signed them, or even indeed when she died” (190-191). He then explains to the astonished Mr. Jenkins that

Hester Grey was born at ten o’clock P.M., on the—day of December 1782, the day upon which *peace was proclaimed*: and Hester Dent affixed her signature to these papers at twelve o’clock, and died at seven o’clock, P.M., on the twenty-first anniversary of her birth day; so that she really wanted twenty-two hours of her majority at the hour that she signed these deeds. (190-191)

Cruelly, Dent’s understanding of the law is correct. Though the explanation of being hours short of her majority is certainly a detail added by Southworth to emphasize his depravity and the extent to which he betrays Hester, the larger premise that excludes the manumission papers is that Hester did not have his permission to sign them, and with no legal right to make a will, Dent has no obligation to honor his wife’s wishes. The slaves and The Vale are to be passed on to their daughter Julie. In the end, he controls Hester in death as in life and, as Marcus warned, he makes Hester the sacrifice to his fanatical love of self and in doing so becomes the primary vehicle for fulfilling the Squaw’s Curse. In her relationship with Dent, Hester is blind, sonless, and betrayed when she loves the most.

Dent’s role as husband and representative of the government give his actions added significance. His use of Christian principles to cruelly belittle Hester, his betrayal, his violence, his willingness to break promises when advantageous, and his appropriation

of her property all echo the political and social violence of the patriarchal relationships women sought to change in Indian Removal and Women's Rights. Dent's actions undermine the argument that women are fairly represented in the government by their husbands, fathers, and brothers, for such relationships hinge on compassion and advocacy. He speaks only for himself, exacts from Hester exactly what he wants, and disregards her reactions to everything as emotional and inconsequential. Under the veneer of the benevolent husband, guardian and lord, he cruelly mistreats people, by using violence to strip them of property and legal representation. And though his actions are morally reprehensible, they are perfectly legal. For these "intangible crimes—sins against mind, heart, or happiness" cannot be punished by law. Interestingly, Dent fails to do any better by his independent second wife Juliette.

### *The Other Woman*

Offered as a contrast to Hester, wild, willful Juliette, who Southworth alternately depicts as admirable and purely evil, provides readers with another model of womanhood that is no less constrained by social expectations than the first. Like Hester, Juliette is a dark complected orphan with no living relative and is intensely desirous of finding a place in society. Unlike Hester, Juliette embodies "an exaggerated ideal of feminine allure with qualities patriarchal culture normally associates with maleness" (Entzminger 3). She is ambitious, determined, capable of reading the people around her, and willing to do whatever it takes to find financial security because, unlike Hester, she lacks a prestigious pedigree and wealth. It is this access to property that perhaps most clearly shapes the differences between the two women. Hester's goal in life is to be loved, and

though her looks do not make her an object of desire, her money ensures that she will garner attention. Juliette on the other hand has a beauty that can more than compensate for her poverty and unknown past. So, while Hester uses money to attract admirers, Juliette uses admirers to attract money. Both search for security, and both wrongly believe they find it in Ernest Dent.

For Juliette, Ernest Dent is a necessity, not a choice. In Hester, Juliette finds a potential source of financial security, but that money source is threatened with each change in Hester's life. When Hester marries Ernest, Juliette declares that he is "the *worst* man she could have selected to suit *my* purposes" (115) because, according to Hester's letter, Ernest's morals are above being manipulated. She likewise thinks her designs are all but ended when Hester gives birth to Julie. However, a second more careful reading of Hester's letters reveals to Juliette what Hester never learns—Ernest Dent's weakness. Delightedly, Juliette exclaims "the weak point in his character is his self-confidence; the object that he most admires, in secret, is himself. Yes! Self-righteous, self-admiring and self-confident; he lies or will lie in my power" (116). In one night Juliette uses her beauty, dress, and cunning to wrap Dent as securely around her little finger as she has his wife. He showers her with attention, amusements, and finery. When Conscience, "a faithful monitor as she is," causes Ernest to momentarily question his budding obsession with Juliette, he answers her with the same condescension shown to Hester when he asks "whether she had the impertinence to suppose that he, *he*, *Ernest Dent* could possibly be in danger? And demands to know whether Conscience had not known him long enough to have confidence in him" (118). In response, Conscience sighs and remains silent. Even as he falls into a dangerous trap masterfully laid by Juliette, Ernest clings to his

vain conviction that he is above moral reproach. He reacts exactly as Juliette would have him to her beauty and proves a willing dupe.

Southworth accompanies these models of womanhood with two different depictions of Dent and of love. According to the narrator, love is “a heavenly influence when it unites, pervades, and blesses a family circle; a diabolical agency, when, allured beyond its legitimate bound by a forbidden object, it endangers or consummates the destruction of family confidence, peace and union” (156). It is the second type of love that characterizes the relationship between Dent and Juliette. Dent makes this abundantly clear in a confession of love that melds together government, ownership, and violence. Upon the night that Hester faints at a party because of her worsening health and must be rushed home, Juliette comes to Dent’s office under the guise of telling him about Hester’s condition. She bids him go to bed because he must deliver a speech before the senate the next day. Dent, with admiration, asks Juliette, “but Miss Summers, would you have me leave the bedside of a sick and perhaps a dying wife, to make a speech in the senate?” (156). Juliette replies by asking him what a Roman senator would have done. By evoking Rome, Juliette introduces ideas of democracy as well as conquest, violence, and tragic downfall. Dent obliges with a possessive, violent declaration of love that, even to Juliette, portends a bad ending. When her glance meets his he holds her eyes “fixed, as the magnet holds the needle.” She attempts to leave, but Dent “seize[s] her wrists with his burning hands and [holds] them, keeping his eyes fixed upon hers with the power of the loadstone” (157). For the first time, Juliette feels the power and weight of Dent and is both mesmerized and terrified. She is “under the influence of a spirit and a passion even mightier than her own” and its grasp is inescapable. She again tries to leave, but he



tightens his grip using his fingers to “encircle her wrists like red-hot fetters” while his eyes hold her in a spell. In this position he utters the words “I love you,” but instead of inciting passion they breed fear in Juliette. As she struggles to break free and bring him to his senses, Dent’s need for possession and his violence only intensify.

In this escalation, a love that begins as merely extraordinary progresses to one in which she is his captive, and ends with pure cruelty. When Juliette calls his declaration that he will not release her even if “the heavens should recede and leave [them] alone in space” “ungenerous, unmanly, cruel,” Dent responds with a truly terrifying threat that turns his love into a curse. In a fit, he says, “And my *love* is cruel! exacting, fierce, and cruel! If I were about to die this moment, Juliette, I should kill you, lest anyone else should have you. If I were condemned to eternal misery, I should try to draw your spirit down to perdition with mine, from the *love* I bear you!” (158). Dent accentuates this declaration by wrapping his arm around her waist. Juliette responds to this new threat of possession by biting him. Yet an animalistic action that should evoke his ire heightens his attraction. Only when she resorts to sobbing and declaring his power over her does he release her and admit her power over him. In a reversal of his earlier declarations of love, he declares himself her slave and a dog that sits at her feet. Dent proves incapable of declaring affection unless he controls the situation. In this case he gains through impassioned violence what he exacted from Hester by cruel detachment and disdain.

Despite the impassioned and tempestuous nature of their first declarations and the first year of their marriage, over time the relationship fails due in large part to the mutual suspicion its beginnings cause. Neither party trusts the other to remain faithful or proves truly capable of understanding each other, so Dent and Juliette live through “years of

domestic wretchedness...united by no tie of mutual affection or esteem, but fettered fast by pride, custom, and expediency” (269). Even though both are miserable, neither finds an advantage in separating, for their personal failures are accompanied by political and social achievement. Dent is promoted to general, and Juliette becomes the belle of every ball in Philadelphia and France. Therefore, they choke back their disgust and continue on even as their relationship spirals downward toward increasingly dark places and their chief interaction is to torment one another. It is at this point that the narrator makes obvious the comparison between wives that has been building throughout the novel.

