

Jonathan Elmer

Inclusion and Exclusion of the Indian in the Early American Archive

Abstract: Resurgence of interest in theories of sovereignty reflect both the availability of theoretical models capable of handling the paradoxes of inclusion and exclusion and historical sensitivity to the ways in which sovereignty develops in tandem with experiences of intercultural contact and conflict. The essay argues that one striking historical example of the interrelation of concepts of sovereignty, inclusion and exclusion, and cultural contact, lies in early American attempts to process the Native American »other.« Using a widely influential speech recorded by Thomas Jefferson, the essay proposes first a literary interpretation of the text's power, and then suggests the way in which the theoretical argument about sovereignty delineated by Agamben (1998) can help elucidate the »anomaly« of Indian sovereignty in the American archive. A final section proposes that sovereignty, as developed in this intercultural context, promotes confusion between social and psychic systems, for which reason Luhmann's systems theory may fruitfully be supplemented by the psychoanalytic theory of Lacan as interpreted by Žižek (1991).

There are a range of theories available today that are equipped to examine the constitutiveness, and instability, of the distinction between the included and the excluded: Derridean deconstruction, versions of post-structuralist psychoanalytic theory (as for instance the different rereadings of Lacan in the work of Žižek and Laclau), or Luhmann's systems theory, especially as that embraces the paradoxes of closure and autopoiesis. This situation in contemporary theory may help explain what appears to be a resurgence of interest in the classical concept of political sovereignty. Already many years ago, the researches of Koselleck (1959) and Foucault (1975), in describing the auto-destruction or surpassing of classical concepts and conditions of sovereignty, implied its limited relevance to the conditions of modernity.¹ But in recent years, attempts to grasp the specificity of current global structures of power have led writers to reengage with the classical paradoxes of sovereignty – thus Žižek (1991) rereads Hegel on the monarch, Agamben (1995) looks back to Hobbes and Schmitt, and Hardt and Negri (1999) reassess Bodin, among others. It might

1 Foucault (1990, 85-86): »it is a power whose model is essentially juridical, centered on nothing more than the statement of the law and the operation of taboos. All the modes of domination, submission, and subjugation are ultimately reduced to an effect of obedience. Why is this juridical notion of power, involving as it does the neglect of everything that makes for its productive effectiveness, its strategic resourcefulness, its positivity, so readily accepted?«

appear that, just as Locke's effect-ly distributed sovereign power involved in historical social theory, the absolutist model, has merely pro- When confronted with the question of sovereignty is due primarily to conditions, or to refinements in con- one is inclined to answer the ques- structures of political power in the ways in which sovereignty, and nation and international law, responses to transcultural contact. If sufficiently emphasized, we might perspective defines the present. historically and conceptually a- ment in the cultural semantics of mourning the extinction of his problem of sovereignty, and inclusion.

I

I begin at the most concrete level of distinction for my title. In 1774 the land-jobbers along the Ohio whom one John Logan (Tah-displaced Cayuga, or Mingo. of murders supervised by one which members of Logan's family riety than it might otherwise be by Chief Logan at the conclusion. recalled, Logan's speech before Williamsburgh particularly, and cers resided or resorted.« But of-mouth notoriety. Jefferson to copy it in his »pocket-book« public papers of the continent. cal publications of Great Brit

2 Thus Locke (1690, 9), in invoking with respect to it: »the execution hands.«

lian in the

ereignty reflect both the availability of theo-
s of inclusion and exclusion and historical
ops in tandem with experiences of intercul-
ne striking historical example of the interre-
xclusion, and cultural contact, lies in early
n »other.« Using a widely influential speech
s first a literary interpretation of the text's
eoretical argument about sovereignty delin-
e »anomaly« of Indian sovereignty in the
overeignty, as developed in this intercultural
ychic systems, for which reason Luhmann's
by the psychoanalytic theory of Lacan as

lay that are equipped to examine the
stinction between the included and
versions of post-structuralist psycho-
nt rereadings of Lacan in the work of
s theory, especially as that embraces
This situation in contemporary the-
a resurgence of interest in the classi-
ly many years ago, the researches of
describing the auto-destruction or
tions of sovereignty, implied its lim-
ity.¹ But in recent years, attempts to
ictures of power have led writers to
of sovereignty – thus Žižek (1991)
n (1995) looks back to Hobbes and
ssess Bodin, among others. It might

del is essentially juridical, centered on noth-
peration of taboos. All the modes of domina-
reduced to an effect of obedience. Why is this
neglect of everything that makes for its pro-
s, its positivity, so readily accepted?«

appear that, just as Locke's effort to move beyond Hobbesian absolutism sim-
ply distributed sovereign power more widely,² Foucault's call for those
involved in historical social theory to overcome their fascination with the
absolutist model, has merely proliferated its presence at other levels.

When confronted with the question whether the persistence of the concept of
sovereignty is due primarily to its relevance to contemporary historical condi-
tions, or to refinements in contemporary theory and in accounts of the past,
one is inclined to answer the latter. In particular, the felt need to think about
structures of political power in transnational terms has renewed interest in the
ways in which sovereignty, and its corollary developments in definitions of the
nation and international law, themselves developed historically in, and as,
responses to transcultural contact, colonization, and conquest, a history insuf-
ficiently emphasized, we might suggest, by Koselleck and Foucault. Such a
perspective defines the present essay, in any case. In what follows, I will situate
historically and conceptually a particularly important and enduring develop-
ment in the cultural semantics of early America – the trope of the last Indian
mourning the extinction of his people – and I will do so by reference to the
problem of sovereignty, and its attendant paradoxes of inclusion and exclu-
sion.

I

I begin at the most concrete level, with the text from which I draw the inspira-
tion for my title. In 1774 there was a bloody months-long conflict between
land-jobbers along the Ohio and local Indians, largely Shawnee, among
whom one John Logan (Tah-Ga-Jute) was living, although himself by birth a
displaced Cayuga, or Mingo. Hostilities were apparently provoked by a series
of murders supervised by one Michael Cresap, or endorsed by him, actions in
which members of Logan's family were killed. This conflict gained more noto-
riety than it might otherwise have done primarily because of the speech made
by Chief Logan at the conclusion of peace in the autumn of 1774. As Jefferson
recalled, Logan's speech became the »theme of every conversation, in
Williamsburgh particularly, and generally, indeed, wheresoever any of the offi-
cers resided or resorted.« But Logan's speech quickly went beyond mere word-
of-mouth notoriety. Jefferson himself, ever the inscriber, thought enough of it
to copy it in his »pocket-book,« and very soon the speech »flew through all the
public papers of the continent, and through the magazines and other periodical
publications of Great Britain« (1982, 227). Even before Jefferson gave it a

2 Thus Locke (1690, 9), in invoking a law of nature, makes everyone the potential sovereign
with respect to it: »the execution of the law of nature is, in that state, put into every man's
hands.«

special prominence in *Notes*, it had penetrated the colonial culture deep enough to serve as a »school exercise for repetition« (Jefferson 1982, 227), and it retained a special status well into the middle of the nineteenth century, serving as a set-piece for schoolroom oratory in McGuffey's *Fourth and Fifth Readers*. Above and beyond the specific uses of Logan's name and speech, however, the text can be interpreted as the earliest influential instance of a peculiarly enduring trope – the last of the X, the Indian facing and bewailing his people's extinction. One can trace Logan's legatees, therefore, in a wide variety of nineteenth and twentieth century representations of Indians; it is not surprising, for instance, that his name is invoked in the preface to Theodora Kroeber's anthropological classic of 1961, *Ishi: A Biography of the Last Wild Indian in North America*.

