Mark Twain and Homer Plessy

The carnivalesque drama of twinship and masquerade that constitutes Pudd'nhead Wilson and its freakishly extracted yet intimately conjoined story "Those Extraordinary Twins" is likely to remain misread and controversial in estimations of Mark Twain's literary achievement as long as the work's mimicry of America's late nineteenth-century race crisis is left out of account. Readers have, of course, often found a key to the novel's interpretation in the notorious "fiction of law and custom" that makes the "white" slave Roxy legally "black" by allowing one-sixteenth of her blood to "outvote" the rest. Like so many parodic moments in the book, however, Twain's joke about voting speaks not simply to general anxieties about miscegenation but more particularly to the deliberate campaign to disfranchise blacks and strip them of legal protections gained in the Reconstruction amendments which was under way by the early 1890s. Built upon the brutal artifice of racial distinctions, both American law and American custom conspired to punish African American men and women in the post-Reconstruction years, and Twain's bitter, failed fiction, verging on allegory but trapped in unfinished burlesque, has typically been thought to participate in the black nadir without artistically transcending it or, conversely, without reaching its broader historical implications.

In fact, however, no literary work of the late nineteenth century more accurately embodied the erosion of promised racial equality in the age of Jim Crow, not least because its own powers of representation and philosophical inquiry seem continually on the point of collapse. The world of Pudd'nhead Wilson (1894) is a world of chaos, error, and deceit—a world of elegant pretension layered upon criminality and lies. In this respect in particular, the novel reiterates the moral structure of slavery (in the time frame of the plot) and of postbellum racism and segregation (in the implied
allegorical time frame of the narration), bringing into the foreground in both instances the hypocrisy, violence, and racial loathing that *Adventures of Huckleberry Finn* (1884) had kept barely in check by the constraining good conscience of Huck and his authorial double, Mark Twain. *Pudd'head Wilson*, in contrast, unleashes in extravagant form the world of Tom Sawyer, Twain's other double—a world of painful burlesque in which Jim's humanity is exchanged for the minstrel play of his recanted liberation from the cabin of slavery. Raised to a great height of achievement but everywhere in peril in *Adventures of Huckleberry Finn*, Twain's narrative style and compositional control seem to crash down in *Pudd'head Wilson*: Jim is a "nigger" again; Tom Sawyer is in control.

My attention in this chapter is focused on *Pudd'head Wilson*’s story at the expense of *Huck Finn*’s, which is of course the better-known tale and has for good reasons long been recognized as Twain’s masterpiece. I do not mean to overstate that judgment so much as to suggest that, to the extent *Adventures of Huckleberry Finn* is taken to be the preeminent novelistic commentary on American race relations in nineteenth-century literature, it can be understood only in light of *Pudd'head Wilson*, which refracts the earlier book’s key elements, most of all the moral wreckage of its last chapters, in a merciless critique. In its devotion to issues of doubling and twinnship, *Pudd'head Wilson* must be counted a double of *Adventures of Huckleberry Finn*, Twain’s nightmare measurement of both the failed vision of the masterwork and the further and seemingly irredeemable decline, by the 1890s, in the prospects for African American civil rights. Judged by its capacity to represent the perversion of justice and the nearly hallucinatory structures of pseudoscientific theory that coursed through nineteenth-century intellectual, political, and legal debate about race in the United States, *Pudd'head Wilson* extended *Adventures of Huckleberry Finn* to a new level entirely, its apparently grave artistic flaws the true sign of wisdom.

It is not necessary to make a choice between the two novels or, against all odds, to elevate *Pudd'head Wilson* too high. Nevertheless, recent critical interest in the novel—rather extraordinary in comparison to its traditional estimates—is an indication that fresh questions are being asked about the text’s engagement with the history of post-Reconstruction race relations and the rise of segregation. It is not insignificant, moreover, that African American authors have responded powerfully to *Pudd'head Wilson*—Charles Chesnutt’s *House behind the Cedars* and *The Marrow of Tradition*, Pauline Hopkins’s *Of One Blood*, James Weldon Johnson’s *Autobiography of an Ex-Coloured Man*, and George Schuyler’s *Black No More*, for example, all appear to show its influence—for they have arguably been more alert to the book’s iconoclastic break with just the modes of verisimilitude that have long been said to prove the greatness of *Adventures of Huckleberry Finn*. Both in their ramifications for a reconstructed canon of American literature and their own historical reference, then, *Pudd'head Wilson* and its germinal short story, "Those Extraordinary Twins," may serve equally well to place Twain at the center of critical contention over how best to evaluate a national literature of race.

Nevertheless, the case in favor of this peculiar Siamese twin of a novel is far from self-evident. It has been persuasively demonstrated that Twain’s chaotic process of composition and his unconcerned interchange of various manuscript versions make it impossible to place much weight on authorial intention narrowly defined. Yet this hardly leads to the conclusion that Twain’s vision had no coherent meaning or that his own comic rationale, contained in the opening of "Those Extraordinary Twins," reveals nothing of significance about the text’s critique of contemporary race theory or Twain’s authorial involvement in that critique. Indeed, one might rather argue that the confusion and seeming flaws in the manuscript and the published text, while largely attributable to his haste to produce a book that would ameliorate his financial problems, are also a measure of the social and psychic turmoil that Twain, not least as a liberal southerner living and working in the North, felt in the post-Reconstruction years. The key phenomena in late nineteenth-century race relations have just as much place in determining the text’s range of implication, its meaning, as do such mechanical factors as compositional sequence and manuscript emendations. Preoccupied with relevant but improperly construed issues of aesthetic unity and verisimilitude, readers have often missed the primary ways in which *Pudd'head Wilson* and its attached tale of the Italian Siamese twins involves itself in the dilemma over national discrimination against blacks that would reach its authoritative constitutional expression two years later in the Supreme Court ruling in the case of *Plessy v. Ferguson*, while mirroring as well the equally volatile issue of anti-immigrant nativism.

Although the Court’s landmark ruling in favor of the doctrine of “separate but equal” was not handed down until 1896, Homer Plessy’s case had been pending since January 1893, after being carried up from the Louisiana State Supreme Court to the high court on a writ of error. Despite the manifold thematic and figurative entanglements between *Plessy*...
v. Ferguson and Pudd'nhead Wilson, it is not necessary to argue that Twain had specific knowledge of the case as it came before the Court. It is quite likely for several reasons that he did; but more critical is the fact that Plessy brought to a climax the series of Supreme Court decisions, legislative maneuvers, and developments in sociological theory that had already created the atmosphere in which Twain's wrenching text was composed. The central irony of Homer Plessy's deliberately staged challenge of Louisiana's segregated train car law lay in the fact that he was seven-eighths "white"—like Twain's Rosy and her son Tom, he was thus "black" only by the fictions of law and custom—and his case therefore tied together the radical decline in black civil rights that had occurred since Reconstruction and the fanatical adherence to "one-drop" definitions of blackness that had begun to engulf not just the South but most of the nation by the mid-1890s. Twain's tale, in which color hallucination, separation and reversal, and the freakish alliance of bodily selves play such crucial roles, is a fitting gloss on the nation's rush toward racial extremism in law, in science, and in literature, and its propensity to define equal protection under the Constitution in such a way as to render the African American population invisible or, what was more fantastic, to define color itself not by optical laws but by tendentious genetic theories that reached metaphysically into a lost ancestral world. Whereas Melville, in Benito Cereno, had judged that race slavery was an exercise of political power that masqueraded behind the supposed "laws of nature," and Chenuett and Du Bois, among others, were soon to argue vigorously that "race" was itself a metaphysical notion constructed of cultural, not biological, inheritances, Twain fused both arguments in his idiosyncratic text.

The Second Slavery

Midway into his story, having rather lamely joined his two plots of Tom Dricoll's imposition as a white man and the visit to Dawson's Landing of the Italian twins (no longer Siamese twins except in those textual moments where Twain forgot to disconnect them), Twain offers a scene of minstrel banter between Rosy and her ostensible son Chambers. The latter tells Rosy that Tom, her real son, who has by now usurped the place of master, is in debt through gambling and likely to be disinheritcd by his uncle, Judge Driscoll. "Take it back," retorts the furious Rosy, "you miserable imitation nigger dat I bore in sorrow en tribulation." Although it is not the first such scene, this exchange offers the strongest evidence that Rosy,

a slave both in body and in mind at this moment in the tale, has trained herself to forget that Chambers is not really her son but rather her rightful master doomed through machinations of her creation to a life of slavery. More telling, however, is her identifying him by a doubly ironic phrase as the "imitation nigger." For Chambers is unknowingly a white man imitating a slave, a reverse of the standard fictional situation of the "tragic mulatto" whose discovery of "black blood" destroys personal and professional aspirations. As Tom's virtual white double, Chambers is, as it were, imitation black; and in his speech and actions, he, like Rosy, imitates the role of "nigger" defined for him by the white world of enslavement. "If it's imitation, what is you?" Chambers replies, speaking in his own voice and that of Twain, his creator. "Bof of us is imitation white—that's what we is—en pow'full good imitation, too—Yah-yah-yah!—we don't mount to noth'n as imitation nigger." Or, as George Walker, one of the period's most famous African American minstrels, put it in a comment that obviously reached beyond the minstrel stage to define a range of prescribed racial roles, the popular "darky" performances of white minstrels in blackface doomed black actors to what he called the "fatal result" of double imitation: "Nothing seemed more absurd than to see a colored man making himself ridiculous in order to portray himself." Twain both reverses the issue and turns it inside out. Rosy, a black in whiteface, and Chambers, presumed to be a black in whiteface, play minstrel roles as "niggers," Rosy by law and Chambers ironically by means of Rosy's act of rebellion; whereas the legally "black" Tom passes in whiteface for one of the masters until he is unmasked by Wilson as both murderer and slave, reduced to inventoried property, and sold down the river.