And now, while I say this, it occurs to me, that to Ernest Dent, Hester and Juliette—the first, pure love, the last, insane passion—represented the principles of good and evil. To the first his faith had been pledged, and his allegiance was due; but she was plain, simple, quiet, quakerish, and unattractive and he let her die. The second was bright, beautiful, alluring; he gave himself up to her fascinations, was bewildered, caught, tortured. The parallel is perfect, as you will find, if you pursue it. (270)

Yet Southworth is not interested in pursuing this parallel or perfecting it at any point in the novel. She repeatedly insists that Juliette be read as more than the “belle gone bad” who undermines the traditional, virtuous behaviors of Hester because in doing so Southworth gains the ability to highlight the hypocrisy that underlies the ways virtue is differently constructed for men and women. After all, the actions that would label Juliette as evil require the participation of Dent. So, censuring Juliette would mean participating in the creation of “a false public sentiment, by giving to the world a different code of morals for men and women, by which moral delinquencies which exclude women from

society, are not only tolerated but deemed of little account in man” (Declaration of Sentiments). Instead, Southworth depicts Juliette as what Lydia Fischer terms a “savage in the house” (53). Unlike Hester who had always been inscribed in the domestic setting of The Vale and willingly conformed to societal expectations, Juliette is a woman from outside this system, one who, with her wildness and unwillingness to conform “could suggest the potential for transformation in accepted gender roles” and revitalization of the nation (65). As part of her transformative properties, Juliette “possesses Southworth’s talent for writing, along with other artistic accomplishments,” which “indicates the writer’s identification with the character and suggests a commentary on her region’s attitude toward all powerful women” (Entzminger 35). In contrast to Hester, who has “a passion for acquiring, but no tact in appropriating knowledge to the development of her mind,” Juliette easily understands complex tasks *and* accurately reads a social landscape (20). She also adeptly defies gender roles in order to guarantee her inclusion and gain power. With this combination of skills, Juliette gives Southworth the ability to expose vanity and greed as the true machination of government and its leaders. Perhaps most importantly, Juliette holds the most power and potential to change history and the curse that haunts The Vale and its inhabitants by participating in the fight against Indian Removal.

During one of the legislative sessions, Dent is to speak before the Senate on the issue of Indian Removal and requests Hester’s assistance in gathering the information he will need to write his speech. When Hester utterly fails to understand the research Dent is asking her to conduct for him, Juliette “comprehend[s] the subject fully” and eagerly steps in to help Hester and herself (140). Juliette completes “the task admirably, bringing

all her astute intellect and brilliant wit into the serve of the subject; using here the acute comment, here the skillful comparison, and here the cutting sarcasm” (146). The value of her work is not the ability to simply record details but to interpret them in ways that cut to heart of the issue and offer valuable insights. Juliette in many ways seems made for such work. Her ability to read people and assess situations allows her to just as easily navigate the political landscape as the ballroom. What’s more, Juliette enjoys the work. Occupied with her research, she momentarily drops her guard and stops calculating her next move. In this moment, Southworth offers the most positive assessment of Juliette, or any woman, found in the novel.

Three hours had passed and Juliette was still bending over her work. She was now quite alone, she had laid off her bonnet, and it was thus her beautiful hair, half out of curl, her cheeks glowing, her eyes sparkling, her countenance highly intellectual, with the excitement of her work that Ernest Dent after the adjournment of the Senate, found her.

Sitting in the Library of Congress conducting research for Dent, Juliette is truly beautiful because she is committed to a purpose beyond herself and has found a way to put her beauty and intelligence to good use. She is after all researching an issue that will impact thousands of American Indians and the country—one that, as we have seen, women like Beecher and the thousands of women who petitioned Congress actively wrote against. Juliette becomes, at least momentarily, a woman to be respected by women and the political establishment for her brains and her beauty. She seemingly embodies what a politically active woman and wife should be in a way that Hester never will.

In her work on Indian Removal Juliette becomes Dent's political equal, and Southworth can show women resisting their exclusion by stepping outside of their prescribed roles and into the halls of government. It also provides an opportunity to critique the way women's political action is co-opted by men and turned to their own needs. When Dent returns to the library after having read Juliette's brilliant summary of the issue, his admiration of her achievements is quickly interpreted as a marker of his own accomplishments. It is "his late political triumph, his surprise at finding Juliette alone in the library, engaged so successfully in his service, his admiration of her genius, his gratitude, his flattered self-love" (146) that give Juliette's work merit in his eyes. Dent interprets Juliette's success as an indicator of his own worth. By making her success his, he perverts her actions and makes her his property. He might use her intellectual property to aid his public life; he might also use her body as he wishes. Even challenges to domesticity and patriarchal government, in this novel, only reinforce the inequality between men and women and blur the distinctions between affection, love, and property.

The impact of these confused categories nearly erupts in murder when Juliette and Dent quarrel about Juliette's decision to send a favorite house slave, Minny Dozier, to the field because she suspects a sexual relationship with her husband. Juliette's suspicion and outrage stem from the fact that she knows firsthand the true nature of her husband's character, but more than that, it underscores the extent to which she too has been made into a type of property by the laws and social norms. While Dent could easily find what he was not getting in his marriage to Juliette in an extramarital affair, even with a slave, and escape censure, Juliette cannot do so without social and economic ruin. At this point, she is unwilling to jeopardize either. The fact that Juliette suffers under this double

standard and finds herself so utterly dependent and unhappy makes her a sympathetic character. For, as Southworth explains, “Bad, as she was, she was a woman and loved; and what woman, the proudest and fiercest, can bear her hearth and home and heart made desolate, and by her own rash hand? She was a woman, and her woman’s nature amply avenged itself. Her anguish was as deep and as hopeless as her anger had been fierce and deadly” (261). This fear of loss and recognition of love prompts Juliette to sincerely ask for forgiveness. In a scene reminiscent of so many acts of submission performed by Hester, Juliette throws herself at Dent’s feet. He responds by scooping her up like a child and wiping her tears. Yet he holds back his kisses and instead of offering her any comfort true comfort in the form of genuine empathy, Dent lectures her as he used to do Hester. He preaches to her about religion, strength, and self-possession and outlines a new relationship for them: “Yes, Juliette, poor child of passion and impulse, it shall henceforth be my care to guard you from your own impetuosity, as from all other dangers” (264). Unlike Hester who would have happily accepted the criticism and role of a child, Juliette is furious. From this moment forward she actively seeks Dent’s political ruin and achieves it by disregarding every social rule for a woman and living as she pleases, even at the cost of her own life. When juxtaposed with Hester’s willing submission, Juliette’s willingness to fight against the restrictions governing women’s relationships to their husbands and the state gives female readers the ability to perhaps see themselves somewhere between the two extremes of the “angel in the house” and the “savage in the house.”

That both Hester and Juliette are brought to ruin by the same man despite their different approaches also raises questions about the true heroine of the novel. At different

points in the novel each woman might meet the description of the heroine offered by Southworth in the novel's introduction. And this is precisely the point. Both women have in the midst of their souls "a tiny sapling, that, as it grew, cleared and charred a wide space around it; sweet shrubs withered, bright flowers faded unblown, and fruit fell unripe and blighted...and the name of the Upas in her soul was Vanity" (20). Though titled *Vanity*, this sapling might also be named Ernest Dent. He is after all the source of Hester's pride and the person that most encourages Juliette's pride in her powerful beauty. It is their association with him and belief that he can offer them what they need that ultimately brings about their tragic deaths. Women, whether submissive or rebellious, are at the mercy of a patriarchal system that, like Dent, proves absolutely incapable of the emotion, introspection, or moral rectitude required of one who seeks to represent others. Thus, when the ideas of savagery and civilization that marked the debate over Indian Removal are domesticated, they not only call into question the grounds upon which the nation is built, but the systems that would, generation after generation, recreate the violence and unlawful taking of property in the name of Christianity or benevolence.