Here is the text of the speech as recorded by Jefferson:

I appeal to any white man to say, if ever he entered Logan's cabin hungry and he gave him not meat; if ever he came cold and naked, and he clothed him not. During the course of the last long and bloody war, Logan remained idle in his cabin, an advocate for peace. Such was my love for the whites, that my countrymen pointed as they passed, and said, »Logan is the friend of the white men.« I had even thought to have lived with you, but for the injuries of one man. Col. Cresap, the last spring, in cold blood, and unprovoked, murdered all the relations of Logan, not sparing even my women and children. There runs not a drop of my blood in the veins of any living creature. This called on me for revenge. I have sought it: I have killed many: I have fully glutted my vengeance. For my country, I rejoice at the beams of peace. But do not harbour a thought that mine is the joy of fear. Logan never felt fear. He will not turn on his heel to save his life. Who is there to mourn for Logan? – Not one. (Jefferson 1982, 63)

I have analyzed this speech elsewhere as an example of the »ethnic sublime« (Elmer 1998). We recall that Kant had proposed two versions of the sublime, dynamic and mathematical, the first turning essentially on the affective disturbances created by exhibitions of power, the second on the difficulty of comprehending temporal series or magnitudes beyond human powers of apprehension. In the ethnic sublime, something quite like these two registers appear as the axes of affect and historicity. For Euro-American discourse, very little was more fascinating than the affective comportment of Indians. Indians were represented, sometimes within sentences of each other, as both unimaginably violent in their affective responses (codes of vengeance were here a favorite topic), and as preternaturally controlled and stoical (here the uncomplaining endurance of physical hardship, on the hunt or under torture, were time and again described). But correlative to this effort to fix the Native American according to schemes of affectivity was the effort to fix them in time. As many

historians have noted, the me... New World posed a puzzle: v... history? The problem with th... problem of the »first one,« an... cases like the Kennewick man... extreme affect, however, this... converted, via what I called th... cious attention to his end, th... condemned him. The first one... I can demonstrate this proces... work of one of Logan's most... Twain (1967) famously charge... of fiction-writing, namely th... characters from the dead one... ans, this confusion obeys a c... perfectly clear in the closing... ing the funeral obsequies fo... book's title reaches peak poig... ture as to have been a cliché... it may at first seem. The nove... Chingachgook (Cooper 1986)... son, the phrase takes on a col... last few – both father and so... nund's displaced Delawares, ... fication of »last« moves from... collective reference is the es... Uncas signifies the foreclosu... back, as it were, from a single... the Europeans had such dif... nation, eventually to race. Th... only as a feint: his pathetic... »zero« – the »last« already h... Uncas's death, this double f... self must now be the one b... one: »Seated, as in life, with... composure, Uncas appeared... was placed. ... So riveted an

3 The »Kennewick Man« is the n... in 1996 in Kennewick, Washing... nificance of, and control over, ... various scientists, with the natio... kennewick.

penetrated the colonial culture deep repetition« (Jefferson 1982, 227), and middle of the nineteenth century, served in McGuffey's Fourth and Fifth Reading Books. Logan's name and speech, however, is an influential instance of a peculiarly American facing and bewailing his people's fate, therefore, in a wide variety of representations of Indians; it is not surprising, in the preface to Theodora Kroeber's *Biography of the Last Wild Indian in*

by Jefferson:

Whenever he entered Logan's cabin after he came cold and naked, and after the last long and bloody war, he advocated for peace. Such was my habit when pointed as they passed, and when I had even thought to kill the men. I had even thought to kill the men. Col. Cresap, the one who provoked, murdered all the relations of Logan and children. There runs not a living creature. This called on me to kill many: I have fully glutted my appetite with the beams of peace. But do not be afraid of fear. Logan never felt fear. He is dead. Who is there to mourn for him?

As an example of the »ethnic sublime« I proposed two versions of the sublime, depending essentially on the affective disturbance, second on the difficulty of comprehension beyond human powers of apprehension. Like these two registers appear as »non-American discourse, very little was known of Indians. Indians were represented of each other, as both unimaginably cruel and stoical (here the uncomplaining victim or under torture, were time and effort to fix the Native American and the effort to fix them in time. As many

historians have noted, the mere fact of the priority of indigenous people in the New World posed a puzzle: where did these people belong in the scheme of history? The problem with the Indian, in this line of inquiry, was always the problem of the »first one,« an issue that remains alive and well, by the way, in cases like the Kennewick man.³ As with the predilection for representations of extreme affect, however, this need to inscribe the Indian's origin is regularly converted, via what I called the sublime conversion of the »one,« into a ferocious attention to his end, the inevitable extinction to which this discourse condemned him. The first one is converted into the last one.

I can demonstrate this process most clearly, perhaps, via a detour through the work of one of Logan's most famous legatees, James Fenimore Cooper. Mark Twain (1967) famously charged Cooper with ignoring one of the cardinal rules of fiction-writing, namely that readers should be able to distinguish the live characters from the dead ones. But when it comes to the presentation of Indians, this confusion obeys a certain grim logic, something that Cooper makes perfectly clear in the closing moments of *The Last of the Mohicans* (1826), during the funeral obsequies for Uncas and Cora, when the cruel irony of the book's title reaches peak poignancy. This phrase, so fully absorbed in U.S. culture as to have been a cliché for nearly two centuries, is more ambiguous than it may at first seem. The novel early on applies the phrase to Uncas, only son of Chingachgook (Cooper 1986, 33). But by the end, as the father mourns the son, the phrase takes on a collective, inclusive sense: the »last« now means the last few – both father and son, certainly, but it also seems to embrace Tamenund's displaced Delawares, who claim Uncas as their own. The way the signification of »last« moves from the singular terminal point of a series to a more collective reference is the essence of its power, of course. The extinction of Uncas signifies the foreclosure of the *group's* futurity – and thus »last« carries back, as it were, from a single linear point to all the collective designations that the Europeans had such difficulty distinguishing, back to family, to tribe, to nation, eventually to race. The heroic singularity of Uncas is thus crucial, but only as a feint: his pathetic »one« is only pathetic because it means both »zero« – the »last« already has one foot in the void – and »at least two.« With Uncas's death, this double function falls back onto Chingachgook, who himself must now be the one both dead and alive, less than one and more than one: »Seated, as in life, with his form and limbs arranged in grave and decent composure, Uncas appeared. ... Directly in front of the corpse, Chingachgook was placed. ... So riveted and intense had been that gaze, and so changeless

3 The »Kennewick Man« is the name given to skeletal remains of very ancient date discovered in 1996 in Kennewick, Washington. For a synopsis of the ongoing controversy about the significance of, and control over, the remains, a controversy pitting Native Americans against various scientists, with the national government as mediator, see <http://www.cr.nps.gov/aad/kennewick>.

his attitude, that a stranger might not have told the living from the dead ...« (Cooper 1986, 340).