"Imination," in Twain's usage, had multiple ramifications. It pointed to the ironies that miscegenation introduced into any variable doctrine of equality; it governed the shadowy middle ground between nature (genetics) and nurture (environment) on which Twain staged his inquiry into the behaviors of mastery and subservience; and it defined, again, the shared territory of his narrative's own "fiction" and the racial "fiction" of American constitutional law and social custom. The intersection between the literary and the historical, between the double role reversals that permeate Pudd'nhead Wilson and the nation's descent into proliferating forms of social and legal racism in the late nineteenth century, was for Twain the point at which discourse itself could best display the workings of power and domination. Grounded in "fictions" and dressing in the elaborate masquerade necessary to authorize racial hierarchy across the broadest spectrum of
human sciences, the discourse that Twain exposed to view while indulging was anything but "fictive" or powerless. It was, instead, the very incarnation of power and mastery, and for that reason rendered the promise of equality all the more an illusion. When Twain returned to the slave's revenge against his master, the culminating feature of *Pudd'nhead Wilson*, in his late unpublished narrative "Which Was It?," he once again placed the motive for his black character's humiliation and enslavement of the white master along the axis of post-Reconstruction legal history. Having purchased his freedom through years of hard labor, Jasper is immediately reenslaved when his freedom papers are destroyed in a fire and his master-father refuses to issue him a duplicate. Jasper's "second slavery," as Twain calls it, was not his alone but referred to all African Americans, whose rights were lost, case by case, in courts hard-pressed by their few dissenters to deny that the logic of *Plessy* was not equivalent to a new, "second" black slavery that imitated the first.

If repetition and duplication became the governing tropes of Twain's mind and art from *Adventures of Huckleberry Finn* forward, it was not least because he found that those tropes perfectly described America's betrayal of African American freedom—in the legislatures and courts, in the press, on stage, and in literature. The minstrel show, from which Twain borrowed profusely in constructing *Pudd'nhead Wilson*, forced blacks into humiliating comic roles that had their counterparts in other arenas of national life. In the legal rise of Jim Crow, the South received the blessings of a predominantly northern court; in the cultural rise of Jim Crow, the North adopted southern plantation ideology. The sections fed interactively upon each other's racist inclinations, as did the dual erosion of civil rights under federal and state jurisdictions that in the aftermath of Reconstruction became increasingly separate and unequal. The imitative exchange of identities that the minstrel tradition exploited, at just the historical moment when the nation was engaged in a vast articulation of structural racism, and the disguise of sectional reunion and Old South nostalgia, perpetuated the masquerade of the plantation tradition and at the same time revealed it to be (as Marx said of revolution) tragedy replayed as farce. The national popularity of minstrel shows in the 1880s and 1890s spilled over into nostalgic depictions of the antebellum South and "darky" characters in magazine fiction, theater, the novel, and the essay, testifying to a widely felt need, spurred by economic and political crises, to resurrect a romantic image of the Old South. At times oblivious to the significant differences among southern writers, influential northerners such as William Dean Howells enthusiastically promoted the work of ideologically diverse authors, including Joel Chandler Harris, George Washington Cable, and Thomas Nelson Page. Romantic magazine fiction and novels regularly featured mended family ties or the marriage of northern to southern mates as a sign of sectional reconciliation. Exploiting this strategy, but in a way manifestly more racist than other southern romance, Thomas Dixon's saga of the Ku Klux Klan, especially *The Clansman* (1905), was widely popular just after the turn of the century in fiction and on stage, and of course a few years later became the basis for D. W. Griffith's famous film *The Birth of a Nation*. The tremendous success of Dixon's and Griffith's version of American race mythology would have been unthinkable without the sociological and legal underpinnings of Jim Crow. As Albion Tourgée noted as early as his well-known 1888 essay "The South as a Field for Fiction," American fiction and culture were becoming "distinctly Confederated in sympathy."

Without question *Pudd'nhead Wilson* and "Those Extraordinary Twins" are implicated in the dangerous burden of minstrel humor, and the theme of the plantation masquerade pervades the entire novel in parodic but nonetheless serious forms. For the moment it is enough to say that the immediate challenge for *Pudd'nhead Wilson* was to define the meaning of the phrase "imitation nigger" in late nineteenth-century America and to suggest, as Twain always did in portraying American race problems, that it is imitation, training, practice, and habit that created the category of "nigger" and all modes of hierarchy said to be natural or divine in origin. While the Supreme Court, along with politicians and social scientists, appealed to abstruse but scientifically resounding categories of "racial instinct" and behavior rooted in the "nature of things," Twain, despite evident traces of "races" left behind like the undeleted fragments of the conjoined twins' story, subverted the category of instinct and portrayed race as a role—but one that he, an actor in his own setting and age, had great difficulty throwing off.

Changing itself from a farce to a tragedy" during his process of composition (as Twain, not quite honestly, explained his method of composition), *Pudd'nhead Wilson* and the story of the twins comically dramatized national policy in which farce and tragedy were indistinguishably conjoined, like black and white in the mulatto body or like the Italian "freak of nature"—separate but equal in name and by law but hardly so in fact. The story's endless play on the problems of doubling reflects Twain's own interest in questions of identity, dream selves, and dual personalities, which
readers have rightly connected to his long psychosexual fascination with miscegenation and racial doubles. More specifically, it corresponds to an array of dualisms making up the contemporary American racial trauma: theories of miscegenation and "blood" contamination that polarized the races and both divided and blurred mixed-race identity; sectionalism and the evident cultural, economic, and legal reunion of North and South that was under way by the 1890s; the conservative drift in constitutional law that created distinct notions of national and state citizenship, with a consequent decay in legal protection of civil rights; and pervading all, the dual layering of antebellum and post-Reconstruction (or Old South and New South) ideologies, the recreation of the dynamics of slavery in new masquerade that Twain adumbrated here, as he had in *Adventures of Huckleberry Finn*, by imposing upon antebellum dramatic action an allegory of the 1880s and 1890s.

By the time of *Pudd'nhead Wilson*, the painful attempt by Huck and Tom to "set a free nigger free"—as Huck described the charade of Jim's mock liberation into which Twain cast his initial penetrating critique of the collapse of Reconstruction ideals—had become a nightmare of tautology. The "second slavery" of the nadir was already embedded in Twain's bitter humiliations of Jim in *Adventures of Huckleberry Finn* as Huck acquiesces in Tom's ludicrous imprisonment and parodic torment of a man already legally free. What ranks as one of the most notorious debates in the history of American literary criticism—the success or failure of the last chapters of *Huckleberry Finn* after Jim and Huck have drifted past the cross-route to freedom in a dense white fog—can be properly adjudicated only by reference to the renewed crisis over sectionalism and black rights that accompanied Twain's periods of composition and this struggle to redeem, even simply to conclude, his deteriorating pastoral novel. "Now, old Jim, you're a free man again," says Tom, "and I bet you won't ever be a slave no more." At last finishing a draft of his famous novel in 1889, when the Supreme Court decided the landmark Civil Rights Cases, which cut the heart out of "equal protection" and led directly to *Plessy*, Twain knew otherwise. His obsessive return to the same farcical theme of Jim's liberation in *Tom Sawyer Abroad* and other late fragments indicates that even the despair of *Pudd'nhead Wilson* had not drained Mark Twain of his compulsion to work through the problems of Jim's freedom and Huck's conscience, which were also the nation's, again and again.7

African Americans were free according to the law; but the law, in ways that Melville had prophesied in his vision of tautology, was year by year binding them in new chains. Reflective of, if not overtly caused by, growing northern concern about the freed black population, the sequence of court rulings that prepared the way for the decision in *Plessy* broke down the legal gains African Americans had made during Reconstruction largely by giving southern, states-rights rule precedence over national civil rights protection. The "dual" citizenship that in effect allowed the reconstitution of aspects of chattel slavery in a system of segregation subverted African American freedom at the same time that it fired the debate over whether it was environment (the world of social construction) or instinct (the laws of "nature," of biological heredity) that created seemingly separate racial characteristics. Both in Twain's novel of racial crisis and in the rising national penchant for Confederate nostalgia, doubling was rampant: the 1850s and the 1890s, the South and the North, and white and black became freakishly twinned in the failure of freedom. Taking on the voice of corrupted legalism that rules his tale of artificial identity, Twain himself, southern impostor and pudd'nhead author, stood in mocking yet deadly serious judgment over materials that refused to cohere—materials that, like the destructive constitutional decisions from which they undoubtedly borrowed part of their grim energy, were themselves a "monstrous 'freak,'" a "twin-monstrous" of skewed intentions and betrayed ideals. A full understanding of *Pudd'nhead Wilson* must therefore trace the intricate relationship between Twain's fascination with questions of psychological and racial doubling, and the pervasive dualisms in race theory and the laws of segregation—laws that required an African American man or woman, as Chesnut would write of Jim Crow train car regulations, to be "branded and tagged and set apart from the rest of mankind upon the public highways like an unclean thing."8

The Badge of Servitude: Homer Plessy and the Rise of Segregation

"But what is this group; and how do you differentiate it; and how can you call it 'black' when you admit it is not black?"

I recognize it quite easily and with full legal sanction; the black man is a person who must ride "Jim Crow" in Georgia.

W. E. B. Du Bois, *Dusk of Dawn*

When he boarded a Louisiana railroad car in 1892, Homer Adolph Plessy played a deliberate role—the role, as it were, of "imitation nigger." Light enough to pass for white, Plessy had conspired with his cohorts—among
them the former black Reconstruction governor and grandfather of author Jean Toomer, P. B. S. Pinchback, and a prominent black New Orleans physician and attorney, Louis A. Martine—two of the state's segregated railroad law. Enacted in 1890, the law entailed that railway companies carrying passengers within the state "shall provide equal but separate accommodations for the white, and colored, races" by providing separate coaches or by dividing a single coach with a partition "so as to secure separate accommodations." Although plans to contest the Jim Crow law had been formulated almost as soon as it passed the legislature, little headway was made until the former Reconstruction jurist and literary figure Albion Tourgée, known both for his contentious career as a carpetbagger judge in North Carolina and for his novels of the postwar South, was asked to oversee the legal challenge. Despite Martine's opposition, Tourgée advised, for reasons that would become apparent but were riddled with irony, that the challenge be made by a mixed-race person light enough to pass for white. One attempt by a light-skinned black man named Daniel Desdunes failed in its final effect after an interstate railroad was chosen and the state supreme court in the meantime ruled that the commerce clause prohibited Jim Crow regulation of interstate travel. In the second attempt, by Homer Plessy, an intrastate train was chosen. As soon as he sat down in the whites-only car, Plessy announced himself a Negro to the conductor and was arrested according to prearranged plan. Plessy's argument when his case was brought to trial, predominantly the work of Tourgée, rested in essence on the twin claims, by this time rather familiar, that Jim Crow laws violated the rights and privileges of national citizenship guaranteed by the Fourteenth Amendment and the prohibition of involuntary servitude stated in the Thirteenth Amendment. Plessy's appeal of the lower court ruling against him to the Louisiana State Supreme Court brought forth from Justice Charles F. Fenner the key ingredients of the eventual United States Supreme Court ruling. Like Justice Henry Billings Brown, who wrote the majority opinion in Plessy, Fenner chose the path of anachronism, for his decision was based on cases admittedly prior to the enactment of the Thirteenth and Fourteenth Amendments, and also prior, in one instance, to the Civil War. He appealed to a Pennsylvania Jim Crow railroad regulation upheld in the immediate wake of the Civil War amendments by a court that referred to racial differences "resulting from nature, law, and custom" and declared that, "following the order of Divine Providence, human authority ought not compel these widely separated races to intermix." For his most im-

portant precedent, however, Fenner looked past the amendments and the war entirely. In Roberts v. City of Boston (1849) Lemuel Shaw, chief justice of the Supreme Court of Massachusetts and Herman Melville's father-in-law, wrote in a decision upholding school segregation that racial "prejudice, if it exists, is not created by law and probably cannot be changed by law." (The plaintiff's attorney, Massachusetts politician and abolitionist Charles Sumner, would be heard from again in postwar civil rights cases.) Two years later, in the famous case of the fugitive slave Thomas Sims, Shaw took on further aspects of Captain Amsa Delano, Melville's satirically portrayed New England commander in Benito Cereno, and struck a blow for sectionalism and states' rights when he adhered to the letter of the Fugitive Slave Law and ordered Sims returned to the South. Yet by 1896, the year of Melville's enigmatically volcanic story of slave subversion and its repression, the Massachusetts legislature had countered Shaw's opinion in Roberts, the burden of which rested on his view that segregation was a reasonable exercise of the state's police powers, and outlawed school segregation.10