### *Mesmerized Maidens*

If Southworth aligns liminal figures (women and Indians) in the American legal and social system to ultimately comment on the relationships that form the foundations of "America," then Hawthorne likewise uses liminal characters (women and the Maules) to serve as the figures through which the foundations of the nation are tested. For Hawthorne, women become the medium through which he explores ideas of history, race,

and class. This begins with their ability to see beyond the public image to the true nature and intentions of a man. The narrator declares that in order to understand the true nature of a man “[i]t is often instructive to take the woman’s, the private, domestic view, of a public man; nor can anything be more curious than the vast discrepancy between portraits intended for engraving and the pencil sketches that pass from hand to hand, behind the original’s back” (122). This turn to the domestic, to the woman’s view of the public man, also allows the narrator to comment on the internal violence of the Pyncheon family and the nation in a new way. He explains that Colonel Pyncheon, “an autocrat in his own household, had worn out three wives, and, merely by the remorseless weight and hardness of his character in the conjugal relation, had sent them, one after another, broken hearted, to their graves” (123). Judge Pyncheon “had wedded but a single wife, and lost her in the third or fourth year of their marriage. There was a fable, however—for such we choose to consider it, though, not impossibly, typical of Judge Pyncheon’s marital deportment—that the lady got her death-blow in the honey-moon, and never smiled again, because her husband compelled her to serve him with coffee, every morning, at his bedside, in token of fealty to her liege-lord and master” (123). The description of the Pyncheon women as “worn out” and heartbroken by the mistreatment of their husbands/liege/master, echoes the legal relationships imagined for women in marriage and the potentially horrifying outcomes women experienced and argued against in the nineteenth century. Moreover, centering the true savagery in the home and, more specifically, in the relationships between men and women, places women squarely in the middle of the Pyncheon and Maule feud.



As individuals who can read the true nature of the public man by stripping away physical and social trappings to reveal the spirit or soul of man but have limited tools of resistance, women become the medium through which generations of Pyncheon and Maule men show their power and attempt to gain wealth and revenge. This is most clearly demonstrated through the strange possession of Alice Pyncheon and the marriage of Phoebe and Holgrave. In both cases, Pyncheon women find themselves inextricably intertwined with Maule men by a connection rooted in the very seat of their emotions and character. The lovely, proud Alice becomes a pawn in the family's ancient feud when her father, Gervaise Pyncheon seeks to uncover the location of the Indian deed. Gervaise Pyncheon is already a wealthy man when he seeks the deed, for he "married a lady of fortune" in England (190). However, this fortune "gives symptoms of exhaustion," so he would like to extend his empire to include the ever-elusive eastern claim. In actively seeking the Indian deed, Mr. Pyncheon demonstrates an "unconditional commitment to 'symbolic' wealth, the value of 'paper' [that]...aligns his "Old World" lineage with the cutting edge of 'New World' economics" and turns his daughter into a currency to be exchanged (Dolis 42). Convinced that the young Matthew Maule (grandson of the original Maule) might be able to reveal the secret of the deed's whereabouts, Mr. Pyncheon summons that proud man to his home. The initial exchange between the two indicates the different grounds upon which they see themselves and their intertwined past. The tension between the two men has been read as representing both class and racial differences. In "Haunted Houses" Shelley Streeby argues that the exchange between Mr. Pyncheon and Maule is about class boundaries, while Kristin Herzog contends that the Maule's represent a "primitive" people with a "demonic power that becomes destructive

only when they are repressed and deprived of their rights” (26). I would argue that both are at play here. As a removed person, Maule certainly represents the natives who once inhabited the land, and such a designation also makes him of a lower social class as much as his role as a tradesman does. This combination of class and race makes Maule a threat in both his rightful claim to The House of the Seven Gables and his “primitive” mesmerism and powerful sexuality.

By way of trying to pinpoint Matthew Maule’s lineage Mr. Pyncheon, who has already been surprised by Maule’s disregard for social norms, casually asks if he is the grandson of the man who built the house. Matthew Maule responds that he is not only the son of the carpenter who built the home but “the grandson of the rightful proprietor of the soil” (194). Gervayse senses the anger in Matthew Maule and attempts to assuage it by presenting the feud between the families in legal terms.

I am well aware that my grandfather was compelled to resort to a suit at law, in order to establish his claim to the foundation-site of this edifice. We will not, if you please, renew the discussion. The matter was settled at the time, and by the competent authorities— equitably, it is to be presumed—and, at all events, irrevocably. (194)

Mr. Pyncheon attempts to turn what he knows is a blood feud and long record of violence into seemingly simple legal matter. Likewise, he frames his obsession with discovering the Indian deed as nothing more than the completion of a legal process begun long ago by his grandfather. Yet, Mr. Pyncheon seems incapable of believing or fully ascribing this view to the past or present. “Popular belief,” “fire-side talk,” and even Mr. Pyncheon’s own memory of the day his grandfather died connect the Maule family to the

disappearance of the deed. In fact, the popular belief that the original Pyncheon traded away his vast eastern claim for the site of The House of the Seven Gables and the rumors that “miles and miles of the Pyncheon lands had been shoveled into Maule’s grave” are so powerful that lawyers searching for the will order the exhumation of the original Matthew Maule (196). The two men find themselves inextricably locked in the same battle as that played out by their grandfathers. Cursed to be forever linked by the past and the missing deed, the two men barter for land. In exchange for helping Mr. Pyncheon locate the deed for the eastern claim, the young Matthew Maule demands The House of the Seven Gables. Having no personal attachment to or fondness for the mansion, Mr. Pyncheon agrees to the deal. However, the matter is complicated when Matthew Maule demands an audience with Alice Pyncheon.

While Mr. Pyncheon seems fine with the deal to exchange his ancestral home for the Indian deed, he is startled and hesitant to grant Matthew Maule an audience with his daughter. Perhaps recalling the “talk among the neighbors, particularly the petticoated ones, about what they called the witchcraft of Maule’s eye,” Mr. Pyncheon wonders at Maule’s intentions. However, he eventually ceases protesting when Maule tells him that “the only chance of acquiring the requisite knowledge was through the clear, crystal medium of a pure and virgin intelligence, like that of fair Alice” (200). With sexualized descriptions of her “virgin intelligence,” “unsullied purity,” “preservative force of womanhood” (203) and impenetrable sphere, Alice becomes the virginal sacrifice to her father’s greed and Maule’s vengeance, which takes the form of a “quasi-sexual transgression” (Streeby 463). Little expecting what is to come, Mr. Pyncheon sells his daughter, body and spirit, to Matthew Maule for the mere promise of future reward. To

persuade Alice to participate, and perhaps to satisfy his own conscience, Mr. Pyncheon tells her that the importance of the document “renders it advisable to neglect no possible, even if improbable, method of regaining it” (202). He further assures her that he “shall remain in the room” to ensure she receives “no rude nor unbecoming deportment on the young man’s part” and that “the investigation, or whatever we may call it, shall immediately be broken off” if she does (202). Pyncheon’s assurances earn a condescending sneer from Matthew Maule, who mocks him by stating that Alice “will no doubt feel herself quite safe in her father’s presence, and under his all-sufficient protection” (202). Maule’s sarcasm points to his ill intentions and the insufficiency of Pyncheon’s ability to play the role he describes. He is a bad father who cannot perform the primary function of protecting his daughter. Instead he gives her over to the control of his enemy and, like his grandfather before him, trades a human soul for the promise of riches. The transaction with its exchange of a piece of land for the life of a daughter evokes not just the transaction between the first Pyncheon and Maule, but it also mimics the property exchange and sexual relationships that marked the marriage process for many nineteenth century women—but with one difference. Alice Pyncheon was to be, not legally or physically, but spiritually betrothed to a darkened, native figure, meaning her soul, her psyche were his to control.