This stony face-to-face of father and son leads to what Cooper calls, in a phrase that might apply just as well to Logan, the »monody of the father« (1986, 345). All eyes and ears are turned toward Chingachgook: »But they listened in vain. The strains rose just so loud, as to become intelligible, and then grew fainter and more trembling, until finally they sunk on the ear, as if borne away by a passing breath of wind. The lips of the Sagamore closed, and he remained silent in his seat, looking, with his riveted and motionless form, like some creature that had been turned from the Almighty hand with the form, but without the spirit of a man« (Cooper 1986, 345). Chingachgook's »monody« remains fundamentally ambiguous, and we can interpret this ambiguity, I think, as a semantic and affective counterpart to the temporal ambiguity of the »last.« Both in and out of the series, Chingachgook's mourning both is and is not »intelligible.« Its passing, »as if borne away by a passing breath of wind,« is a subsidence into the land itself, a petrification into a species of divine statuary »turned from the Almighty hand,« a ruin or remnant. But this sublime conversion is never entirely effective: the »one« produced remains caught up in a discursive constraint that requires that both his singularity as the end of the series and his affective posture do not remain entirely quarantined, but rather become ambiguously communicable – his »lastness« extends to others, his mourning broaches, if only just, the edge of the »intelligible.« Readers of Cooper will remember that Chingachgook appears in *The Last of the Mohicans* in a resurrected form, having already perished in another subsidence into nature, the conflagration at the end of *The Pioneers* (1823). Cooper's resurrection of his dying Indians, so that they can die again, is exemplary of a repetition at work in U. S. cultural history, which keeps bringing back the Indians so that they can vanish again, keeps inscribing them as an appearance disappearing.

Logan's speech, too, attempts to provoke a pathos in which one can participate at a distance, and it manages this, moreover, according to the logic of sublime conversion I have already delineated with respect to Cooper. Logan stands as a synecdoche not so much for Indians in their totality, however, than for the unfinished social and historical convulsions issuing from contact and violence between Euro-Americans and Indians. Through his speech, with its reference to a peace simultaneously accepted and personally repudiated, Logan's indexing of the origin of conflict, and of the priority of Native Americans, is converted for a white audience into the end of that conflict, an end both wishful and melancholy. Like Chingachgook, Logan's sublimity arises from his singularity. And like Chingachgook, that singularity must be both asserted and negated. In order for the one to signify a zero, he must be inscribed. He must both accept a peace, even an extinction, while at the same

time exempting himself, sing beams of peace. But do not Logan never felt fear. He will to mourn for Logan? – Not o refers to a zero, the end of t negation carries a different fo

II

Let me move now to a more horizons in which to unders the »not one.« For Logan's s semantics, such as prevail in see it as a figural crystallizat political and legal processing, the term Francis Paul Pruch between Americans and Ind *The History of a Political An* son's imagination and »poq quent example of a genre w Boyd 1938). Such treaties w cal sovereignty applied to th well into the nineteenth ce America. We know, in gene the long history of the articu tity. The researches of Carl den (1986) have shown hov of sovereignty, prior notions something that might be ca category of the »natural slav of such an identity for n became capable of being a free movements of Catho »liberum commercium.« I (1967) has shown, the need sovereigns became, for Gr further the idea of sovereig cepts of sovereignty, in oth tion with non-Europeans. In the English colonies of N ereignty was attributed to

ve told the living from the dead ...«

n leads to what Cooper calls, in a Logan, the »monody of the father« toward Chingachgook: »But they listened, as to become intelligible, and then finally they sunk on the ear, as if borne upon the wings of the Sagamore closed, and he was riveted and motionless form, like the Almighty hand with the form, (1986, 345). Chingachgook's »monody« and we can interpret this ambiguity, in part to the temporal ambiguity of Chingachgook's mourning both is and is borne away by a passing breath of a petrification into a species of divine »one« a ruin or remnant. But this sublime »one« produced remains caught up at both his singularity as the end of not remain entirely quarantined, but his »lastness« extends to others, edge of the »intelligible.« Readers of appears in *The Last of the Mohicans* perished in another subsidence into *The Pioneers* (1823). Cooper's resurrection again, is exemplary of a repetitive keeps bringing back the Indians so g them as an appearance disappear-

a pathos in which one can participate moreover, according to the logic of related with respect to Cooper. Logan Indians in their totality, however, than convulsions issuing from contact and Indians. Through his speech, with its accepted and personally repudiated, and of the priority of Native Americans to the end of that conflict, an end Chingachgook, Logan's sublimity arises Chingachgook, that singularity must be both one to signify a zero, he must be even an extinction, while at the same

time exempting himself, singularly, from it: »For my country, I rejoice at the beams of peace. But do not harbour a thought that mine is the joy of fear. Logan never felt fear. He will not turn on his heel to save his life. Who is there to mourn for Logan? – Not one.« As a matter of reference, Logan's »not one« refers to a zero, the end of the series, but as an inscription in an archive its negation carries a different force.

II

Let me move now to a more general historical level to suggest some further horizons in which to understand the power of this ambiguous inscription of the »not one.« For Logan's speech is more than just a source of later literary semantics, such as prevail in Cooper or many of his contemporaries. We can see it as a figural crystallization of a fundamental anomaly at the heart of the political and legal processing of Indians by the American state. »Anomaly« is the term Francis Paul Prucha (1994) applies to the history of treaty relations between Americans and Indians, in his recent study, *American Indian Treaties: The History of a Political Anomaly*. Logan's speech found its way into Jefferson's imagination and »pocket-book« because it seemed an unusually eloquent example of a genre well known to him: the Indian treaty oration (see Boyd 1938). Such treaties were themselves dependant on a concept of political sovereignty applied to the tribes, or »nations,« as they were known until well into the nineteenth century. This was not a situation peculiar to North America. We know, in general, how crucial the concept of sovereignty was in the long history of the articulation of European and indigenous political identity. The researches of Carl Schmitt (1950) and, more recently, Anthony Pagden (1986) have shown how even before the development of Statist concepts of sovereignty, prior notions of self-determination were crucial in formalizing something that might be called international law. In disabling the Aristotelian category of the »natural slave,« for example, Vitoria produced an early version of such an identity for natives in the Spanish dominions, who thereby became capable of being antagonists in a »just war« when, in resisting the free movements of Catholic missionaries, they denied the principle of »liberum commercium.« Later, as legal historian Charles Alexandrowicz (1967) has shown, the need to formalize trade relations with Southeast Asian sovereigns became, for Grotius among others, the provocation to elaborate further the idea of sovereignty in international law. The development of concepts of sovereignty, in other words, was importantly determined by interaction with non-Europeans.