Even so, Fenner and Brown had no trouble citing the case as precedent some four decades later. Indeed, as Fenner pointed out, no paradox was involved so long as one interpreted the Fourteenth Amendment in such a way as to conclude, as "is well settled," that it "creates no new rights whatever, but only extended the operation of existing rights and furnished additional protection for such rights." He argued, not without justification, that Shaw's interpretation in Roberts contained the speculation that segregation might lessen rather than promote prejudice; and he also noted that the Massachusetts constitution contained guarantees of equality before the law comparable to those of the Fourteenth Amendment and that those had not prevented Shaw from deciding that equality need not be adjudicated in a single interpretive context but could be judged in dual contexts, white and black. Following a line of reasoning similar to Fenner's, Brown too circumvented the Civil War, the Massachusetts legislature, and the federal civil rights amendments in his eccentric appeal to Roberts. In doing so, the Massachusetts-born justice brought to life in the legal world the plantation myth that was then enjoying such a renaissance in the literary world. As C. Vann Woodward notes, he likewise doubled the Melvillean irony that the opinions of "two sons of Massachusetts...should have bridged the gap between the radical egalitarian commitment of 1868 and the reactionary repudiation of that commitment in 1896," while the lone dissenter in Plessy, Justice Harlan, was a former slaveholding
southerner whose progressive vision and opinion would turn out to bridge
"the greater gap between the repudiation of 1856 and the radical rededication
equalitarian idealism" in the 1954 Brown v. Board of Education
decision. In 1896, however, Harlan's voice was drowned out. Like Lemuel
Shaw, Henry Billings Brown appealed to "established usages, customs and
traditions of the people" in his Plessy opinion and held that "legislation is
powerless to eradicate racial instincts or to abolish distinctions based upon
physical differences," that whatever equality is afforded in political and
civil rights, "if one race be inferior to the other socially, the constitution of
the United States cannot put them upon the same plane."

In this construction, Brown also harked back implicitly to Dred Scott v.
Sandford (1857), in which Roger B. Taney had codified in constitutional
theory the view that African Americans were of "an inferior order," indeed,
"so far inferior that they had no rights which the white man was bound to
respect" and therefore were not Americans at all. Despite casting his
opinion in terms of a natural racial hierarchy, Justice Taney rested his
notorious opinion about African American noncitizenship on customs and
traditions that had created dual legal systems for both southern and northern
blacks. Virtually spelling out the articule of which racially discriminatory
laws were made, even as he appealed to the wisdom and the high
literary intelligence of the framers of the Constitution, Taney spoke of the
"unhappy black race" as one "separated from the white by indelible marks,
and laws long before established," and moreover as "a class of beings"
upon whom the state laws of the framers had "impressed so deep and
enduring marks of inferiority and degradation." Taney's argument was
not, strictly speaking, biological, but it blurred the biological into the
constitutional in an even more unsettling and philosophically rigid way.
The legal justification of racial inferiority, that is to say, was constructed
and discursive; the law of slavery was branded into African American
beings by "indelible" marks that, having been already "impressed" on
blacks at the time the Declaration of Independence and the Constitution
were drafted, could not, according to Taney's logic, be erased except by
constitutional amendment.

Leaving aside the incoherence of Taney's argument—its contradictory
but strategic figures of speech—and its perverse view of citizenship, long
refuted by scholars, it had in any event been superseded by the Civil War
amendments, and the recurrence to it by Fenner and Brown is therefore
all the more disturbing. In his Plessy opinion Brown claimed that race
instincts and classifications, because they belong to the "nature of things,"
could not be altered by law; the Civil War amendments could not have
been intended to alter natural law, Charles Loefgren comments, because
according to Brown's logic their framers and ratifiers "would not have
sought and intended the impossible." Although it was perfectly in tune
with the leading sociological thought of the day, the essence of which
would be summarized in William Graham Sumner's famous dictum that
"stateways cannot change folkways," Brown's ruling nevertheless ignored
the fact that congressional debate surrounding the equal protection clause
of the Fourteenth Amendment made it very difficult (though obviously
not impossible) to construe as not intending to prohibit color classifications
of the kind authorized in Plessy. Like the language of the amendments
themselves, the debate left a less than univocal record, but it can hardly
be doubted that the flexibility built into the notions of equal protection
and due process was meant to give courts the strongest means to combat
discrimination rather than promote it. Besides being wrong about the
power of legislation, moreover, Brown's circular reasoning historically lost
sight of the fact that, from the Civil War to the 1890s, some portions of
the South had survived without the established customs and usages of Jim
Crow. Social equality was rare, of course, but Brown's introduction of the
issue was irrelevant to the fact that political equality had been enjoyed by
blacks with at least measured success in parts of the South.}

The majority opinion in Plessy, which Robert Harris has styled "a com-
pound of bad logic, bad history, bad sociology, and bad constitutional
law" that would rule American civil rights legislation and judgments for
the next half century, summed up the degradation of black rights that had
occurred over the previous two decades. Like Pudd'nhead Wilson, a text
preoccupied with problems of legal rights, evidence, codes of authority,
and the interplay of "natural" and artificial laws, and culminating in a
melodramatic burlesque of a trial that sets right subverted racial roles and
boundaries, Plessy v. Ferguson was at once a mockery of law and an
enactment of its rigid adherence to divided, dual realities. What Plessy
brought to fruition was the long assault on the Fourteenth Amendment
that had begun with the Slaughterhouse Cases of 1873, in which the Supreme
Court first held, in a verdict on the surface not pertaining to African
American civil rights but in a manner critically destructive of those rights,
that the amendment provided "dual" citizenships—national and state, a
principle reaching back to the very constitutional beginnings of the United
States—and so carefully circumscribed federal protection of rights tran-
scending state oversight as to make national citizenship virtually meaning-
less. By proposing a reading of the privileges and immunities clause that, in Loren Miller's words, was nothing more than a "judicial fiction," the Court's decision in the Slaughterhouse Cases denied that the amendment had been intended—as clearly it had—to protect freedmen from such ignominious regulation as the postwar Black Codes. But of course "judicial fiction" is very much to the point. Slaughterhouse and subsequent cases leading up to Plessy reinvoked the notion of duality so crucial to Taney's landmark opinion abrogating black citizenship in Dred Scott, thus—as in Fenner's and Brown's later citation of Lemuel Shaw's verdict in Roberts—carrying forward antebellum constitutional theory, grounded in the "indelible" and "enduring marks of inferiority and degradation" that stigmatized African Americans, into an arena in which it should have had no place.

For the next two decades the struggle continued between a Congress generally intent on furthering the reach of federal law and a conservative Court intent on limiting centralization. Because the curtailment of governmental reach grew out of a complex debate over federalism and applied as well to cases having nothing to do with race, it would be wrong to insist that the rulings that led to Plessy were always mere covers for racist policy. Still, the correspondence between the Court's conservative bent and the national rise in segregationist sentiment allowed states, and individuals or bodies under state jurisdiction, the greatest freedom to legislate and act in patently bad faith on the question of race. For example, United States v. Reese (1875), United States v. Cruikshank (1876), and United States v. Harris (1883) all undermined federal jurisdiction in cases involving southern mob violence against blacks, in particular those attempting to exercise voting rights. Separating national from state rights, the Court insisted that, while it could prevent a state from abridging civil rights, only states themselves could prevent individuals from denying blacks their rights. Corresponding to the end of Reconstruction, the establishment of such a federal-state duality had the effect of drawing a stark color line. As Frederick Douglass noted in 1880, "The citizenship granted in the Fourteenth Amendment is practically a mockery, and the right to vote, provided for in the Fifteenth Amendment, is literally stamped out in the face of government."