Mr. Pyncheon’s musings as Maule begins his mesmerism reinforce the marital nature of this arrangement as well as its imperialistic overtones. He rationalizes his acquiesce by claiming his actions were, after all, more for Alice than himself because the discovery of the Indian deed would allow him to give her a dowry that might enable her to “wed an English duke, or a German reigning-prince, instead of some New England

clergyman or lawyer” (204). Mr. Pyncheon’s reference to marriage as social mobility for Alice is also another indicator of his own social climbing and pursuit of wealth. By claiming Indian lands and expanding his own empire, Pyncheon imagines he can marry Alice to European nobility, which means he too advances and might “purchase that elevated dignity from the British monarch. Lord Pyncheon!—or the Earl of Waldo!” (199). The currency with which Mr. Pyncheon plans to “purchase” this title is unclear, for it might refer to the property gained by discovering the deed or the status he might gain by trading his daughter in marriage. At this moment, the two are interchangeable because both require him to sacrifice Alice. Maule himself makes this point when Mr. Pyncheon, realizing he has underestimated Maule’s power and overestimated Alice’s ability to stand against evil, demands Maule returns her lest he follow the same fate as his grandfather. Cutting Mr. Pyncheon to the core, Maule asks “[i]s it my crime, if you have sold your daughter for the mere hope of getting a sheet of yellow parchment into your clutch?” (206).

Mr. Pyncheon’s willingness to trade Alice for land has engaged her in a spiritual marriage with Matthew Maule who declares her his “by the right of the strongest spirit” (206). When Alice and Matthew Maule first meet she is “struck with admiration—which she made no attempt to conceal—of the remarkable comeliness, strength, and energy of Maule’s figure” (201). Maule however lacks a woman’s ability to accurately read a person’s true spirit and misinterprets the admiring look. He reads it as another manifestation of the haughty pride of the Pyncheons. Incensed, he sets out to humble Alice by making her bend to his will. Alice complies with his directions assured of her own strength and “high, unsullied purity, and the preservative force of womanhood—that

could make her sphere impenetrable, unless betrayed by treachery within” (203). Armed with all of the trappings of true womanhood, which she has been told by society will protect her from evil, Alice attempts to match Matthew Maule’s strength of spirit. When she fails, the implication is that her womanhood could not protect her because there was something in her own character that betrayed her. Perhaps it was her attraction to Maule, her fault of pride, or the inability of purity to overcome vengeance; regardless, she is punished. But it is the medium of the punishment that is more perplexing than the fault that lets Maule in, for as much as Matthew Maule is in control of Alice, she too affects him.

Maule’s ability to mesmerize Alice hinges on a connection that requires, not just a control of her spirit, but also a merging of hers with his. Nineteenth century manuals on mesmerism variously described the connection between mesmerized and mesmerist as “between mind and mind,” or in more feminist approaches, between spirits, which were seen as functioning independently of the body (Beam 86, 91). The idea of mesmerism as between two spirits offers a way for women to leave behind their bodies, their spheres, and find a new way to relate to the world. Yet this connection is mediated by a man, which complicates the outcome by reinforcing the gendered power structure of marriage. When Maule releases Alice from her initial trance, she seems connected to him in a new way that retains very little of the misread pride of their first encounter. Looking on his face for the second time she exhibits a “gentle dignity” (208). By controlling her spirit, Maule makes Alice his “slave, in a bondage more humiliating, a thousand-fold than that which binds its chains around the body” (208). From the comfort of his own home, Maule could control Alice’s emotions and actions and did so for his own amusement and

pride. However, it is clearly pointed out that his intentions were not entirely evil. Rather “[i]t seemed to be Maule’s impulse, not to ruin Alice, nor to visit her with any black or gigantic mischief, which would have crowned her sorrow with the grace of tragedy, but to wreak a low, ungenerous scorn upon her” (209). In controlling Alice’s spirit he hopes to bring it more in line with his own, and give her a new way of relating to the world by making her experience the position of a Maule. This spiritual and implied sexual connection between the two is important for understanding the circumstances under which Alice is released from his grasp and the role marriage plays in both her possession and death.

If it was her father’s supposed desire to marry her well that placed her in the power of Maule, it is another marriage that releases her. On the night Matthew Maule is to be married to the daughter of a local laborer, he calls forth Alice. Dressed in a “gossamer white dress and satin slippers” that evoke images of a bride coming to her intended, Alice arrives at the laborer’s house to wait upon the bride. This act of demanding the diminished Alice wait on his bride makes her the fallen woman, the mistress. She is joined to Maul spiritually, and perhaps sexually, but is not to be legally. Therefore, when Maule is married and “the twain were one,” Alice awakes from her “enchanted sleep” (209). Maule’s marriage means that he is now joined with another and can therefore no longer be wedded to Alice. Ironically, this separation leaves Alice “all steeped in sadness” and also powerfully impacts Matthew Maule. When Alice Pyncheon dies days later from taking cold after her walk home on the night of Matthew Maule’s marriage, no one mourns her death more than he who caused it. On the day of her funeral the newlywed Matthew Maule walks at the end of the procession “gnashing his teeth, as

if he would have bitten his own heart in twain; the darkest and woofullest man that ever walked behind a corpse” (210). Maule’s sorrow comes from a miscalculation: “He meant to humble Alice, not to kill her—but he had taken a woman’s delicate soul into his rude gripe to play with; -- and she was dead!” (210). Not only is this the first direct mention of the heart instead of a more general spirit, but his willingness to split his own heart for Alice recalls the language of his marriage ceremony. Maule would break his marriage and give part of his heart to Alice to regain her and atone for his actions. In the end Maule seemed to love Alice because, in many ways, she was his other half. Sadly misused by both the man who controls her spirit and the father whose job it was to protect her, Alice comes to literally embody the feud between the Pyncheons and the Maules. With her spirit split into two pieces, Alice becomes the specter that haunts The House of the Seven Gables.

The two halves of Alice’s soul are seemingly rejoined with the marriage of Phoebe Pyncheon and Holgrave Maule. The relationship between the good, industrious Phoebe and mystic Holgrave is offered up as a satisfactory close to generations of animosity, but it too is haunted by a past that must be overcome. As a descendent of the original Maule, Holgrave has inherited two things, the power of mesmerism and knowledge of the whereabouts of the Indian deed. Phoebe on the other hand has inherited little of the Pyncheon pride that so doomed Alice. She is cheerful, simple, and capable of some household magic that transforms those people and spaces around her. In a scene that literarily and metaphorically recalls the interactions of Matthew Maule and Alice Pyncheon, Holgrave tells the story of Alice’s mesmerism and finds that in his efforts to bring the tale alive with dramatic hand gestures he has inadvertently begun to mesmerize



Phoebe. In what is perhaps the clearest description of how the mesmerism works and its dangerous effects, the narrator explains that “[a] veil was beginning to be muffled about her, in which she could only behold him, and live only in his thoughts and emotions” (211). Like his ancestor, Holgrave’s “glance as he fastened it on the young girl, grew involuntarily more concentrated; in his attitude, there was the consciousness of power” (211). It is the exercise of this power, not maliciousness that Matthew Maule gave in to and that Holgrave must resist if he does not want Phoebe to meet the same end as Alice. The choice not to proceed with mesmerizing Phoebe is not easy because “there is no temptation so great as the opportunity of acquiring empire over the human spirit; nor any idea more seductive to a young man, than to become the arbiter of a young girl’s destiny” (212). Yet, Holgrave resists due to his “reverence for another’s individuality.” His respect for Phoebe’s individuality is important because “Holgrave becomes a ‘mature man’ and exorcises the ghosts of the past only when he learns to respect the sanctity of Phoebe Pyncheon’s ‘sphere’” (Streeby 463). In recognizing Phoebe’s individuality, Holgrave has learned to set aside the past.