In the English colonies of North America, and later, early U.S. dominions, sovereignty was attributed to the various tribal »nations« with which the Anglo-

Americans had relations. As the balance of power shifted towards the settlers, however, the force of the concept became more and more dubious. By the time of Chief Justice Marshall's crucial decisions of the 1830's, the (il)logic of the inclusive exclusion had become uncomfortably visible: Marshall's compromise conclusion, that Indians were to be considered, in legal terms, »domestic dependent nations,« is rightly infamous, but it does, we might argue, face the paradoxical relation squarely.⁴ The entire history of treaties between Native Americans and the United States is entangled in this long and vexed discourse of sovereignty, even though tribes' sovereign powers were explicitly rejected in 1871 by a U.S. Congress weary of treaty-making. How do we explain the durability of this anomalous sovereignty? Sidney Harring's study of nineteenth century case law dealing with Indian sovereignty exposes a strange phenomenon: »Although the United States did not have to exercise great legal imagination in incorporating the Indian tribes within its boundaries, it made a great effort to do so« (1994, 8). The effort, one would have to say, was motivated not by any desire to treat Indians justly. As Harring puts it: »This nation's emphasis on law did not lead to results very different from those achieved with vicious Spanish bloodhounds. Law was used to perpetrate murder and land frauds of all sorts, and the legal rights of American Indians were ignored by state and federal courts. The product with the great concern with the ›legality‹ of nineteenth-century federal Indian policy was genocide: more than 90 percent of all Native Americans died, and most native land was alienated, the balance occupied by Indians but ›owned‹ by the United States« (1994, 9). It is not surprising, I think, that faced with the ignominious history of treaties made and broken, authors veer toward a psychological or moral vocabulary, as I just did in using the word »ignominious.« Answering Vine DeLoria's charge, in his indignantly titled *Custer Died for Your Sins*, that »America has yet to keep one Indian treaty or agreement,« Prucha points out that many agreements have retained force over the years (1986, 28). But he can only explain this by matching De Loria's accusation of perfidy with what seems to me an egregious sanctimony: »What kept the anomaly of the treaties alive was the enduring quality in the American character that upheld the faith and honor of the nation« (1994, 16). If we shift the focus slightly, we might arrive at a more fruitful line of inquiry. Are Indians subject to federal and state law, or do they exercise sovereignty on tribal lands? From one vantage, we might be inclined to say, »both«: Indians are subject to federal and state law, but retain, in precarious form, certain sovereign rights on tribal (reservation) lands. But Harring's research suggests that the more accurate answer to the question »subject or sovereign?« might be »neither«: the overall effect of the concept of tribal sovereignty in the nineteenth century »left the tribes unprotected against the encroachment of local

4 Harring (1994, 22) refers to Marshall's prevarication as »so ambiguous as to be almost meaningless«.

whites« (50). One cannot help but be struck by the treatment by the American legal system. With this strange double treatment, the Indian is included to be abandoned, I think. Giorgio Agamben's suggestion in *Homo Sacer*. Agamben focuses on the relation between the juridico-political and the biological (1998, 6). He traces the origin of the concept in Roman law known as the *homo sacer* but who cannot be sacrificed. The institutional apparatus precisely articulates the argument that »the inclusion of the original – if concealed – nuclear zone is the production of a biopolitical body« (1998, 6). Agamben's historical analysis of various zones of abandonment, massive impromptu centers, massive impromptu zones, more and more to be considered as zones. These are zones in which inclusion is state calculations only as a means of exclusion. Agamben's thesis has another dimension: the inclusive exclusion of the Indian. The zones of abandonment could be considered as zones of abandonment. We might also consider the issue of speech issues – as another way of looking at the problem. It takes us back to Logan, another example, and typical, that Logan's evidence of his social status is his speech. Agamben elaborates what he terms the *homo sacer* of Carl Schmitt. The sovereign is the same time inside and outside the law. He creates the law and finds the legal basis for it. In respect, the sovereign is the one who creates the law that transcends positive law (1998, 17). Elsewhere, Agamben elaborates the link between the inclusion and exclusion of sovereignty, and does so

5 »American Indians, along with the rest of the world's indigenous peoples, share the awful distinction of being arrested and imprisoned. American Indians are arrested and imprisoned at a rate of 5 per 100,000 compared to about 5 per 100,000 for the rest of the world« (Harring 1994, 24).

of power shifted towards the settlers, more and more dubious. By the time of the 1830's, the (il)logic of the (il)logically visible: Marshall's compromise considered, in legal terms, »domestic but it does, we might argue, face the history of treaties between Native powers were explicitly rejected in making. How do we explain the durability of Haring's study of nineteenth century sovereignty exposes a strange phenomenon: we have to exercise great legal imagination within its boundaries, it made a great deal to say, was motivated not Haring puts it: »This nation's emphasis on sovereignty from those achieved with vicious crimes, perpetrate murder and land frauds of Native Americans were ignored by state and federal concern with the »legality« of nineteenth century genocide: more than 90 percent of all land was alienated, the balance occurred in the United States« (1994, 9). It is not surprising that the history of treaties made and broken is a moral vocabulary, as I just did in my Vine DeLoria's charge, in his indignant »America has yet to keep one Indian treaty« that many agreements have retained their force only explain this by matching DeLoria's seems to me an egregious sanctimony: »The only thing that has survived was the enduring quality in the name and honor of the nation« (1994, 16). If we look at a more fruitful line of inquiry. Are they or do they exercise sovereignty on that we might be inclined to say, »both«: Indians are not sovereign, in precarious form, certain sovereignty. But Haring's research suggests that the concept of »subject or sovereign?« might be the concept of tribal sovereignty in the nineteenth century against the encroachment of local power as »so ambiguous as to be almost mean-