Most far-reaching and destructive was the Court's overturning of the critical civil rights legislation of 1875 in the Civil Rights Cases verdict of 1883. The original sweeping legislation, which governed equal access to accommodations, public conveyances, restaurants, theaters, and the like, had been brought to pass largely through the efforts of the aging Charles Sumner, in his words "so that hereafter in all our legislation there shall be no such word as 'black' or 'white,' but ... one shall speak only of citizens and of men." The Court's rebuke of Sumner's vision and its extension of racial dualism onto a new plane of significance is evident in the contrasting views represented on the one hand by the majority opinion, and on the other by Harlan's lone dissent, which prefigured his role in Plessy. The Court (in Justice Joseph Bradley's majority opinion) denied that in finding the federal prohibition of segregation unconstitutional it was "reinventing" slavery. To discover the vestiges of the peculiar institution in acts of "mere discrimination on account of race or color" undertaken by private individuals, Bradley wrote, would be "running the slavery argument into the ground" and unfairly singling out the Negro nort as a "mere citizen" but as "the special favorite of the laws." This resuscitation of the Dred Scott view that the Constitution still accepted racial distinctions rightly struck Harlan as "subtle and ingenious verbal criticism" that ignored the intent of the Thirteenth and Fourteenth Amendments to purge concepts of superiority and inferiority, the touchstone of Dred Scott, from the eyes of the law. Harlan insisted, moreover, that personal views of racial matters—his own included—had no bearing on the legal issues embodied in the amendments. In even more forcefully returning power to the states, he argued, the Civil Rights verdict ushered in "an era of constitutional law, when the rights of freedom and American citizenship cannot receive from the nation that efficient protection which heretofore was unhesitatingly accorded to slavery and the rights of the master." The Constitution had originally counted the African American slave as three-fifths of a person; the Supreme Court now emasculated the amendments that had made blacks whole, once again guaranteeing that the South could number blacks among their population for political representation, while reducing them before the law, and at times literally in body, to human fragments. In defining a dual constitutional citizenship that in practice was easily translated into dual racial citizenship, the cases leading up to Plessy defined the privileges and immunities and equal protection clauses negatively. That is, the Court consistently denied that anything positive had been added by the process of amendment to the protection of rights already lodged in the state. In the language of Justice Morrison Waite's opinion for the majority in United States v. Cruikshank (1876): "The only obligation resting upon the United States is to see that the States do not deny the right [of one citizen against another under the Constitution]. . . . The power of
the National Government is limited to the enforcement of this guaranty. In separating national from state rights and declaring that only states themselves could prevent individual citizens from denying African Americans their rights—for example, white mobs bent on disfranchisement through intimidation—the Court completed the deal struck in the Compromise of 1877 and left equal protection, like Twain's mulatto and even more like his Siamese twins, monstrously lodged in two bodies, neither of which had full responsibility for its legal or moral guarantee. The notion of dual citizenship and the reinvention of slavery exfoliated in Plessy into Justice Brown's extrapolation of further distinctions between the law and nature, and between narrow political rights and broader social rights, which were routinely distinguished in discussions of race, to be sure, but which were then, and were long to remain, a mechanism to mystify political rights themselves. The object of the Fourteenth Amendment, in Brown's view, "was undoubtedly to enforce the absolute equality of the two races before the law, but, in the nature of things, it could not have been intended to abolish distinctions based upon color, or to enforce social, as distinguished from political, equality, or a commingling of the two races upon terms unsatisfactory to either." Here nature was made to merge decisively with custom—the long-standing custom of racism—and the commingling that Brown intended to prevent in the arena of democratic life likewise created a theoretical closed circle excluding blacks from all equal rights. The "laws of nature," in Twain's world as in Melville's, moved toward tautology. "Nature" was the court of last appeal in matters of racial hierarchy and segregation, but its saturation in social practice, training, custom, and usage served to empty the term of all but variable interpretive constructions. The very schematic placement of Brown's phrase "in the nature of things" revealed, in fact, that "nature" was consciously a product, in his mind as in Taney's, of legislative and judicial debate. Whatever the intention of Brown's distinction, moreover, legal theory and practice alike showed that social and political rights, like the Siamese body, could not be separated without grave risk to both.

Because the Louisiana railroad car statute was not simply a form of private discrimination but rather a state action and thus potentially liable to the Court's by then weak enforcement of equal protection, the idea of a negative guarantee of rights, with its consequent definition of citizenship as dual, might seem to have been of particular import in the case of Plessy. Brown and the majority, however, did not just ignore this fact; instead, consistent with the evocative sign of the Fourteenth Amendment in Slaughterhouse, they found it irrelevant to the central issue of Plessy—that of "equal" protection. That a state action of segregation was involved in this case in fact became the predicate whereby the Court was able to judge that Homer Plessy's segregation was authorized by the dual citizenship inherent, one could say, in the constitutional "nature of things" and that his treatment was equal under a constitutional Louisiana law. What was clear by 1896, though, was that dual citizenship and negative enforcement of equal protection, even if they were not primarily masks for naked racial discrimination, made it increasingly easy to cover pernicious intent with the cloak of law. Plessy was a landmark case not because it drastically altered the direction of legislation and judicial thought but because it concluded the process of transfiguring dual constitutional citizenship into dual racial citizenship which had unfolded since the end of Reconstruction. Although reaction to Plessy among journalists outside the South was largely negative, the most striking thing about newspaper coverage was the mundane, even slight notice given the decision. The economic and cultural reunion of North and South necessitated political and legal separations that turned the "Negro problem" over to the South, thereby using the South to further what in reality were national inclinations. After the Supreme Court decision in the Civil Rights Cases, one historian has argued, there was throughout the North "not only acquiescence among the white population in the 'Southern Way' of solving the race problem but a tendency to imitate it in practice." The national courts both launched and themselves imitated the circular law of imitation, as the mob cases of Harris and Cruikshank had indicated, however, the essential division was not necessarily that between federal and state jurisdiction but between black and white skin—or rather, black and white "blood." The complex theory of imitation set forth in &quot;The Dream of the White Father, comprising law, political and social ideology, and a theory of representation, referred all other
arguments to the paradoxical cultural consequences of a racial code founded on "one-drop" rule, which recast the rule of slavery into increasingly nuanced but at the same time stark forms.

John Marshall Harlan's famous dissent in Plessy built on his view, already articulated in the Civil Rights Cases, that federal allowance of discrimination did indeed constitute a "badge of servitude" and a resurrection of "slavery" in the form of the "sinister legislation" states were able to pass. He dismissed the issue of social equality as a red herring, noting on the one hand that political equality and the guarantee of civil rights did not promote it, but arguing on the other that the denial of such rights certainly did promote racial antagonism and violence. Most important for Harlan, however, was the central fact that the Civil War amendments had annihilated Dred Scott, while Plessy reconstituted its most invidious implications. "We boast of the freedom enjoyed by our people above all other peoples," Harlan stated; yet that boast was hard to reconcile with the "brand of servitude and degradation" retained in Jim Crow laws, whose "thin disguise" of "equal" accommodations "will not mislead any one, nor alone for the wrong this day done." But the meaning of such slavery was more effectively spelled out in Albion Tourgée's brief, which distinguished in antebellum terms between simple chattelism and the black person's "legal condition of subjection to the dominant class, a bondage quite separable from the incident of ownership." As a "defenceless and despised victim of the civil and political society," Tourgée argued, the slave was "in bondage to the whole white race as well as to his owner." (In this he echoed Frederick Douglass, who had reflected on the threatening precedent of Dred Scott when he asked in an 1861 article: "Shall [the freedmen] exchange the relation of slavery to individuals, only to become the slaves of the community at large, having no rights which anybody is required to respect, subject to a code of black laws?"") Chattelism might be gone, Tourgée concluded, but the Supreme Court decisions culminating in Plessy would clearly have reestablished black bondage to the dominant class. Just as Henry Billings Brown recurred to Lemuel Shaw in writing the majority opinion, Harlan echoed the plaintiff's argument advanced by Charles Sumner in the Roberts case—that Boston's Jim Crow schools violated central American principles. "We abjure nobility of all kinds," said Sumner, "but here is a nobility of the skin... We abjure all privileges of birth; but here is a privilege which depends solely on the accident [of] whether an ancestor is black or white." Superimposing 1849 on 1896, the arguments of Plessy v. Ferguson recre-ated caste distinctions that violated American principle, the legacy of the Civil War, and the process of constitutional amendment. Likewise superimposing the 1840s-1850s on the 1890s, Twain's Tom Driscoll, a disguised aristocratic master exposed as a slave, echoes Charles Sumner in asking the pertinent question: "Why were negroes and whites made? What crime did the uncreated first nigger commit that the curse of birth was decreed for him? And why this awful difference between white and black?" Not just the caste division enunciated in Dred Scott but the more insidious aspects of slavery itself would reappear under the forms of segregation that began to flourish in the 1890s as the words white and black acquired newly powerful, separate meanings and "nobility of skin" took on subtleties in some respects more extreme than those regnant in the Old South.

In point of fact, the racist underpinnings of the New South and post-Reconstruction America generally, as Twain dramatized with such passion in Pudd'nhead Wilson, required the creation of an Old South myth that in most ways exceeded historical reality. By 1890 the myth had received the blessing of the North; the Republican party had given up attempts to break the Democratic "Solid South," and the largely northern, Republican Supreme Court ruled consistently on the side of the capitalistic development that the New South hoped to attract. In Twain's recreated antebellum world, replete with the gaudy aura of nobility and fabricated genealogies worshipped not only by the white masters but ludicrously by their black slaves as well, the code of southern gentlemen appears to be at odds with, or to despire recourse to, law, and in this it belongs to the elaborate system of honor that governed much antebellum southern social interaction. In the New South, however, the code and the law were approaching identity to the extent that the code was based on racial or genealogical purity, and mob pressure dictated the legal suppression of African American political rights. Twain's focus on southern codes of honor and patrilineal right, moreover, demonstrates his apprehension of the degree to which contemporary race law was itself based on social codes—on the consensus of behavior and opinion, on "customs and usages," rather than the careful rule of law, which seemed to disappear from view even as both the majority in Civil Rights Cases and Plessy and Harlan in his dissent claimed it as their guide. Indulging an extreme mode of legal realism, however, Twain declared law the province of personal predilection and discriminatory social codes. Pudd'nhead Wilson can be understood as a despairing reply to the principles supporting Harlan's dissent in the Civil Rights Cases and an anticipation of his further dissent.
question of whether or not, because he had once been taken out of Missouri by his master, he could claim his freedom under Illinois or territorial laws prohibiting slavery. The Court's denial that African Americans had any rights of citizenship that whites were 'bound to respect' left Dred Scott the pawn of a 'government' with which Pap Finn would have been pleased. The post-Reconstruction decay of black rights, epitomized by the disfranchisement decisions and the Supreme Court's disinterested characterization of the racial 'evil' left to state jurisdiction, revived Dred Scott in such a way as to define any potential black voter as, in Pap Finn's words, 'a prowling, thieving, infernal, white-shirted free nigger.'