The change rendered to Holgrave’s usually dark view of the world by his newfound maturity is sudden and surprising. He sees the world anew and finds in the decay and mold of The House of the Seven Gables a type of beauty that, if he could preserve it, would turn the piece of property over which Maules and Pyncheons have died into “a bower in Eden” (214). Phoebe however responds to his newfound maturity and love by saying, “I have been happier than I am now—at least much gayer.” Eventually, she does admit that there is something in the moonlight that night that she has never felt before. Yet she fails to meet Holgrave’s excitement or understand his meaning. Instead

she explains that “life does not look the same” and that she “shall never be so merry as before [she] knew Cousin Hepzibah and poor Cousin Clifford” because she has “given them [her] sunshine” (214). The reversals in attitude exhibited by Holgrave and Phoebe after her near mesmerism hint at the toll the house has taken on her and the existence of a new spiritual connection. Like Alice and Matthew Maule, Holgrave’s and Phoebe’s spirits have become intertwined and the impact on each varies. Holgrave has new feeling of youthfulness and love while Phoebe recognizes only the loss of her own cheerfulness and a feeling of being used up by those around her. Holgrave explains this away by saying that “[t]his bemoaning of one’s self (as you do now) over the first, careless, shallow gaiety of youth departed, and this profound happiness at youth regained—so much deeper and richer than that we lost—are essential to the soul’s development. In some cases, the two states come almost simultaneously, and mingle the sadness and the rapture in one mysterious emotion” (215). Whether or not Holgrave is correct or the “mysterious emotion” to which he refers is love, what is clear is that, in this moment, Holgrave and Phoebe each represent one element of this process. Only together can they produce the greater emotion. However, the potential of their union cannot be realized while Judge Pyncheon is still alive, for if the two are really to be united and in so doing end the curse, the Indian deed must be taken out of play.

Surprisingly, it is Hepzibah who brings the search for the Indian deed to an end by bringing on an attack of the Maule curse. Hepzibah’s power to do this lies in her subtle alignment with the Maule’s. Despite her unreasonable pride in the Pyncheon’s aristocratic past, haughtiness, and unwillingness or inability to perform basic domestic tasks she deems beneath her, Nina Baym points out that throughout the novel Hepzibah

becomes increasingly aligned with the Maule's. She becomes the "savage in the house." Destitute, she opens a cent shop and enters into the realm of what Streeby would term a working-class existence and Herzog would declare an "'ethnic' life" (26). Hepzibah also rents a room to Holgrave; therefore, "she has let him into her space (or, allegorically speaking, he has sprung up in her space) (Baym 613). In doing so, Hepzibah becomes "marble and mud" in that she combines the aristocratic pride of Alice Pyncheon but tempers it with Maule-like tendencies (Hawthorne 41). It is this combination that gives her the ability to reshape the roles of women in the house and the defiance to stand up to Judge Jaffrey Pyncheon.

As the newest incarnation of the autocratic Colonel Pyncheon, Judge Pyncheon combines the single-minded focus of his ancestor with the cover provided by a government position that allows him to mete out justice according to his own predilection. The Judge's ability to feed his private greed and to do so with the blessing of the public, hinges upon creating for himself the persona of a benevolent man. As the narrator explains, men like Judge Pyncheon "possess vast ability in grasping, and arranging, and appropriating to themselves, the big, heavy, solid unrealities such as gold, landed estate, offices of trust and emolument, and public honors. With these materials, and with deeds of goodly aspect, done in the public eye, an individual of this class builds up, as it were, a tall and stately edifice, which, in view of other people and ultimately in his own view, is no other than that man's character, or the man himself" (229). It is not the Judge's merit or dedication to justice that have made him the man he is but his grasping at wealth and the willingness of the public to forgive and perhaps even praise such actions when they are accompanied by the perfunctory practice of so-called good

deeds. The problem for Judge Pyncheon is that in his interactions with Hepzibah he is not dealing with the public. He must face a woman who knows his true nature and is therefore able to undermine the foundation of the “tall and stately edifice.”

When Judge Pyncheon pushes his way past Hepzibah and into the house to demand an audience with Clifford, he uses his supposed acts of benevolence to Clifford to justify his presence. Hepzibah is unconvinced. She assures him that Clifford knows nothing of the deed and that there is no reasonable motivation for his keeping it secret for this long. It is then that the Judge reveals the truth of Clifford's release. It was not benevolence or “public justice and the welfare of society” (227) that motivated the Judge to release the man whom he had imprisoned. It was greed. While Clifford was in jail he had no incentive to reveal information that would contribute to Judge Pyncheon's financial and social prosperity. By releasing him, Judge Pyncheon hopes to extract from Clifford the information he desires through the threat of psychological violence. If Clifford does not offer up the Indian deed, Judge Pyncheon will have him imprisoned by declaring him insane and a threat to public safety. The evidence the Judge will use is his own conviction that Clifford's refusal to give him the information he desires stems “from mere malice, and hatred of one whose interests ought naturally be dear to him” and not honoring these bonds is insanity. In this moment Judge Pyncheon, despite his best attempts to feign kindness, shows himself to be an “iron man” so like Colonel Pyncheon that Hepzibah “almost adopt[s] the insane belief, that it was her old Puritan ancestor, and not the modern Judge,” (232) she faced. Therefore Hepzibah vents upon him her anger for the present and the past.

In a speech that attacks his humanity, vanity, and greed, Hepzibah delivers a scathing indictment of Judge Pyncheon and the private vice he represents. She begins by outlining his cardinal sin, which is to forget “that a woman was your mother!—that you have had sisters, brothers, children of your own!—or that there was affection between man and man, or pity from one man to another, in this miserable world!” (236). By moving from a very specific relationship with a woman to a more generalized idea of emotion between fellow men, Hepzibah’s rebuke of his actions links to questions of women’s rights. He has forgotten the women, and his inability to remember this most intimate and pure of familial relationships leads to a general breakdown in his ability to justly treat others. Without these human connections, his efforts to constantly expand his empire fail to benefit anyone, and his violence becomes pointless. After all, he has disowned his only son and sent his wife to the grave. The only legacy he can leave is to pass on to another generation a commitment to violence and senseless destruction in pursuit of wealth. With mournfulness Hepzibah closes her case against him: “Alas, Cousin Jaffrey, this hard and grasping spirit has run in our blood, these two hundred years! You are but doing over again, in another shape, what your ancestor before you did, and sending down to your posterity the curse inherited from him!” (237). Hepzibah’s giving voice to the curse combined with her willingness to defy him by exposing his true nature brings on a deadly attack of Maule’s curse that kills Judge Pyncheon. Like Juliette in *Retribution*, Hepzibah draws upon her status as the untamed woman to shift gender roles and clears the way for a new future.

In the end, the pursuit of wealth and public acclaim sought by Colonel Dent and the Pyncheons is all for naught. Dent is left a broken man and his wives are dead because

his vanity does not allow him to conceive of any relationship that would recognize a woman as his equal. Mr. Pyncheon loses his daughter to his greed, and Judge Pyncheon loses his life. And instead of building legacies and homes that would last for many generations, these men confirm the shakiness of their own foundations and prove their own lack of fitness to govern. Thus, when forced to live with the consequences of a past that includes Indian Removal the nation/family home proves incapable of surviving intact. It must be rethought and relocated both geographically and theoretically.