whites« (50). One cannot help feeling that the deep »anomaly« of Indians' treatment by the American legal system is their abandonment by it.⁵ With this strange double turn wherein Indians are inscribed to be negated, included to be abandoned, I return now to the concept of »sovereignty,« and Giorgio Agamben's suggestive meditations on that concept in his recent book, *Homo Sacer*. Agamben focuses on what he calls the »hidden point of intersection between the juridico-institutional and the biopolitical models of power« (1998, 6). He traces the origin of the biopolitical body, or »bare life,« to a figure in Roman law known as the *homo sacer* – he who can be killed with impunity but who cannot be sacrificed, a figure that is included within the juridico-institutional apparatus precisely as excluded from it. It is Agamben's most general argument that »the inclusion of bare life in the political realm constitutes the original – if concealed – nucleus of sovereign power. *It can even be said that the production of a biopolitical body is the original activity of sovereign power*« (1998, 6). Agamben's historical analyses range widely, but they culminate in an analysis of various zones of abandonment – Nazi death camps, detainment centers, massive impromptu refugee holding areas – some of which seem more and more to be considered »normal« features of the political scene. These are zones in which individuals are reduced to »bare life,« included in state calculations only as abandoned by them. As I have begun to indicate, Agamben's thesis has another, equally powerful, historical example, namely the inclusive exclusion of Native Americans in the U.S.; Agamben's list of zones of abandonment could easily include the Indian »reservation.« We might also consider the frontier – that strange location from which Logan's speech issues – as another version of the »zone of abandonment.« Such a turn takes us back to Logan, and his exemplification of the sovereign (it is important, and typical, that Logan is traditionally referred to as a Chief, although evidence of his social status is ambiguous). In the first part of his book, Agamben elaborates what he terms the »sovereign exception,« largely via the work of Carl Schmitt. The sovereign, according to Schmitt, is located at one and the same time inside and outside the juridical order; he simultaneously guarantees and founds the legal order, and exceeds it (Agamben 1998, 15). In this respect, the sovereign is the exception that grounds the rule, »an element in law that transcends positive law in the form of its suspension« (Agamben 1998, 17). Elsewhere, Agamben explores this paradox in terms of Schmitt's elaboration of the link between »localization« and »ordering« in the extension of sovereignty, and does so moreover with reference to the historical status of

5 »American Indians, along with Canadian Indians, New Zealand Maoris, and Australian Aborigines share the awful distinction of being the most arrested and jailed people in the world. American Indians are arrested at a rate that approaches 40 per 100 of population per year, compared to about 5 per 100 for black Americans and just over 1 per 100 for white Americans« (Haring 1994, 24).

the New World: »Schmitt shows how the link between localization and ordering constitutive of the *nomos* of the earth always implies a zone that is excluded from law and that takes the shape of a »free and juridically empty space« in which the sovereign power no longer knows the limits fixed by the *nomos* of the territorial order. In the classical epoch of the *ius publicum Europaeum* this zone corresponded to the New World, which was identified with the state of nature in which everything is possible (Locke: »In the beginning, all the world was America'« (Agamben 1998, 36). Such an observation returns us to the history that I just briefly evoked of the development of European sovereignty in relation to its outside. But Agamben further pressures Schmitt's paradox, to show why this process of expansion must necessarily take the form of a generalization of the state of exception: »The state of nature and the state of exception are nothing but two sides of a single topological process in which what was presupposed as external (the state of nature) now reappears, as in a Möbius strip or a Leyden jar, in the inside (as state of exception), and the sovereign power is this very impossibility of distinguishing between outside and inside, nature and exception, *physis* and *nomos*. The state of exception is thus not so much a spatiotemporal suspension as a complex topological figure in which not only the exception and the rule but also the state of nature and law, outside and inside, pass through one another« (1998, 37). The »frontier« from which Logan's speech issues is, I would suggest, a concrete instance of this complex topological figure. The frontier is not »chaos,« pure randomness negating the localization-ordering activity of sovereignty. It is rather the projection or figure of a membrane, something »included in the juridical order« as a »zone of indistinction between outside and inside, chaos and the normal situation – the state of exception« (Agamben 1998, 19). Such an understanding of frontier as »zone of indistinction« helps make sense of the highly contradictory approach to the frontier and its inhabitants in American history. (Harring's work, moreover, suggests that the reservation, or indeed any area marked by an ambiguous native sovereignty, might also exemplify this »zone of indistinction«). Both native and white figures seem poised on this blurry line between *physis* and *nomos*, appearing sometimes as embodying essential features of civilization, at others as lawless wolves to one another. Logan, who »had even thought to have lived« with the white man, is an embodiment of this zone of indistinction, at once acknowledging *nomos* – to the point of rejoicing »at the beams of peace« that will temporarily restore order on the Virginia frontier – and exempting himself, singularly, from it. More generally, then, we can take Logan's speech as exemplary of the way in which the frontier »zone of indistinction« is, as it were, the space in which attributions of sovereignty obey the strange topology of the excluded inclusion, such that sovereignty just »is this very impossibility of distinguishing inside and outside.« The fact that sovereignty requires – or more precisely, is indistinguishable from – this zone of

indistinction may suggest what has been so important, even Logan's exemplary status is in question: the sovereign exempts himself in the concluded peace. Agamben's relation between example and exception is the set insofar as it belongs to the set precisely because it does not belong to the set of projection and rejection. It would seem to bear on this question of sovereign exception, he is an example of Agamben that »exception and example are indistinguishable and the belonging and commonality of the system, just as in every social system, strangeness and intimacy, is

III

With this relation between example and exception to the concept of sovereignty, we are reminded, namely, the production, or the production of the law, as we have noticed how the concept of sovereignty, in its course, between a designation of the law and one that refers to the individual, might have historically played a role. Individual,⁶ I will propose here that the sovereignty performs, namely, the production of the individual and that of the community of individuals is to be defined as a social system and a social system« in other words, on a species of psychology. The exemplary and the exceptional are two species of reduction that lead to conditions like »the Indian,« or finally, that Logan instantiates, emblematic of the exception and the *homo sacer*. In respect too, he becomes ex-

6 See for one reference on a complete artificial man whose soul is sov-

link between localization and order-ways implies a zone that is excluded free and juridically empty space in the limits fixed by the *nomos* of the *ius publicum Europaeum* this which was identified with the state of exception: »In the beginning, all the world an observation returns us to the his- development of European sovereignty in her pressures Schmitt's paradox, to necessarily take the form of a gener- ate of nature and the state of excep- topological process in which what of nature) now reappears, as in a (as state of exception), and the sov- distinguishing between outside and *nomos*. The state of exception is thus a as a complex topological figure in but also the state of nature and law, her« (1998, 37). The »frontier« from suggest, a concrete instance of this is not »chaos,« pure randomness of sovereignty. It is rather the pro- g »included in the juridical order« as and inside, chaos and the normal situ- (1998, 19). Such an understanding of take sense of the highly contradictory nts in American history. (Harring's tion, or indeed any area marked by so exemplify this »zone of indistin- n poised on this blurry line between as embodying essential features of one another. Logan, who »had even n, is an embodiment of this zone of os – to the point of rejoicing »at the tore order on the Virginia frontier – c. More generally, then, we can take n which the frontier »zone of indis- attributions of sovereignty obey the n, such that sovereignty just »is this e and outside.« The fact that sover- distinguishing from – this zone of

indistinction may suggest why its attribution to Native American communities has been so important, even down to the present day.