At the same time, blackness outvoted whiteness in the blood, and 'one-drop' ideology drove mulattoes toward blacks—or, in the case of those who were light enough to pass, toward a masked existence among whites. Lynching peaked in the early 1890s, as Twain was writing, and national campaigns against it were sparked by Ida B. Wells's powerful 1892 editorials on lynching for the Memphis Free Speech and the New York Age, reprinted as a pamphlet entitled 'Southern Horror: Lynch Law in All Its Phases.' Revised schemes for the deportation of blacks to colonies in Africa or Latin America were further evidence of the white desire for permanent separation. Fears of increased black criminality and so-called degeneration created the paradoxical situation in which racist exclusion and black alienation fed imitatively upon each other, creating—as Twain a few years later would write of lynching—a 'mania, a fashion; a fashion which will spread wider and wider, year by year, covering state after state, as with an advancing disease.' In Twain's imagined world of Pudd'nhead Wilson the danger of mob rule latent in Adventures of Huckleberry Finn has become nearly an ineluctable principle of law—so much so that the power of imitative behavior, as in Rosy's case, can even destroy the slave's awareness of her own oppression or her recognition that her son has been transformed by her own hand into her abusive master. The conflation of mobs and courts in the 'United States of Lycherdom,' as Twain called it, allowed the power of imitation to define roles of black submission, roles of black segregation, and ultimately roles of black destruction. The imitative behavior that spread disfranchisement laws to state after state during and after the 1890s, and decimated African American economic and social rights in the process, thus gave to lynching a figurative dimension that made it all the more virulent. In the words of Joel Williamson: 'One could lynch just as effectually by genred means as crudely by rope and faggott. Negroes could be lynched by account books. And they could be
supports for Plessy's case with a vigorous newspaper campaign primarily in the North and through the efforts of the National Civil Rights Association (which he had established in 1897, with George Washington Cable among others on its executive board) met with strong and immediate early success. Given Twain's relationship with Cable, strained though it was by the early 1890s, and given Twain's general interest in the promotion of African American rights, it is probable that Twain was well acquainted with Tourgée, his writings, and his civil rights efforts. Disagreement among various race leaders over tactics, conservative attacks, and southern physical intimidation of blacks undermined the organization, however, and by the time Plessy was heard, the NCRA hardly existed, the atmosphere of race hatred had heightened, not abated, as Tourgée had hoped, and his error before the Court seemed more foolish than ever. Nevertheless, Tourgée's arguments were great, if sometimes ironic, import. In addition to detailing the mechanisms by which Jim Crow reconstituted the essence of slavery—the slave being in "bondage" to the entire white race, not just the property of a single owner—Tourgée cast the property argument on its head (and explicated his choice of a very light mulatto such as Homer Plessy to challenge the law) by insisting that the Louisiana segregation law had deprived Plessy of his property, which in this instance was vested in his "reputation of being white." "Indeed," Tourgée asked, is whiteness "not the most valuable sort of property, being the master-key that unlocks the golden door of opportunity?" Apparently hoping to fool the property-minded justices into recognizing an element of color that would destroy Jim Crow by rendering it chaotic, Tourgée opened himself to the irony that such an argument would in reality protect only those who could pass—the mulatto elite—and define equal protection just as restrictively and negatively as the Court already had, only locating it at a different mark on the color line.

Tourgée's argument is hardly far-fetched as it might appear, for color clearly did govern property rights. With the advent of increased power among African Americans during Reconstruction and the passing of the Fifteenth Amendment, there had been a significant drive, successfully resisted, not only to legalize interracial marriage but more particularly to make white fathers legally responsible for their mixed-race offspring and their property inheritable by those children. Even with the demise of Reconstruction and the subsequent pressure to adopt a "one-drop" definition of blackness, the law governing mixed-race property rights and color itself as a kind of property was somewhat fluid and ambiguous,
they threaten to pass black "blood" into the body of an offspring, contaminating or destroying the inheritable property of whiteness, and hence the inalienable property rights, lodged in the white partner. The mixed-race figure thus concentrated the problem of racial doubling insofar as he could be said to imitate or parody but not to own the property of whiteness. The de jure dual citizenship that made for de facto racial dualism left the mulatto a "freak" of natural law, while the spread of segregationist thought and policy made the light-skinned black an uncanny reminder that blackness both was and was not visible and whiteness both was and was not a form of property with legal significance. Whatever its merit in protecting the rights of at least the mulatto elite, the brevity of the portion of Tourgée's argument devoted to color as a form of property suggests that Tourgée had, by 1896, recognized its "foolishness," or its rank paradoxicalness, in this instance. Even so, it underlined the hallucinatory character of the Jim Crow laws that were ushered in by Plessy, which over the next half century would reach such extremity that Tourgée's further speculations on the color line were not in the least foolish: "Why not require all colored people to walk on one side of the street and the whites on the other? Why may [the state] not require every white man's house to be painted white and every colored man's black?" Tourgée foresaw that there was no logical end to such discriminations, and Justice Brown's reply that they must be "reasonable" was nothing to the point. The primary question, in Tourgée's view, was "not as to the equality of the privileges enjoyed, but the right of the State to label one citizen as white and another as colored." In holding indeed that "a single drop of African blood is sufficient to color a whole ocean of Caucasian whiteness"—to outvote it—the Supreme Court called Tourgée's bluff and exposed the nadir of the new segregationism, demonstrating that the nation itself was now the freak, separated and rejoined over the black body—like Amasa Delano and Benito Cereno linked by the crust of Babo—which was now conclusively separated from and unequal to the white.

**Blaspheming Colors, Extraordinary Twins**

It was in this world that Twain wrote and within this particular legal discourse that his tale of miscegenation, doubling, and legal fictions of color, ownership, and identity must be read. For in their opposition to radical racists, liberal politicians and writers were likewise compelled toward fantasy or, in any event, toward significant accommodation of racism.
position in which those nearly white in appearance find themselves except by a rigid separation of the races."25

Warner's lecture was delivered at the World's Industrial and Cotton Exposition of 1886, one of numerous expositions in the 1880s and 1890s jointly sponsored by North and South to promote sectional reconciliation and southern industrialization, and it therefore signals a common intellectual subcurrent in the drive toward reunion.26 The most prominent crusader who crossed the Mason-Dixon line in the other direction was Henry W. Grady, the editor of the *Atlanta Constitution*, whose appearances before northern audiences and whose posthumous volume *The New South* (1890) trumpeted Dixie's vision of racial and sectional harmony through segregation and northern investment. Like Cable and Warner, Grady similarly appealed to barely latent northern fears of miscegenation and increasing black population, and he maintained, somewhat incoherently, that there was in both whites and blacks a natural aversion to mixing that had been broken down by mulattoes. Falling just between the critical years of *Pudd'nhead Wilson* and *Plessy v. Ferguson*, what might now be considered the most revealing instance of the spread of the segregationist thesis occurred in Booker T. Washington's famous 1895 address to the Atlantic Cotton States and International Exposition: "In all things that are purely social we can be as separate as the fingers, yet one as the hand in all things essential to mutual progress."27 In a contemporary atmosphere charged by physiological race theory, Washington's metaphor of the hand neatly balanced cooperation and segregation, giving unspoken support to *Plessy's* doctrine by appealing to an image of separate but equal brotherhood composed of both social and natural law.

In addition, Washington's metaphor has an oblique echo in *Pudd'nhead Wilson*, where fingerprints paradoxically demonstrate Tom's inviolable individuality and the fact that he belongs to a group scorned for racial identity alone; and Tom, recognizing that "a man's own hand is his deadliest enemy" and provides "a record of the deepest and fateful secrets of his life," hides his palm from David Wilson to keep the "black-magic stranger" from reading therein the sign of his guilt as well, it seems, as the sign of his invisible color. Sir Francis Galton, the father of *Pudd'nhead Wilson's* "black-magic" science and author of *Finger Prints* (1892), speculated—incorrectly—that supposed signs of differing racial characteristics such as intelligence would appear in the prints themselves. What is more, Galton went on to achieve his greatest renown as a promoter of eugenics,
which advocated the progressive breeding of an improved society and which in the American climate of the early twentieth century automatically took the form of nativist theories of protection against the threat of race suicide through miscegenation and immigration.60 It is possible that Twain, following Galton, harbored the suspicion that racial characteristics could be detected in fingerprints. But his use of the metaphor of the revealing hand in Pudd'nhead Wilson seems rather to mock the theory that segregation was rooted in organic laws susceptible to proof by the new scientific and sociological study of heredity. Wilson's triumphant display of Tom's identity as a "nigger and slave" shows rather that those two categories are social constructs that have been wrongly construed as natural, much as courts had read race prejudice, equally a social construction, to be rooted in the "nature of things." Twain's anachronistic introduction of fingerprinting science into an antebellum story serves to enforce the critique of post-Reconstruction appeals to antebellum legal findings and race ideologies, the means for "reinventing" slavery as rigid segregation. Booker T. Washington's similar metaphor, while it may be said to have carefully calculated the social construct of a biracial society as organic, nevertheless demonstrated the power of those appeals in its acceptance of segregation as necessary to political harmony and economic progress. The theory of an organic society that nonetheless allowed for racial seg-

* Although it is possible to read a good deal of Washington's writings as a sly commentary on the need for blacks to submit to the ideology of Jim Crow, to "wear the mask," if they were to combat racism and win civil rights more effectively, some key episodes in his work are difficult to reconcile. Washington's seemingly most overt comment on Plessy, for example, appears in an anecdote about Jim Crow train cars in Up from Slavery. After taking note of Frederick Douglass's dignified response to being ejected from a white passenger car ("the soul that is within me no man can degrade"), Washington launches into a humorous anecdote about a southern conductor's inability to tell whether a light-skinned man riding in a black passenger car is truly black. Not wishing to insulate the man by asking him outright (in case he is white), the conductor examines him in detail, without conclusion, but finally surreptitiously studies the man's feet. As Washington says to himself: "That will settle it; and so it did, for the trainman promptly decided that the passenger was a Negro, and let him remain where he was. I congratulated myself that my race was fortunate in not losing one of its members." Washington's light-skinned passenger may be extraordinarily deadpan, and his account of the conductor's physiological examination a cunning exposure of the absurdity of one-drop ideology and, in fact, the pseudoscientific constitution of race itself. If so, however, praise is buried so deep as to be virtually indistinguishable from accommodation. See Booker T. Washington, Up from Slavery (1901; rpt. New York: Penguin, 1986), pp. 100-101.

nonetheless dead half of the hanged freak in "Those Extraordinary Twins," he is "killed" as well by being thrust into a ruling class to which he does not by habit belong.

The fear of "mongrelization" that pervaded radical rhetoric about miscegenation imputed bestiality to African Americans but suggested also that, in their rise toward political or social equity with whites, they were at best able only to "imitate" the requisite manners and intelligence of civilized society. Playing on the imitation of "forms" and "habit" that Twain said could be concretized into "automatic," "unconscious," and "natural" behavior, both stock minstrel scenes and racist literature denied the priority of environment in forming character and satirized black pretensions to manners, learning, or political sophistication.45 Imitation was, in fact, one of the most charged issues in contemporary social theory. In developing theories of behavior, a number of American commentators wrote in answer to Gabriel Tarde's influential volume The Laws of Imitation (1890), in which Tarde had stated the extreme theory of code-governed, imitative behavior in a fashion that would have been most attractive to Twain in his deep pessimism: "The social like the hypnotic state is only a form of dream, a dream of command and a dream of action. Both the somnambulist and the social man are possessed by the illusion that their ideas, all of which have been suggested to them, are spontaneous."46 In two telling instances I would like to return to—Roxy's trance and Pudd'nhead Wilson's dream—Twain forces imitation into just such a somnambulistic corner, suggesting that Tarde's view accorded with his own skepticism about the will and his increasing preoccupation in his late work with fantastic dream states in which will and identity are entirely occluded.