### **III. Revisions and Removals**

Both *Retribution* and *The House of the Seven Gables* end seemingly happily with marriages and removals. The modern generation seems to have thrown off the burden of the past by revising their roles with each other and within society. However, the extent to which either cast of characters truly breaks with the past to provide a new vision of the nation is ambiguous at best. Though largely neglected by her father in her early years, Julie Dent, with the benefit of Marcus Derby as her advocate, grows into a woman who combines the piety of her mother with the strength of will of her namesake Juliette. Thus Julie Dent does what her father was incapable of doing and fulfills her mother's dying wishes by freeing her slaves, even when doing so causes a loss of fortune and a fiancé. When Julie decides to free her slaves, the change in fortune it will precipitate causes her suitor, Henry Bland, to abandon her. Confronted with the evidence of Henry's abandonment, Julie responds with a willingness to have her personal life martyred for the cause: "Jesus was crucified. 'Even so, Father, for it seemed good in thy sight'" (303). Her willingness to suffer for others does what nothing else in the novel has; it teaches

Ernest Dent how to truly love. Instead of chastising her for her show of emotion Ernest Dent looks upon his child “with a growing love” and “in a glow of enthusiasm...open[s] his arms to her” (303). He provides to the child the comfort and protection he refused the mother and in doing so finally becomes the advocate for women he was always supposed to be as a father, husband and representative. With the support of her father, Julie emancipates the slaves and sells the plantation. The curse of The Vale is broken, and Julie and Dent are able to start over. In the west, Dent reinvents himself as what readers must assume is a more benevolent politician, and Julie marries a Congressman and gives birth to the next Hester Grey who *might* inherit her property from her mother without also inheriting violence and betrayal.

For the inhabitants of The House of the Seven Gables, the curse is broken by a marriage in which both parties significantly revise the past. Not only does Holgrave resist mesmerizing Phoebe, he learns to recognize her strength and respect her “sphere” by correctly reading her character. Holgrave says to Phoebe, “[i]f I read your character rightly...gentle as you are, and seeming to have your sphere among common things, you yet possess remarkable strength. You have wonderful poise, and a faculty which, when tested, will prove itself capable of dealing with matters that fall far out of the ordinary rule” (301). According to Streeby, “Phoebe’s ‘poise’—her ability to balance and reconcile opposites—is the most powerful force in this novel for it allows her to tame wild artisans and thereby to exorcise the specter of class conflict” (464). In bringing together the Pyncheon and Maule families, Phoebe also manages to reconfigure the Maule’s racialized status by sharing her “sunshine” with Holgrave and giving him a home and permanence. Her down-to-earth approach to the world brings to The House of

the Seven Gables “the old ethnic Maule element as it lived...before being deprived of its place and its natural rights” but adds to it the beauty and refinement of a Pyncheon(Herzog 25). More importantly Phoebe’s ability to, as a woman, determine the private nature or spirit of a man gives her the ability to match Holgrave’s “strength of spirit” and ensure that marriage is offered on equal terms. Phoebe and Holgrave are two pieces of the whole, and when joined, they manage to release Alice’s ghost and the hold of the house on the two families. Most importantly, Phoebe’s marriage to Holgrave initiates a property exchange. Not only does Holgrave finally reveal the location of the crumbled, irrelevant Indian deed, but the Judge dies with no heir. So, “[b]y this misfortune, Clifford became rich; so did Hepzibah; so did out little village-maiden, and through her, that sworn foe of wealth and all manner of conservatism—the wild reformer—Holgrave!” (313). If women had been used in the past by Pyncheons and Maules to perpetuate the feud, then in this instance, they become part of the resolution. With The House of the Seven Gables once again within the control of a Maule, the well runs clear, Alice’s posies bloom, and the descendants of the two families can leave behind the past and the house.

By revising their intimate relationships and the relationship of individuals to property, both casts of characters remove the curses that had long governed the inhabitants of the familial homes. However, the homes are uninhabitable precisely because the family dynamics have changed. With the transfer of property that ends the novels, everyone enters into liminal status because of the way access to property has been re-gendered. In *Retribution*, Dent has finds himself financially bankrupt, politically ruined and without access to property because The Vale and the slaves have been left to



his daughter in a trust. Similarly, Clifford and Holgrave find themselves unable to directly control property—Clifford because of his mental health and Holgrave because any money he might acquire from his marriage to Phoebe is not immediately accessible. For the moment the men have become the dependents who have no property. Thus the families are feminized. Therefore, the sale or abandonment of The Vale and The House of the Seven Gables is not a choice; it is a necessity because their inability to fit into the patriarchal structures embodied in their ancestral homes, means that they will not be able to survive where they are socially and perhaps economically. More importantly the relationships they have established cannot remain intact because such relationships are dependent upon mutual affection, not the ability to gain property or status. So, they remove themselves to spaces beyond the bounds of their civilized pasts.

For both families, removal offers a chance to start anew with homes based on their reconfigured relationships. By making property the domain of women, it is the men who are changed. Women retain their roles as daughters, wives and mothers, but the men now have a new appreciation for them. In *Retribution* the co-creation of a new, multigenerational home using Julie's money and Dent's political prowess as a truly benevolent representative allows the family to thrive and produce a new generation of women—a fact that is praised not lamented. *The House of the Seven Gables* also enacts a revision of the structure of the home/nation by placing liminal characters in the home of a government representative so that it can be transformed into a representation of inclusiveness. For Holgrave, who previously had no clear attachment to people or a fixed sense of home as belonging, this change causes him to find home and permanence appealing. He comes to wonder why the Judge “should not have felt the propriety of

embodying so excellent a piece of domestic architecture in stone, rather than wood” (314). The changes made by the men in the novels seem to reflect a successful revision of the domestic ideal and by extension the nation.

However, as Dent’s return to politics and Holgrave’s reasons for selecting stone rather than wood reveal, the permanence of these new models is questionable. Holgrave declares stone a superior choice for a piece of “domestic architecture” because “[t]hen, every generation of the family might have altered the interior, to suit its own taste and convenience; while the exterior, through the lapse of years, might have been adding venerableness to its original beauty, thus giving that impression of permanence” (314-15). Both families might rearrange their internal relationships, but it would do little to impact the outside structures. They can only revise domesticity’s function in their own space. So, even though removing west allows the Dents to overcome political and financial ruin and gives the Maule/Pyncheon household the economic and social security needed to move into the middle class, the fact that both are dependent upon reconfiguring the role of women calls into question the extent to which they offer feasible models for the nation.

In drawing upon ideas of the west and removals Southworth and Hawthorne seemingly admit to the limitations of their own models. This comes, in large part, because the rhetoric of Indian Removal and westward expansion both draw upon the idea of the west or the country as a blank space. Yet constructing the west as an empty space relies upon its inclusion in the domestic space of the United States. If the conferral of national identity equates to personhood and personhood in the US is dependent upon the right to own property, then domesticity with its gendered and racialized property rights,

theoretically opens the west to white expansion and empties it of Indians by stripping them of their legal personhood and land. Only if the west is already contained in the domestic can it be empty. This theoretical emptiness is what allows proponents of Indian Removal to make the claim that in the west the Cherokee and other tribes might be protected from civilization while simultaneously promoting white migration. Therefore, the west becomes a sanctioned space for the spread of civilization. Certainly, the government did not expect the Cherokee and other tribes to move west and revert to matriarchal societies that practiced communal property rights. It expected and, through the use of treaties, guaranteed that that nations established in the west would follow the structures of white, patriarchal society. While the west theoretically offers the new possibilities for those with liminal status, it is still constrained and circumscribed by ideas of the domestic, which means it likewise carries the past into the new territory.