Logan's exemplary status is thus necessarily tied also to his status as excep- tion: the sovereign exempts himself from the establishment of law and order in the concluded peace. Agamben has some fascinating pages on the logical relation between example and exception: »While the example is excluded from the set insofar as it belongs to it, the exception is included in the normal case precisely because it does not belong to it« (1998, 22). The complicated struc- ture of projection and rejection at work in the archiving of Logan's speech would seem to bear on this relation. Inasmuch as Logan's speech dramatizes sovereign exception, he is an *example of the exception*. We can thus agree with Agamben that »exception and example are correlative concepts that are ulti- mately indistinguishable and that come into play every time the very sense of the belonging and commonality of individuals is to be defined. In every logical system, just as in every social system, the relation between outside and inside, strangeness and intimacy, is this complicated« (1998, 22).

III

With this relation between example and exception that oscillates within the concept of sovereignty, we are also returned to the problem I addressed earlier, namely, the production, or conversion, of the »one.« The reader may have noticed how the concept of sovereignty has oscillated, throughout my dis- course, between a designation proper to collectivities – nations, tribes, etc. – and one that refers to the individual. Without exploring the role sovereignty might have historically played in the development of the concept of the indi- vidual,⁶ I will propose here that this slippage is inherent in the function sover- eignty performs, namely, the creation of a homology between the unity of the individual and that of the collectivity in which »the belonging and commonal- ity of individuals is to be defined.« The highly unstable »coupling of a logical system and a social system« to which Agamben refers is dependent, in other words, on a species of psychological projection: this is what the play with the exemplary and the exceptional require, the production of summative unities, a species of reduction that leads to the usability, however objectionable, of fic- tions like »the Indian,« or for that matter, »the sovereign.« I have suggested that Logan instantiates, embodies, provides the figure for, both the sovereign exception and the *homo sacer*, he who has been reduced to »bare life.« (In this respect too, he becomes exemplary of the entire tradition of relations with

⁶ See for one reference on a complex topic: »The State is not only a vast mechanism, but also an artificial man whose soul is sovereignty« (Koselleck 1988, 35).

Native Americans, which simultaneously imputes sovereignty to the Indian and reduces him to the status of bare life, included within the law as abandoned by it). It is thus not any merely literary affectation that places this representation within the context of extinction and mortality. Recall Agamben's most general thesis: »It can even be said that the production of the biopolitical body is the original activity of sovereign power.« The deathless sovereign produces, as its own inverted projection, the body stripped of any significance other than its mortality. When Logan says »Who is there to mourn for Logan? – Not one,« he gestures toward this bare life, for to be unmourned is to be the *homo sacer*, included within the social as abandoned by it, the terminus of the social itself, the way in which society thinks, includes but leaves alone, its own impossibility. What Agamben writes of the sovereign exception holds equally, according to the paradoxical topology he analyzes, for *homo sacer*, »the figure in which singularity is represented as such, which is to say, insofar as it is unrepresentable« (1998, 24).

Such a thesis runs directly up against one of the foundational theoretical distinctions of Luhmann's systems theory, that between social systems and psychic systems. Indeed, it is to avoid the lures of psychological projection that Luhmann derives action from communication (as an attribution of communication), rather than the other way around (1995, 138ff). To speak, as I have done above, about society »thinking« its »impossibility« risks the confusion of psychic and social systems. »A social system cannot think; a psychological system cannot communicate« (Luhmann 2002, 165). And surely the silence invoked by Logan in the figure of the end of mourning (»who is there to mourn for Logan? – Not one.«) has a fundamentally different »system reference« than the silence inscribed in the communication of social systems:

Only for the system of society that includes all communication does the silence produced along with it become a problem... Any other social system formed within society can start from the assumption that communication also takes place in the environment. What is not said in the system can still be communicated by other systems on other occasions with different words, concepts, metaphors. This does not apply to society. Its environment remains silent. And even this characterization as »silence« is still one of communication and one with reference to communication; for in reality »silence« is not an operation outside of society but only a counter-image which society projects into its environment, or it is the mirror in which society comes to see that what is not said is not said. (Luhmann 1994, 33)

Projection, mirroring: such are the figures with which Luhmann aims to describe the manner in which a society, as communication, re-enters its own enabling distinction from an environment that is silent. Given Luhmann's reiterated insistence on separating psychic and social systems, how are we to

understand these anthropo-
able products of the cultura
aporia of system closure? »
sively creates this aporia. T
between society's commun
aporia and corresponding e
At the same time, Luhmann
the interpenetration and c
hardly been resolved by th
different. Describing his the
ple: »But this argumentatio
communication often them
accustomed to loving certa
identifies itself with commu
If it is a theoretical error fo
mutual confusion by »them
tion,« it is, nonetheless, an
words, the question as to w
certain words, telling certai
a theoretical one. I would a
and the figure of the last
Logan's oration, are exampl
provokes the (psychic) iden
figure of the sovereign an
semantics to stabilize – in
»drastic differentiation« fro
But what exactly is going o
passingly invokes it above?
lary may be helpful here. In
relation between the sover
touched on the way in whi
ures that remark their mu
translation of this topolog
Lacanian psychoanalysis, a
does not talk about society
the way the differentially
cation's capacity to utilize o
ways on Luhmann's theor
system and environment,
Zizek has elaborated mos
which we are concerned. B
the subject of the signifier

computes sovereignty to the Indian included within the law as aban- and mortality. Recall Agamben's at the production of the biopolitical ver.« The deathless sovereign pro- body stripped of any significance Who is there to mourn for Logan? e, for to be unmourned is to be the abandoned by it, the terminus of the , includes but leaves alone, its own sovereign exception holds equally, analyzes, for *homo sacer*, »the figure h, which is to say, insofar as it is

of the foundational theoretical dis- t between social systems and psy- es of psychological projection that on (as an attribution of communi- (1995, 138ff). To speak, as I have impossibility« risks the confusion of a cannot think; a psychological sys- (2002, 165). And surely the silence d of mourning (»who is there to lamentally different »system refer- munication of social systems:

cludes all communication does ecome a problem... Any other start from the assumption that environment. What is not said ed by other systems on other pts, metaphors. This does not remains silent. And even this ne of communication and one in reality »silence« is not an a counter-image which society e mirror in which society comes (Luhmann 1994, 33)

es with which Luhmann aims to munication, re-enters its own hat is silent. Given Luhmann's reit- nd social systems, how are we to

understand these anthropomorphizing metaphors? Are these figures unavoi- able products of the cultural semantics that have developed to deal with the aporia of system closure? »The sociality of the situational interpretation deci- sively creates this aporia. This also explains why a ... drastic differentiation between society's communication system and its environment produces this aporia and corresponding efforts in cultural semantics« (Luhmann 1995, 141). At the same time, Luhmann has also readily admitted that the complexities of the interpenetration and co-evolution of psychic and social systems have hardly been resolved by the theoretical decision to describe them as radically different. Describing his theory of communication, Luhmann writes, for exam- ple: »But this argumentation naturally needs refinement, since the systems of communication often thematize persons and since consciousness has grown accustomed to loving certain words, telling certain stories, and thus partially identifies itself with communication« (2002, 165).