It was the racial use to which Tarde's general theory might be put, however, that has most bearing on Twain's examination of imitation in Pudd'nhead Wilson. Contemporary American theorists modified Tarde's views but often did so in order to describe a hierarchy of racial distinctions and to theorize that the Negro's imitiveness, as a tool of assimilation, was at best superficial, constrained by supposedly inferior mental capacity and primitive instincts. Limited by "instinctive impulses" that become fixed by natural selection ("certain coordinations of nerve cells and muscle fibers which tend to discharge in one way rather than another"), Charles Ellwood argued, imitation varies racially such that a Negro raised by Caucasians would fail to take on their "mental and moral characteristics." In Ellwood's semi-Lamarckian account, the possibility of modification of behavior by imitation is burdened by race and the risk of reversion: "His [the Negro's] natural instincts, it is true, may be modified by training, and perhaps indefinitely in the course of generations; but the race habit of a thousand generations or more is not lightly set aside by the voluntary or enforced imitation of visible models, and there is always a strong tendency to reversion." That is, the "nigger" in him, according to Ellwood, would prevent the black person from adapting by imitation to a "higher" moral model. Likewise asserting that the laws of social imitation were racially determined, but giving it a different twist, Jerome Dowd suggested that racial assimilation was tied to social assimilation through imitation and the availability of models for emulation. Dowd thus argued that black slaves, because of their close personal association with their white masters, had higher moral standards than postwar blacks: the law of imitation established the "superiority of the antebellum Negro," and only racial intermarriage, unlikely to be condoned by society, could counteract the likely moral and physical disintegration of contemporary African Americans. Philip Bruce's account of black "degeneration" along these lines was typical in its claim that the Negro is "eager to ape the habits and customs of the whites, and yet reveals in his own infirmities that he is incapable of adopting anything but the form." In Bruce's view there was no solution but the extinction or withdrawal of one or the other race: "The South cannot remain permanently half black and half white."44

Bruce's deliberate updating of Lincoln's language in his House Divided speech recast the crisis over slavery (the nation cannot remain half slave, half free) in the new language of segregation. Bruce's statement was itself a form of imitation; he parodied Lincoln, one could say, so as to draw dire implications from the achievement of African American freedom, much as the post-Reconstruction Supreme Court cases parodied the language of antebellum decisions that should have lost their standing as precedent. The Court's inability to separate political from social inequality (even as it claimed to draw a clear line between them) left it caught in the same quagmire of assumptions that underlay theories of African American "reversion" and "degeneration," and that reappears in Twain's garbled, unsatisfactory representation of the sources of Tom Driscoll's behavioral traits.

Twain's inquiry into imitation as a component of character reaches no very satisfactory judgment about the ratio between instinct and training in the case of Tom, and he seemed unable to decide how exactly to construct his model of behavior or what degree of Lamarckian influence he cared to set forth. The laws of imitation that defined the era's promotion
of racist stereotypes in minstrelsy and its proliferation of legal sanctions against "black blood" were intended to prevent the acquisition of political and social graces or economic gains. Inevitably, those laws became uncanny in the figure of the mulatto: was he "white," or did he, like Tom Driscoll, adopt a pattern of imitative behavior that suppressed the "nigger" in him?42 In his original manuscript Twain had allowed Tom to realize, when Roxy reveals to him his true identity, that the "nigger" in him was the Lamarckian result of "decades and generations of insult and outrage," whereas his "white blood" was "debased by the brutalizing effects of a long-drawn heritage of slave-owning." But such rational mediation is deleted from Pudd'nhead Wilson, where the pared-down focus on the hidden mark of blackness, the "nigger" in Tom, is placed before Twain's readers as a stringent test of their capacity to differentiate social construction from "nature." Whereas the deleted passage depicts Tom as more humiliated by his illegitimacy than by his hidden color, the text Twain published swallows both into Tom's fear that the "cure of Ham was upon him," which is shown to be a mythically inscribed idea (though one bearing the weight of biblical injunction) rather than a fact of nature. Because the "main structure of his character was not changed, and could not be changed," Tom quickly throws off his "nigger" behavior, leaving only "one or two very important features" altered and waiting for activation: namely, his realization of a form of racial consciousness and consequently his avenging hatred of his "uncle," Judge Driscoll. Although the deleted passage offers a more precise account of the cultivation of racial behavior, it also suggests more clearly with what ease custom can become naturalized.43 Twain's stark canceling of the category of the natural was a straightforward assault on imitation theories such as those advanced by Dowd, Ellwood, and Bruce. At the same time, however, it demonstrated that the naturalization of custom (witness the language of the law since Dred Scott, as well as the "natural result" of Roxy's practiced servility to Tom) led inexorably to the exercise of hierarchical power and hence to forms of segregation, racial or otherwise, whose authority was always circularly displaced.

The theme of imitation, which defines patterns of behavior, violence, and judicial practice throughout Pudd'nhead Wilson, is lodged most provocatively in the thematic dialogue between the Italian "freaks" and their Jim Crow counterparts, Roxy and Tom, the "imitation niggers." The "two stories tangled together," producing "a never-ending confusion and annoyance," Twain would claim in comic defense of his flawed tales, until the "doings" of Pudd'nhead and Roxy "pushed up into prominence" the character of Tom and the three of them took over a "tale which they had nothing at all to do with, by rights." The result was the notorious "literary Caesarian operation" by which Twain separated his two stories, pulling the freak story "out by the roots" and thus himself giving twin birth to the freak tale and to its racial double. The figure of the maternal body unites Twain and Roxy in the "doings" that produce both Tom—Roxy's son apparently by the shadowy, offstage aristocratic figure, Colonel Cecil Burleigh Essex—and Tom's story, a fantasy union in which Twain recapitulates the sins of the white fathers within the authorial body of the black mothers.44 While Roxy saves one son, her own, only to become his slave, she also condemns another man to slavery; her power, like Tom's, blithely willingness to continue the role of white master, collapses into a haunting imitation of the essential tenets of racial hierarchy, Roxy's pride and pleasure in seeing "her son, her nigger son, lord it among the whites and securely avenging their crimes against her race" turns manumission into a house of mirrors but accomplishes no such vengeance. (Tom will do so, but only after he knows his identity, and only then when driven by desperation.) Because she can only parody the violence of slave society in her attempt to subvert it, Carolyn Porter notes, Roxy exemplifies the double bind of the slave mother, "not only the victim, but also the reproducer of social death."45 Twain, one could add, does the same thing, imitating Roxy's plot in his own by locating both the white fathers and the black mothers (or the "imitation" black mothers) within himself and generating in the double chronological fields of his novel the reconstituted social death of the post-Reconstruction racial world.

Tom's blackness, like Tom's very existence as a character, is revealed by Twain's participation in the "tragedy" of miscegenation, by his willingness to incarnate in his act of writing the coupling of slave and master while at the same time standing judicially, ironically detached in the role of his foolish hero, Pudd'nhead Wilson. Becoming (black) mother as well as (white) father to his illegitimate mulatto heir, Twain brings to the surface of consciousness apprehensions he had once intimated in his well-known response to William Dean Howells's review of Roughing It. "I am as uplifted and reassured by it," Twain wrote Howells, "as a mother who has given birth to a white baby when she was awfully afraid it was going to be a mulatto." Drawing perhaps on his recorded dream fantasies about black female sexuality, Twain's authorial imitation of master-slave miscegenation lodges in his own body the sexual and racial doubleness at the
heart of his story, and it provides a double connection—a Siamese linkage—to the two imperfectly separated tales, illuminating the double imitation in which Tom and Roxy themselves are engaged as actors in the stage play of Twain's social critique. In Roxy and Tom is centered the paradox of alienation and imitation. They strive to, and physically do, imitate the white masters, Tom by actually becoming one—to such an extent, in fact, that he is willing to sell Roxy downriver to raise money for his debts. But the tautological subtleties of the color line render them all the more different for being nearly the same in their possession of the property of whiteness. Like the ironic outsider, Pudd'nhead Wilson, who in his first encounter with the townspeople appears an "uncanny" spectacle, and even more like the "uncanny apparition" of the Siamese twins, the imitation niggers Roxy and Tom literally embody a violation of the "laws" of nature and call forth the uncanny fright that Freud assigned to the double: "something which ought to have remained hidden but has come to light."99 Brought to light, so to speak, Tom's blackness is ruthlessly efficient: it deprives him of property and at the same time turns him into property. In the plot's terms he is part of the creditors' inventory; but in terms of the novel's contemporary frame of reference, the sudden exposure of Tom's hidden blood puts him, as Harlan and Tourgé argued, in bondage to the entire white race—whose very features he reflects in an even more uncanny apparition of mastery enslaved.

The mulatto's imitation of the white "master" race played upon the central trope of minstrelsy, which was that African Americans on stage, whether they were blacks or whites performing in blackface, had to caricature African American features so as to make them conform to white custom. By reversing that caricature, mixed-race figures revealed the logic connecting one-drop ideology and minstrelsy that was crystallized in the 1850s popularity of Ernest Hogan's hit "All Coons Look Alike to Me."60 Appearing in the same year that Plessy was handed down, Hogan's light-hearted love song on the face of it had nothing to do with Jim Crow. But enthusiastic audiences and critics of Hogan alike were quick to sense its implications: that all "coons" are coons, no matter what their color. Or, in a more subtle form, would put it two decades later, in the endlessly polarized, bifurcating world of American racial ideology, there can be no such thing as an "ex-coloured man." Hogan's hit song revealed the deep anxiety, also exploited by Johnson's novel, that black and white could not be distinguished without the accepted markers of color and physiognomy. What was most uncanny about mulattos, then, was that they threatened to display the category of nature as an act of artifice and political control, and segregation as arbitrary. Like Twain's freak twins, a pair of dandies, the mulatto "Tom sports equally "blaspheming colors" that are meant to be separated but have become freakishly, uncannily merged.61