In both *Retribution* and *The House of the Seven Gables*, the fact that the homes are always within the conscribed boundaries of the domestic US territory, means that they are forever tied to the past and past models of domesticity. Therefore, while the families can repair the relationships between whites within their home by selling slaves or ending blood feuds, they cannot completely repay the original debt to the Indians whose land they took or remove themselves from the process of economic and social exploitation it represents. Julie ends slavery on *The Vale*, but this does not erase racialized violence from her relationships. The money she gains from the sale of the land, though meager, is still the product of the violent removal of the Wicomicoe tribe. Likewise, though Phoebe's marriage to Holgrave transfers *The House of the Seven Gables* back to a Maule and reunites the two parts of Alice Pyncheon's soul, it does not settle the problem of the

Indian deed. Even though the deed “has long been worthless” to the Pyncheons, the “ancient deed, signed with the hieroglyphics of several Indian sagamores” still remains as a reminder that the land was taken from Indians, and for nineteenth century readers this evokes the past of Indian Removal. The inability to erase the original debt and the gendered violence it precipitated means that, despite changes to their own homes, the women of the novels still find themselves in precarious situations. Julie, though married to a prominent senator, does not appear to have sons. Her daughter, Hester bears the name of her timid grandmother, which begs the question of whether she will have the ability to stand on her own. Phoebe though involved in what is assumed to be a companionate marriage, has remains a means for a Maule to garner wealth and perhaps revenge for his ancestors and enact in reverse the removal perpetrated by generations of Pyncheons. Neither woman has any guarantee that her husband will not misuse her and/or her property. In short, each woman still finds herself in a relationship “marked by peculiar and cardinal distinctions which exist nowhere else” (Marshall). This is the problem with being always already contained in the domestic. It becomes a space, a boundary that limits identity. Female identity becomes equated with a particular space, or piece of theoretical property in the same way that Cherokee identity becomes equated with living inside a particular geographic boundary. In the 1850s neither group moves beyond their liminal position because these spaces never fully confer on them the rights of personhood in a nation.

## Chapter Five: Conclusion

The completion of this project comes at a moment in the relationship between the Cherokee Nation and the United States government when the very questions of sovereignty, cultural and racial identity, and property that marked the nineteenth century debate over Indian Removal are once again being debated. On April 24, 2014 Judge Thomas F. Hogan of the United States District Court in Washington D.C. heard oral arguments in the case of *Cherokee Nation v. Nash et. al*, the newest lawsuit to address what is a decades long fight between the Cherokee, the Freedmen and the Department of the Interior about the sovereign right of the Cherokee Nation to determine its own membership. The Nash case seeks to settle the debate over a 2007 amendment to the Cherokee constitution that stripped an estimated 28,000 Freedmen of their tribal citizenship and rights by requiring proof of blood lineality, meaning that in order to be granted Cherokee citizenship an individual must prove the presence of an ancestor listed as Cherokee “by blood” on the Dawes Rolls—a set of rosters that listed everyone residing in Cherokee territory in the 1890s as Cherokee “By Blood” “Intermarriage” or “Freedmen” in order to determine who received allotments of land.<sup>48</sup> Ostensibly, the case is about testing the legality of the 2007 amendment using the 1866 treaty, which declared all Freedmen “and their descendants, shall have all the rights of native Cherokees” (944). However, by evoking the 1866 treaty *and* the Dawes Rolls, the debate puts into conversation two foundational pieces of modern Indian policy in order to present a public debate about the relationship between rights, race, gender, property and Indian sovereignty. If the 1866 treaty embodies the problematic outcomes of the Indian

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<sup>48</sup> Passed in 1887, the Dawes Act used allotment to make land available for whites by forcing the Five Civilized Tribes to abandon communal property ownership practices. As a result of the Dawes Act Native Americans lost approximately 90 million acres of land or 2/3 of its 1887 land base.

Removal debate, then the *Cherokee v. Nash* case demonstrates the legacy of Indian Removal in the twenty-first century.

Using a close reading of the 1866 treaty as the basis of their arguments, the Freedmen contend that the 2007 amendment is illegal because it violates Article 9 of the 1866 treaty, which they argue plainly gave Freedmen the “rights of native Cherokees” in perpetuity. As proof that their interpretation is correct, the Freedmen use historical interactions between the Cherokee Nation and the federal government to determine how the crucial phrase “all the rights of native Cherokees” was understood at the time the treaty was signed. According to the Freedmen, not only was the phrase understood to confer all rights, including property rights, but also the Cherokee and the federal government understood that such rights would be inheritable by all generations of Freedmen (Freedmen’s Reply 5-7, 9). Perhaps most important to their argument is the claim that under Article 12 of the treaty the amendment is illegal because it violates the mandate that “[n]o law shall be enacted inconsistent with the Constitution of the United States or laws of Congress, or existing treaty stipulations with the United States” (944). In short, the Freedmen maintain that ultimate authority over this case rests with the United States government because its laws may supersede those of the Cherokee Nation, and its role as arbiter of treaties gives it the right to decide this case.

For their part, the Cherokee argue the 2007 amendment was legal by creating a narrative of Cherokee legal history that emphasizes the issue of sovereignty. The Cherokee claim that the 1866 treaty expressed an agreement between the Cherokee Nation and the U.S. that rights would be granted, but it was the Cherokee constitution, not the treaty, that actually bestowed these rights and continues to determine what rights

are available to native Cherokee and by extension the Freedmen. As such “all the rights of native Cherokee,” includes the obligation to live by the terms of the constitution as it evolves, even when it runs counter to their own interest. The Cherokee Nation reasons that since the constitution applies to all Cherokee, then the 2007 amendment is not aimed solely at excluding Freedmen. The Freedmen like any native Cherokee “can always lose their citizenship status by a vote of the people instituting a minimum blood quantum” (Cherokee Nation Reply 12). In fact, the Cherokee Nation argues that extending citizenship rights to the descendants of Freedmen in perpetuity would in essence give Freedmen rights *beyond* those of native members who do not receive the same guarantee.

These narratives of Freedmen rights and native sovereignty constructed on the premises of the 1866 treaty carefully plot the history of interactions between the Freedmen, Cherokee Nation and United States making sure to avoid the questions of gender, race and property rights raised by the 2007 amendment’s use of the Dawes Rolls. While the Dawes Rolls certainly categorized people by race, they also made use of gender to civilize. The patriarchal inheritance established by the Dawes Commission meant that maternal Cherokee ancestry was devalued and unaccounted for on the “By Blood” rolls—a fact that could drastically alter not just the blood quantum registered for an individual but also determine on which list they were included. Women’s right to property was also restricted by the requirement that only married women could receive an allotment. Thus the commission effectively eliminated any remaining vestiges of traditional, matrilineal inheritance and reinforced the “covered” position of women in a way that determined racial categories. The gendered, and by extension racialized, classification of individuals on the Dawes Rolls undeniably altered the Cherokee Nation.

True to its intentions, the Dawes Act successfully brought the Cherokee Nation in line with white America by erasing communal property ownership and ideas of citizenship based on residency in a shared space and replacing it with private ownership based on gender and race.<sup>49</sup> In doing so it also drastically redefined the Cherokee Nation's approach to citizenship and rights. Gone were ideas of citizenship based on location within a common territory, matriarchal kinship ties or clans. As Theda Purdue argues, these more traditional affiliations were replaced by "a racialized identity that was drawn right out of late 19<sup>th</sup> century Anglo American racism" (*Interview* par. 18). It is this act of assimilation that has caused the most impassioned public outcry as well as the most problematic discussions of the sovereignty of the Cherokee Nation.