If it is a theoretical error for social and psychic systems to contribute to their mutual confusion by »thematizing persons« or »identifying with communi- cation,« it is, nonetheless, an error of remarkable historical durability. In other words, the question as to why »consciousness has grown accustomed to loving certain words, telling certain stories« is a properly historical question, and not a theoretical one. I would argue, in this regard, that the figure of the sovereign and the figure of the last Indian, so tightly intertwined in my example of Logan's oration, are examples of such »stories« that, by thematizing persons, provokes the (psychic) identification with communication. Put differently, the figure of the sovereign and the last Indian exemplify the effort of cultural semantics to stabilize – include as excluded – the consciousness of society's »drastic differentiation« from its environment.

But what exactly is going on with the concept of »identification« as Luhmann passingly invokes it above? We might ask whether another theoretical vocabu- lary may be helpful here. In following Agamben's remarks on the inextricable relation between the sovereign exception and the figure of »bare life« we have touched on the way in which the social and the psychic interpenetrate via fig- ures that remark their mutual inaccessibility. I want to conclude now with a translation of this topology into a different theoretical vocabulary, namely Lacanian psychoanalysis, and specifically his concept of identification. Lacan does not talk about society very much, but his conception of the Symbolic as the way the differentiability of language itself enables and constrains communi- cation's capacity to utilize conscious (psychic) systems converges in interesting ways on Luhmann's theory. For here, too, there is a stark divide between the system and environment, a divide *that nevertheless must be negotiated*. Slavoj Žižek has elaborated most fruitfully Lacanian concepts in the register with which we are concerned. Bringing together Hegel's logic and Lacan's notion of the subject of the signifier, Žižek has outlined how we might read the para-

doxes of the included exclusion as constitutive of subjectivity itself, as the way in which »the signifier's structure *subjectivizes* itself«: the »subject only exists within this ›failed encounter‹ between the Universal and the Particular – it is ultimately nothing but a name for their constitutive discord« (1991, 46). What Žizek here calls »constitutive discord« recalls the »aporia« that Luhmann calls on cultural semantics to either »block or unfold.« Like Luhmann, Žizek's Lacan confronts the primordially of differentiation: »the starting point ... is not the plenitude of a self-sufficient substance, identical with itself, but the absolute contradiction: the pure difference is always-already the impossible »predicate« of identity-with-itself – or to put it in Lacanian terms, the identity of a signifier's mark (S) always-already represents the subject (/S). This absolute contradiction is »resolved« by way of excluding from the substantial set an element charged with representing the void, the lack of determination that pertains to a tautology; by way of excluding from a series of signifier's marks »at least One« which thereby re-marks the void of their very space of inscription« (Žizek 1991, 48). This exclusion of at least One corresponds to Lacan's (1961) notion that symbolic identification – the identification proper to speaking, communicating beings – depends upon this originary exclusion and reinscription of a single signifier, the »*trait unaire*,« or »one one«. The simultaneity of this exclusion and reinscription of the »one one« is what requires, in Agamben's terms, that the sovereign exception – the ideal unity of the *nomos* – produce, inscribe, literally embody, the homo sacer, or figure of bare life reduced to its pure mortal finitude. For Lacan, this transformation of a void into a unity is the way in which the subject itself is created as metaphor, the subject which, in Lacan's terminology if not in Luhmann's, is the condition of possibility and guarantor of the interpenetration of psychic and social systems. What Agamben's analysis of sovereignty allows us to see is how the political and the psychological enact homologous operations via the topology of the excluded inclusion. Chief Logan's singularity embodies the »one« of the sovereign exception, the ideal unity of the *nomos* underpinning communication; his »not one« re-marks the impossibility of that operation ever properly starting or coming to an end.

We can I think begin to see why the figure of the last Indian in the American archive is both so contradictory and so durable. The last one, as I have shown, always means both less than one and more than one. In this way it suspends a political practice of extinction that it announces as inevitable. The figure of »bare life« must be kept alive, must keep reappearing so as to disappear; in this respect, the political practice most closely associated with the trope of the »last Indian« is not genocide, but the »reservation.« (As an ethical matter, however, this might be called a difference that does *not* make a difference). I have described the operation at work in this figure in a variety of ways, but let me offer one more: In blocking the paradox involved in the establishment of

sovereignty, Logan's »not one« exists insofar as the contradiction (Žizek 1991, 53), »it is ›repressed,‹ ›pushed out‹ one that can never be over, or resolved. Is there to mourn for Logan? Is there a repression that must be unworked in communication. Repressions are always »less« linkages for further communication. How society chatters ceases to be the of the silence that sustains it

References

- Agamben, Giorgio (1998): *Homo Sacer*. Stanford: University Press.
- Alexandrowicz, Charles H. (1967): *The East Indies* (16th, 17th, and 18th Centuries). Philadelphia: Historical Society of Pennsylvania.
- Boyd, Julian P. (1938): *Indian Tribes of the Pacific Northwest*. Philadelphia: Historical Society of Pennsylvania.
- Burke, Joseph C. (1996): *The Cultural Imagination*. Pp. 136-67 in: *Native American Studies*. Garland Publishing.
- Cooper, James Fenimore (1986 [1823]): *Leatherstocking*. Deloria, Vine, Jr. (1988 [1969]): *Native American Studies*. University of Oklahoma Press.
- Elmer, Jonathan (1998): *The American Indian*. *Diacritics* 28.4, 5-24.
- Foucault, Michel (1990 [1976]): *Discipline and Punish*. New York: Vintage Books.
- Hardt, Michael/Negri, Antonio (2000): *Empire*. Cambridge, MA: Harvard University Press.
- Harring, Sidney L. (1994): *Crown Law*. United States Law in the Nineteenth Century. North Carolina Press.
- Koselleck, Reinhart (1988 [1959]): *Futures*. Cambridge, MA: Harvard University Press.
- Kroeber, Theodora (1961): *Ishii*. Berkeley: University of California Press.
- Lacan, Jacques (1961): *Seminar*. New York: Norton.
- Locke, John (1980 [1690]): *Second Treatise of Government*. Cambridge, MA: Harvard University Press.
- Luhmann, Niklas (1994): *Speech of the Other*. Stanford: Stanford University Press.
- Luhmann, Niklas (1995 [1984]): *Love as a System*. Stanford: Stanford University Press.
- Luhmann, Niklas (2002): *Theorie der Gesellschaft und des Sozialen*. Stanford: Stanford University Press.
- Pagden, Anthony (1986): *The Fall of Man*. Comparative Ethnology. London: Routledge.
- Prucha, Francis Paul (1994): *Native American Studies*. Berkeley: University of California Press.