Soon after the war minstrelsy had incorporated freaks and female impersonation into its repertory, as did Twain in his novel, in both instances collapsing boundaries on stage that were rigidly drawn in other forums of public life. In the uncanny status they came to have in American racial politics, persons of mixed race could be said to combine minstrelsy and the physical "abnormality" of freaks; that is, by crossing "natural" boundaries and violating taboos of purity and differentiation, the mulatto put them under intense pressure. Like the freak, the mulatto was held by some social theorists to be an unnatural hybrid, a "mongrel" destined to die out through a failure of reproduction—a perversion of the organic development toward higher, more pure racial forms—while to others he represented an aggressively contaminating danger to those forms. A monstrous hybrid that powerfully condensed race theory and popular racial stereotypes, the figure of the mulatto in effect became the scapegoat for contemporary Confederate apologists, the master's conjunction of property and reproduction. Yet the mulatto also therefore symbolized the "enslavement" of the white race to its past sins, an enslavement that Twain's authorial involvement in the process of miscegenation through the Siamese twins' story self-consciously doubled. Theorizing the specter of doubles, Twain's twins and his uncanny mixed-race figures thus offer a running theoretical commentary on one another. Through its fluid disruption of "natural" laws and "instinctual" prejudices, the figure of the twins yokes ante-bellum chattel slavery to post-Reconstruction neo-slavery in particularly compelling ways. In one of the shreds of their Siamese form left unrevised in Pudd'nhead Wilson, Twain designates their sideshow exploitation in Europe as "slavery." In the twins' story itself Angelo finds normal men to be "monstrosities" and "deformities," and their separateness an "unsocial and uncanny construction," but he still desires "that he and his brother might become segregated from each other."62

In their reflection of both the dilemma and the demise of Twain's invisible mulatto hero, the twins point to that crisis in the loss of distinctions that René Girard has made central to the process of ritual sacrifice whereby a community restores a threatened order by the mechanism of victimage. Because they threaten to augment radically the disappearance of hierarchical or representational distinctions on which cultural order is
based, Girard argues, twin figures, like rival brothers, portend the loss of degree and differentiation in its most visible form, suggesting a monstrous double that subsumes all difference into itself and at the same time radiates outward: "Any violent effacement of differences, even if initially restricted to a single pair of twins, reaches out to destroy a whole society." If twins augur indiscriminate violence and the danger of pollution across boundaries that cannot be recognized, the mulatto, himself a twin, and even more certainly twin figures whose race is in doubt represent an acceleration of the uncanny erosion of distinctions and the likely appearance of what Girard refers to as "sinister repetitions, a dark mixture of unnameable things." The law of the "second slavery" was nothing if not a law of sinister repetition, and the rising white fear of a hidden, racially mixed population contaminating the white race showed that the true threat of imitation lay in its destructive effacement of the authorized, legislated racial differences of segregation. The moral hallucination that takes over *Pudd'nhead Wilson* when it is paired with "Those Extraordinary Twins" arises not just from Twain's exposure of the nadir's callous reinvention of slavery but from his driving the philosophy of Jim Crow to the brink of an undifferentiated chaos. A politics of racial hierarchy stipulates order; but a world without any of the distinctions that have been codified as naturally ordained unleashes dangers that must be abolished or ritually proscribed. The mechanism of sacrifice can work by the erection of uncrossable boundaries and margins into which the oppressed can be cast; or it can lead to ritual expulsion and execution—to lynchings, mutilations, or less grisly state punishments, spreading, as Twain said, like a twain. Twain's two stories contain the whole array of racial sacrifice, acted out certainly in Tom's pardon and sale downriver and represented with more than figurai exactness in Twain's subjection of the twins to the process of legal judgment. In *Pudd'nhead Wilson* the twins are separated (the liberal segregationist solution), but in "Those Extraordinary Twins" they are hanged (the radical racist solution).

Twain's twins were Italian, and he modeled them to some extent on the Toci brothers, late nineteenth-century Siamese twins who, like Angelo and Luigi, had two heads and four arms but only two legs. Yet he drew as well for the meaning of the twins in his novel on his own 1868 comic sketch about the famous Chang and Eng, "Personal Habits of the Siamese Twins." In Twain's postwar imagination the twins became a mock replica of sectional strife: Eng fought on the Union side and Chang on the Confederate, they took each other prisoner, and were exchanged for each other as prisoners by an army court. Their marriages and drinking are subject to Twain's comic eye, as in "Those Extraordinary Twins," and although he fails to mention that the real Chang and Eng were also slaveowners, the irony of that fact had obviously become far more suggestive by the 1890s when the uncanny spectacle of the freak came back into his writing. By then the twins' bodily servility pointed not just to the conjoined intimacy of white and black but also to the resurgence of ante-bellum manners and social theory in late-nineteenth-century life, the freakish doubling of reactionary myth in contemporary pastures. The fratricidal conflict that Twain turned into burlesque in 1868 had by 1894 become organized along racial lines, with the white South and North increasingly allied against African Americans—tied to them as though by physiology (as in many cases they were) yet anxious to be clearly separated. The explicit return of latent Civil War models of fratricidal intimacy to Twain's consciousness, along with his authorial embodiment of miscegenation itself, paralleled the uncanny practice of imitation in race law whereby the courts, as in *Plessy*, appealed to ante-bellum case law that should have been long dead and buried but now returned from repression to reinvent slavery under new legal sanction.

Chang and Eng were Twain's original model for the figure of twinship that yokes the extraordinary twins to Tom and Chambers or to Tom as mulatto, but the more physiologically apt Toci brothers were an even better model. In addition, the fact that Angelo and Luigi are Italian is far from insignificant. In anti-immigrationist thought of the 1880s and 1890s, Italians were widely believed, on the basis of their "color," their reputed criminal activities, and their comparatively low standard of living, to be among the most degraded of immigrants, and their willingness to mix with blacks brought forth excited nativist charges that new immigrants would further "mongrelize" America's racial stock. The Italian twins' blurring of the color line has an even more specific force in *Pudd'nhead Wilson*. Besides satirizing the aura of nobility and culture that surrounds the gentleman twins, Twain also capitalized on the common stereotype of Italians as criminals especially adept in the use of knives and prone to impassioned violence and vengeful assassination. The climax of such anti-Italian feeling, in fact, came in New Orleans just the year before Homer Plessey set out to test the segregated train car law. When a jury failed to convict a group of Italians on trial in 1891 for the murder of a New Orleans police superintendent, allegedly caused by his efforts to bring Mafia members to justice, a rioting mob of several thousand attacked the prison and
lyched eleven of the suspects. The case created a national sensation, with the prosecution complaining that it was impossible to get convictions against the Mafia because of their strict code of honor, while politicians and periodicals lined up to defend or attack the mob’s makeshift execution of the “assassins” and the atmosphere of lawlessness and “bloody duels” that some said had made it possible. Most important, the lynchings ignited a diplomatic crisis when Secretary of State James Blaine refused to grant redress to the families of the victims, some of whom were Italian citizens, or guarantee the indictment of the mob (President Benjamin Harrison finally offered redress some months later). The administration’s logical but unsatisfactory contention was that the controversy came about because of the Italian government’s inability to understand the “dual nature of our government”—that is, its division into federal and state jurisdiction. The incident grew briefly into a serious war scare and dramatized the entire question of immigration as few incidents had since the sensational Haymarket Affair.22

The government’s appeal to the notion of “dual” citizenship of course made the Italians liable to state oversight in the same way that the Supreme Court had said blacks such as Homer Plessy were liable to state, not federal, laws for their protection. The incident demonstrates, moreover, the fact that lynching in the 1890s was not reserved for African Americans alone but had spread like an epidemic across many racial lines. By the same token, however, the fervor of anti-immigrant thought that was demonstrated in the New Orleans violence proved that there was no paradox involved when the most radical of southern racists, such as South Carolina’s Benjamin Tillman, turned out over the course of the decade to be outspoken anti-imperialists. Fearing further contamination by mixing with alien peoples, they sought the expulsion of blacks from America, or at least their political and economic suppression, rather than increased “paternalist” responsibilities for the colored races of the world. Neither anti-imperialist arguments nor anti-immigrationists ones achieved ascendancy in the 1890s, but the New Orleans Mafia lynchings and the subsequent national outburst of militant patriotism had a significant effect on the process of reunion between North and South which would reach its peak in the Spanish-American War at the close of the century. In dramatic demonstrations of loyalty, Union and Confederate veterans’ groups pledged cooperation against the Italian enemy if war should come. Journalists and politicians alike called for sectional unity in the face of the seeming threat from abroad and the purported fifth-column danger within.

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The lynchings and their aftermath therefore gave South and North alike a further opportunity for reunion—linked again over what was perceived to be the criminality of “lower” races.48

A Whisper to the Reader

Because I am the white man’s son—his own,
Bearing his bared birth-mark on my face,
I will dispute his title to the throne,
Forever fight him for my rightful place.
There is a searing hate within my soul,
A hate that only kin can feel for kin,
A hate that makes me vigorous and whole . . .
When falls the hour I shall not hesitate
Into my father’s heart to plunge the knife
To gain the utmost freedom that is life.

Claude McKay, “Mulatto”

Writing most of Pudd’nhead Wilson and its appended burlesque at his villa in Italy or on trips back and forth to the United States, Twain might be imagined to have deliberately cultivated the deadpan voice of his protagonist and the detached irony evident in his opening “Whisper to the Reader,” with its bogus rhetoric of authentically rendered courtroom scenes and legal language, and its absurd mockery of antique cultural traditions. Reducing genealogy and law alike to the self-interested repetitions of custom and usage, Twain gives us his novel “under my hand this second day of January, 1893.”54 In foreshadowing the language of wills and testaments which suddenly leaves Tom Driscoll without inheritable property and without the property of whiteness that could save him from sale as chattel, Twain lays the groundwork for his critique of the genealogy of legal precedent to which the Supreme Court had recourse in its elevation of the custom of prejudice into the rule of law. The tone and setting of the “Whisper” initiate an ironic distance on the problems of American race relations and the New South that is certainly present in the tale (one might compare Johnson’s writing of much of The Autobiography of an Ex-Coloured Man at his consulat post in Venezuela), but it is inconceivable that Twain was not also impressed by the Italo-American crisis and the light it cast on the blurring of the color line caused by non-Anglo-Saxon
immigrant races. The Italian twins, in their Siamese version, define the conjunction of black and white that Twain located in the bodies of Roxy and Tom. As immigrant figures they simultaneously bridge the gaps between white and black and between North and South, further segregating one pair while unifying the other. The rhetoric of ironic distance with which Twain opens *Pudd'nhead Wilson* must be taken as his defense against direct implication in the emotional pain of the tale, a disguise, like Tom's color, that covers a latent and incriminating truth that will be revealed at the end of the tale. Provisionally separated from America (and his own personal financial troubles), Twain nevertheless employed the figure of the foreign twins to study the very American problem posed by his own black changeling, lodging the trope of doubling not only in the now separated twins but also in the now "Negro" Tom and his slave Chambers. But the short story and the novel are, of course, never adequately segregated—never separate but equal. Angelo and Luigi, both of them charged with the crime of kicking Tom Driscoll when only one is guilty, are exonerated in confusion by a court that refuses to "imitate other courts"; but when their paralyzing double election to the board of aldermen cannot be resolved by court after court, the citizens lynch "one" of the twins.64 Lynching, that is, takes the place of or approximates the justice of the courts. Twain, as we have seen, would later claim that lynching thrives on imitative behavior, something his novel had already shown to apply to the whole range of human attitudes and actions, including his own authorship, and something the Supreme Court cases that provided the foundation for his satire had shown to be key to its own decisions, as one after another the civil rights cases destroyed the gains of Reconstruction by mimicking antebellum law and carefully dividing black from white.