Writing on *Cherokee Nation v. Nash* for the *Washington Post*, Courtland Milloy describes the case as one in which "some members of the Cherokee Nation want to revoke the citizenship of the black members and prohibit their participation in the political and economic life of the tribe—all based on race and bloodlines." In Milloy's estimation, this is a black/white race issue and "an unvarnished attempt to disenfranchise blacks" that can be likened to "the move to suppress the black vote through voter ID laws or question the citizenship of the president in a way that would never have been done if he was white" (par.3). In likening the Freedmen case to violations of civil rights by the U.S. government, Milloy confirms what he sees as the whiteness, of the Cherokee leadership while also calling them uncivilized for their failure to uphold ideals already adopted by civilized nations. The appeal of this line of argument is upheld by those who engage in an ongoing conversation held in the comments section of the article. One commenter declares that "[t]he Cherokee Nation might want to be really, really careful

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<sup>49</sup> For examples of definitions of citizenship based on residency see articles 4, 9, and 19 of the 1866 treaty.



about defining membership in their nation based on blood and race. Traditionally, civilized nations are defined by citizenship, open to people based on their birth or naturalization within that nation's boundaries, not based on their race" (Catken1). While this individual's comments cannot be held to represent the ideas of all, they do identify a significant blind spot for the Freedmen and non-Indian commenters on the case. Namely, it marks a failure to recognize that those racial categories employed by the Cherokee Nation are not of their own making, nor are they used exclusively by the nation. Rather, the categories are the constructs of the "civilized" U.S. government, and they have, since the creation of the Dawes Rolls, been used as a tool for determining a person's rights.

In fact, the very government to which the Freedmen are appealing still uses these categories to determine both the rights and duties of tribal citizens. As the Cherokee Nation points out, "[t]he Department of Interior has always differentiated in its treatment of Freedmen and Indians 'by blood' and continues to do so" in both criminal cases and especially in allotting economic benefits (Cherokee Nation Reply 23). Not only does the Department of Interior (DOI) use such distinctions itself, but it also issues the Certificate of Degree of Indian Blood (CDIB), required by many tribes to prove eligibility for citizenship. As the Cherokee point out, the "USA is demanding that the Cherokee Nation do something that it has refused to do: treat the Freedmen and their descendants as Indians" (Reply 23). If the Freedmen's argument construes the 2007 amendment as unconstitutional because it violates U.S. law, the Cherokee counter that, even if it were found to violate a treaty article, it is in keeping with U.S. practice. Ironically, the very attitudes that the Freedmen supporters argue make the Nation uncivilized are in fact proof of their assimilation of the models laid out by the federal missions to civilize the Indians.

Therefore, the Cherokee Nation asserts that, as a sovereign nation, their actions are no less legal or civilized than the past or present actions of the U.S. By pointing out the discrepancy between US narratives of its commitment to equality and actual practice the Cherokee point to the fact that framing the Cherokee Nation as white, not Indian, allows for a collective forgetting about the past and continued discriminatory treatment of Indians, particularly in regards to their sovereign status.

If the Dawes Act and 1866 Treaty set the precedents for the handling of race and gender, they also dictate the ways in which such categories are related to property. Both documents sought to limit Cherokee sovereignty by controlling property rights within the Cherokee Nation. Just as the treaty and rolls were the product of the need to control property in the face of continued expansion and potential economic gain, so too is the Nash case. As Milloy correctly surmises, the current case “coincides with an increased flow of money into the Cherokee Nation—including billions of dollars from U.S.-sanctioned casinos and hundreds of millions more in federal appropriations for housing, health and employment services” (par. 13). In 2010, the entity that oversees gaming, Cherokee Nation Entertainment, reported \$455 million in revenue, and in 2009 it posted a profit of \$88.1 million (“Where the Casino Money Goes”). Such numbers have led prominent Freedmen, including Marilyn Vann who is a named defendant in Cherokee Nation v. Nash, to unabashedly proclaim “[y]ou bet this is about the [money]. Overall voter participation is small; but percentage wise, freedmen tribal members vote in much greater [percent] than others such as adopted Delaware. Chief and tribal council control billions of casino revenue and Federal [money], determine who gets high [money] jobs, contracts, etc.” In her response, Vann offers a clear articulation of the connection

between rights, property and power in the Nash case. Vann also underlines a truism of all sovereign nations: if you control citizenship, you control the distribution of property.

Thus the Nash case is not merely about rights of the Freedmen, but the rights of the Cherokee Nation to regulate property. It is on this point that the Cherokee Nation and U.S. find themselves the most at odds and the most entrenched in the past. Reminiscent of the economic guidelines set out in the 1866 treaty, today, the US dictates how the Cherokee Nation might spend the money it gains from gaming. As Dwanna L. Robertson explains, the 1988 Indian Gaming Regulatory Act (IGRA), which established the National Indian Gaming Commission (NIGC) and established regulation governing tribal gaming, net profits from gaming may be used only for four purposes: “the funding of tribal government operations or programs, providing for the general welfare of its members, promoting tribal economic development, donating to charitable organizations, and funding the operations of local government agencies” (par. 8). Since they lie within the domestic space of the US, tribes are also obligated to pay federal and state taxes on their revenue, which means that a large portion of the revenue generated by tribal casinos returns to state and federal governments.<sup>50</sup> Despite its revenues, once taxes are paid and government agreements are fulfilled, Indian gaming has not generated enough profit to create economic independence. Tribes, including the Cherokee, are still heavily dependent upon federal aid to subsidize housing, education, and healthcare within the Nation. The economic dependency created by such an arrangement, allows the federal government to continue to assert what it sees as its right to control tribal citizenship, as it

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<sup>50</sup> In her 2009 testimony before the Senate Committee on Indian Affairs Tracie Stevens, Chairwoman of the NIGC, claimed “Indian gaming...generated \$6.2 billion in federal taxes, \$2.4 billion in state income and \$100 billion in local income through payroll, sales taxes, and direct revenue sharing through government agreements” (Robertson par. 10).

did when in 2011 HUD withheld housing money over the Freedmen litigation. So while the Cherokee might own property in the form of casino revenues, they are unable to dispose of it as they see fit. Likewise, they might amend their constitution, but cannot enforce those amendments without the approval of the federal government. Despite their so-called sovereign status, they are still obligated to the US.

The ability of the federal government to stipulate how the Cherokee Nation spends its money, invalidate laws and elections it sees as conflicting with US law, and manage educational and economic benefits—all the rights the Cherokee Nation and Freedmen claim are part of citizenship—means the Freedmen find themselves in an equally liminal space. Practically, their ability to claim Cherokee citizenship depends as much on the relationship between the Nation and the US government as between themselves and the Cherokee Nation. In order to have their rights permanently restored, Freedmen must essentially ask the US government to continue to treat the Cherokee Nation as a domestic dependent because they cannot argue that the Nation made the wrong decision without also arguing that it did not have the right to make it. Yet such an argument will ultimately undermine their own ability to claim and exercise rights as members of the nation. In the end, the Freedmen too are trapped by the relationship between the Nation and the US dictated by the 1866 treaty and the Dawes Act. That *Cherokee Nation v. Nash* case is to be “resolved” through a summary judgment in which a white, male representative of a government with vested interests in curtailing Cherokee sovereignty is poignant for its historical repetition. The fact that he is asked to rule on the case by determining the legal merits of a treaty that enshrined the racialized and gendered constructs of rights that characterized the Indian Removal only further highlights the

extent to which the Nash case marks a return to discussions of Indian Removal even as it seeks to determine who is eligible for not just the duties but the rights *and* duties of citizenship in the twenty-first century.

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