...tive of subjectivity itself, as the way
izes itself»: the »subject only exists
Universal and the Particular – it is
nstitutive discord« (1991, 46). What
alls the »aporia« that Luhmann calls
r unfold.« Like Luhmann, Zizek's
rentiation: »the starting point ... is
stance, identical with itself, but the
e is always-already the impossible
ut it in Lacanian terms, the identity
represents the subject (/S). This
y of excluding from the substantial
the void, the lack of determination
cluding from a series of signifier's
arks the void of their very space of
on of at least One corresponds to
ification – the identification proper
ends upon this originary exclusion
e »*trait unaire*,« or »one one«. The
cription of the »one one« is what
ereign exception – the ideal unity of
body, the homo sacer, or figure of
. For Lacan, this transformation of a
subject itself is created as metaphor,
f not in Luhmann's, is the condition
netration of psychic and social sys-
eignty allows us to see is how the
ologous operations via the topology
ngularity embodies the »one« of the
e *nomos* underpinning communica-
bility of that operation ever properly

...e of the last Indian in the American
rable. The last one, as I have shown,
e than one. In this way it suspends a
ounces as inevitable. The figure of
reappearing so as to disappear; in
esely associated with the trope of the
reservation.« (As an ethical matter,
e that does *not* make a difference). I
his figure in a variety of ways, but let
ox involved in the establishment of

sovereignty, Logan's »not one« could be described as »repressed.« »Precisely
insofar as the contradiction is absolute, »*real-impossible*« writes Zizek (1991,
53), »it is »repressed,« »pushed away« into a timeless past«. A timeless past is
one that can never be over, one that can never be processed as an event: »Who
is there to mourn for Logan? – Not one.« The endurance of this figure signals a
repression that must be understood at the level of the social system of com-
munication. Repressions are not black holes of incommunicability, but »time-
less« linkages for further communication. A »*real-impossible*« mourning is
how society chatters ceaselessly in response to its own repressed knowledge
of the silence that sustains it.

References

- Agamben, Giorgio (1998): *Homo Sacer: Sovereign Power and Bare Life*. Stanford: Stanford University Press.
- Alexandrowicz, Charles H. (1967): *An Introduction to the History of the Law of Nations in the East Indies (16th, 17th, and 18th Centuries)*. London: Oxford University Press.
- Boyd, Julian P. (1938): *Indian Treaties Printed by Benjamin Franklin, 1736-1762*. Philadelphia: Historical Society of Pennsylvania.
- Burke, Joseph C. (1996): *The Cherokee Cases: A Study in Law, Politics, and Morality*. Pp. 136-67 in: *Native American Law and Colonialism, Before 1776 to 1903*. New York: Garland Publishing.
- Cooper, James Fenimore (1986 [1826]): *The Last of the Mohicans*. New York: Penguin.
- Deloria, Vine, Jr. (1988 [1969]): *Custer Died for Your Sins: An Indian Manifesto*. Norman: University of Oklahoma Press.
- Elmer, Jonathan (1998): *The Archive, the Native American, and Jefferson's Convulsions*. *Diacritics* 28.4, 5-24.
- Foucault, Michel (1990 [1976]): *The History of Sexuality: An Introduction*. Volume I. New York: Vintage Books.
- Hardt, Michael / Negri, Antonio (1999): *Empire*. Cambridge: Harvard University Press.
- Harring, Sidney L. (1994): *Crow Dog's Case: American Indian Sovereignty, Tribal Law, and United States Law in the Nineteenth Century*. Cambridge: Cambridge University Press.
- Jefferson, Thomas (1982 [1785]): *Notes on the State of Virginia*. Chapel Hill: University of North Carolina Press.
- Koselleck, Reinhart (1988 [1959]): *Critique and Crisis: Enlightenment and the Pathogenesis of Modern Society*. Cambridge: MIT Press.
- Kroeber, Theodora (1961): *Ishi: A Biography of the Last Wild Indian in North America*. Berkeley: University of California Press.
- Lacan, Jacques (1961): *Seminaire sur l'Identification (1961-62)*, unpublished typescript.
- Locke, John (1980 [1690]): *Second Treatise of Government*. Indianapolis: Hackett Publishing.
- Luhmann, Niklas (1994): *Speaking and Silence*. *New German Critique* 61, 25-37.
- Luhmann, Niklas (1995 [1984]): *Social Systems*. Stanford: Stanford University Press.
- Luhmann, Niklas (2002): *Theories of Distinction: Redescribing the Descriptions of Modernity*. Stanford: Stanford University Press.
- Pagden, Anthony (1986): *The Fall of Natural Man: the American Indian and the Origins of Comparative Ethnology*. London: Cambridge University Press.
- Prucha, Francis Paul (1994): *American Indian Treaties: The History of a Political Anomaly*. Berkeley: University of California Press.

- Schmitt, Carl (1996 [1950]): *The Land Appropriation of a New World*. Telos 109, 29-80.
 Twain, Mark (1967): *Fenimore Cooper's Literary Offenses*. Pp. 169-181 in: *Great Short Works of Mark Twain*. New York: Harper & Row.
 Zizek, Slavoj (1991): *For They Know Not What They Do: Enjoyment as a Political Factor*. London: Verso.

Assoc. Prof. Jonathan Elmer, Department of English, Indiana University
 442 Ballantine Hall, 1020 E. Kirkwood Ave., Bloomington, IN 47405-7103
 jelmer@indiana.edu

Oliver Marchart

On Drawing A Line Politics and the Signifi

Abstract: The article investigates the figure of ›drawing a line‹. The m... modulated in the works of Mao, as in popular culture. Yet ›drawin... the article is that this figure invo... nature of society, the necessity of... problematic of the subject along v

- »This is not about rev
- »Liar!«
- »This is about saving
- »Jean-Luc, throw up t
- »No! Nooo!«
- (music sets in)
- »I will not sacrifice th
- already, too many retre
- They assimilate entire
- must be drawn here. Th

One need not be a speciali... the previous dialogue in w... the »Star Trek-universe«. Y... sion/exclusion by invoking... - at the beginning of this e... »politics of popular culture... present a Cultural Studie... class-relations in the Star-... the legitimacy of such an a... reduce it to a cliché versio... approach in this paper dif... *Trek – First Contact* as a cul... tasies evoked by such text... itly political text, a version