"Imitation is the bane of courts," remarks the judge in "Those Extraordinary Twins" before condemning the hung jury for failing to convict Angelo-Luigi and thus setting free a being with "a hidden and grisly power for evil," by which crime after crime may be committed with no way to separate the guilty one from the innocent. In *Pudd'nhead Wilson* it is the Siamese-like secret mulatto Tom, the monstrous double who, disguised as a woman and finally donning blackface, commits crimes undetected.65 His ultimate crime, the murder of the judge, is committed with the knife of the Italian twins against a man whom Twain had originally thought to cast as Tom's actual father (he may still be taken as such, given the resemblance between Tom and Chambers) and whom he loosely modeled on his own father, John Marshall Clemens, both a slaveholder and a sometime judge—his name, like that of John Marshall Harlan, an echo of past heroic justice. Judge Driscoll, in any case, is the book's symbolic father in his relationship to Tom, Chambers, and Roxy, as well as in his upholding of the *code duello* and the laws of aristocratic prerogative. Despite Twain's own suppression of evidence, as it were, the murder thus follows a logic of revenge that is perfectly forecast in the crisis scene when Tom discovers his own "blackness" from Roxy and momentarily begins to behave like a "nigger." He feels "as secret murderers are said to feel when the accuser says, 'Thou art the man!'" and finds that "hate of his ostensible 'uncle' was steadily growing in his heart; for he said to himself, 'He is white; and I am his chattel, his property, his goods, and he can sell me, just as he could his dog.'" At that time the "nigger" in him is once again resubmerged into his characteristic "white" behavior, but it now breaks forth with uncanny force, having become in Twain's conception a political rather than a biological element. The murder is not exactly premeditated, but the seeds of Tom's vengeance lie in his recognition scene with Roxy. Although the impulse to murder arises as an instinct to prevent discovery when Tom, now in blackface, is caught by his uncle, the act resonates with the deeper implications already brought to the surface and then resubmerged, like a shadow from regions of the uncanny, in the earlier scene: "Without hesitation he drove the knife home—and was free." In James Cox's words, Tom becomes "the avenging agent who carries back across the color line the repressed guilt that has gathered at the heart of slavery," More than that, he carries the antebellum world into the post-Reconstruction world in yet another way. In playing out the parricidal rebellion of the African American slave against his master-father—or, if his disguise as a woman or his role as Roxy's son is taken into account, as a female slave avenging the master's sexual abuse—Tom fuses the Old South and the New by dramatizing the reversal in meaning miscegenation underwent after emancipation. Between 1865 and 1890 the fact of slaveholding miscegenation by white masters and the fear of black slave rebellion were together transformed into the specter of black crime and contamination—the Negro as mongrel or "beast."67 The imitation white Tom, now like a minstrel performer masquerading in the disguise that parodies his hidden slave status, becomes in effect the mulatto killer of contemporary race theory.

Tom's crime with the knife momentarily implicates the Italians, already considered "assassins" because of his slander of them. As in late nineteenth-
sign a confession that seals Jasper's control over him, the reversal of roles is complete:

[Jasper] held up the fateful paper and contemplated it a long minute, his nostrils faintly dilating; and when at last he ceased from this contemplation he was visibly a changed man. The meek slouch of the slave was gone from him, and he stood straight, the exultation of victory burning in his eyes; and not even his rags and tatters could rob his great figure of a certain state and dignity born in this moment to it of the pride of mastership and command that was rising in his heart. He looked the master; but that which had gone from him was not lost, for his discarded droop and humble demeanor had passed to his white self, and already they seemed not out of place there, but fit, and congruous, and pathetically proper and at home.69

The confessional document turns Harrison into Jasper's slave as completely as the loss of his manumission papers had once left Jasper caught in a "second slavery" to Harrison's ancestor, his very own father. Whereas the conclusion of *Pudd'Nhead Wilson* places a great deal of weight on the inoculation of behavior by training in its depiction of Chambers's pathetic inability to adapt to the role of white master, "Which Was It?" casts back to much earlier notebook entries in which Twain speculated about eventual black domination in the United States and suggests that the habits of mastery (or of slavery) are rather easily acquired. Like most of his late work, Twain's story trailed off into inconclusion. In so radically foreshortening the reversal of roles, he did not change the direction of *Pudd'Nhead Wilson* but distilled its vertiginous dialectic into a few rudimentary motions in which genealogy and law alike are shown to be matters of habitual power and slavery a function principally of opportunity and profit. Even before the bleak inconclusion of "Which Was It?," however, there were few psychic recesses in the regime of mastery, including his own, that Twain had left unexplored in his anatomy of segregation. His recognition that there was no way out of the dialectic of mastery and slavery, even if race could be expunged from it, finally paralyzing Twain's writing. But the fact that, both in America and in his work, race had never yet been expunged from the rule of law and the consequent hierarchy of cultures played no small part in his extreme moral pessimism and his grotesquely ambivalent expression of it in *Pudd'Nhead Wilson*. In blackface and women's clothing at the time of his murder of the judge, Tom in his
masquerade includes the maternal authorial disguise adopted by Twain himself, divided as ever between exposing Tom as a "nigger" and participating in his revenge against the aristocratic southern fathers. Twain's double participation in the plot of his novel everywhere imitates the Siamese-like entanglement he attributes to his characters. Separate but equal, his twin, paradoxical inclinations toward both black vengeance and racist suppression must be said to lie at the heart of his novel's flawed form as well as its dangerously comic representation of Reconstruction's tragic failure.

Tom's identity belongs neither to his whiteness nor to his blackness; and the novel, like the law of the land in Jim Crow America, leaves him unprotected, stranded between dual worlds of jurisdiction neither of which is responsible for his acts or for his rights. The hero of the novel has no trouble convincing Tom—convincing him both of murder and of pretending to be a white man. Tom's sale down the river indicates which is the worse crime, or at any rate demonstrates that the murder follows from the masquerade. The value of Tom's whiteness as a kind of "property" does him no more good than it did Homer Plessy; the court and the governor recognize only his blackness, in which property is not self-possession or identity but a sign of the rights of others. In the aftermath of Reconstruction, as in classical comedy, disguises were removed, order restored, degree reinstated where it had threatened to break down under the offer of a form of equality that was perceived as "Negro domination." Likewise in Pudd'head Wilson masks are removed and order restored where an inversion in the hierarchy of mastery has momentarily left the community in a state of crisis. Consciously tying his own flawed art to the courtroom theatrics of David Wilson, Twain engaged in a ghastly reduction of the world of the novel to a stage play of parodic codes and habits in which the law dressed as one more player, and in his identification with Wilson Twain admitted his complicity in restoring to order the plantation myth provisionally subverted by Roxy's act and Tom's role.

The road to reunion of North and South required both the reinvention of the Confederate myth in the cultural domain and the reactionary readings of constitutional law carried out by legislatures and the Supreme Court. In his reply to Cable's "Freedman's Case in Equity," the popular southern writer Thomas Nelson Page had argued, at just the time Twain was writing Pudd'head Wilson, that in the encroaching struggle against a rising Negro population, "the only thing that stands today between the people of the North and the negro is the people of the South." Page's plea for states' rights and southern control of the "Negro problem" met with increasing favor in the North during the 1890s. It needed and received the assent and support of figures like Pudd'head Wilson, who can be read both as an outsider to the South and, ultimately, as its most admired representative, the one who most embodies its cherished codes and racial values. Forsaking the last remnants of good conscience left his title character at the conclusion of Adventures of Huckleberry Finn in favor of the antics of Tom Sawyer's mock performance of liberation, now replayed with reference to the national legal theater, Twain embodied the disintegration of African American rights in his own disintegrating text. Taken "on trial" by Twain as a "fool" who exposes the town's pretensions and failure of ironic insight, Wilson, it might be said, matures into an eloquent spokesman for Jim Crow. If Tom Driscoll was Twain's Homer Plessy, Twain's Pudd'head representative of the law was no Albion Tourgée or John Marshall Harlan but rather the rising voice of segregation. Convicting the black man of imposture as a white gentleman, Wilson's miraculous revelation of Tom's identity restores the community's subverted aristocratic order and saves it from mongrelization by the monstrous double, much as the overturning of Reconstruction and its accompanying civil rights legislation and antimiscegenation theory restored an antebellum racial hierarchy in the new dress of Jim Crow. Crossing geographic as well as chronological boundaries, Wilson is the sign of sectional reunion in law and in culture. His voice of irony, not unlike Twain's own deadpan voice, modulates from critique to accommodation. Both separated from and yet intimately tied to the story whose conclusion he creates, Pudd'head-Twain freakishly twins in himself both the racist inclinations bred in him since birth and the countering condemnations of racism that are the better part of his conscience.

In Twain's novel fiction and law imitate each other, and the greatest challenge, in the end, is to separate "racism" from its parodic critique. Like Benito Cereno before it or like Faulkner's Absalom, Absalom! or Go Down, Moses after it, however, Pudd'head Wilson comes close to being debilitated by its suffocating racial crisis, which is concurrently a crisis in novelistic representation. The question with which one is left is whether such a critique is capable of breaking free from its own disorienting, self-incriminating circles—or what, exactly, such "freedom" would entail. For although Pudd'head Wilson might be compared to the equally bizarre and inventive satire of later African American writers such as George Schuyler or Ishmael Reed, Twain's parody, published as the destructive power of
legal segregation came into full swing, might also be construed as the luxury of a white writer who, unlike Douglass or Du Bois, would never himself have to ride Jim Crow. If post-Reconstruction America's racial crisis had its most enerating critique in "Puck,\" only those on the other side of the color line could truly measure the great costs and, indeed, the great cultural achievements of that crisis. No career better embraced both than that of Charles Chesnutt, whose work was written the entire history of nineteenth-century African American life.