

The Tragedy of *Plessy v. Ferguson*—as Told by Pudd'nhead Wilson

MARLEE HORWITZ



WRITER'S COMMENT: I wrote this essay for an English literature class on the American novel to 1900. Themes of law and justice came up repeatedly throughout the texts we sampled from this time period, inspiring me to focus on a topic of this nature for my final paper. As I am planning on attending law school in the future, I am interested in using literature to further understand the law and vice versa. Professor Ziser contextualized Pudd'nhead Wilson in lecture, comparing it to the case of Plessy v Ferguson. I found this connection fascinating, and decided to pursue further research. My essay discusses how Pudd'nhead Wilson can be seen as deriding the infamous "separate but equal" ruling established by Plessy v Ferguson, and calling into question the overall effectiveness of the court system during this time. I discuss the methods and literary devices that Twain uses to establish the connection between his novel and the court case, and how he uses these to make a greater argument against the court's decision.

INSTRUCTOR'S COMMENT: I had the good fortune to have Marlee as a student in several of my courses, enough time to learn of her interests in the law. When she mentioned that she would like to dig deeper into our classroom discussion of Mark Twain's engagements with Jim Crow racial segregation codes, I pointed her towards some historical materials on the watershed Supreme Court case Plessy v. Ferguson. As the research below shows, Plessy was far more culturally complex than is usually communicated in civics class and was filled with ironies and counterintuitive legal strategies bound to attract the attention of anyone with a taste for the absurd. And as Marlee goes on to detail,

Twain does in fact “rub up” on these gruesome “fictions of law and custom” in order to satirize them to brilliant effect in The Tragedy of Pudd’nhead Wilson. May all of Ms. Horwitz’s future law professors be so cosmopolitan and snarky!

– Michael Ziser, English Department

Questions of race, subjectivity, setting, and identity all culminate in the dramatic court scene in Mark Twain’s satire, *Pudd’nhead Wilson* (1894); this scene, combined with the rest of the novel, mocks *Plessy v. Ferguson* by demonstrating the fallacies inherent to the famous formulation, “separate but equal.” *Pudd’nhead* derides the Louisiana court’s ruling (upheld four years later by the U.S. Supreme Court) by evaluating the arbitrary nature of defining race. Creating an explicit parallel between his novel and the original case itself, Twain shows the similarities between the internal and external laws that operate in *Plessy* and *Pudd’nhead*. By way of a parodic court room scene at its conclusion, the novel doubts the legitimacy of the points presented in *Plessy v. Ferguson*. Finally, *Pudd’nhead Wilson*’s conclusion questions the definition of justice, thereby questioning the overall effectiveness of the court system.

Homer Plessy, a man of one-eighth African blood and otherwise Caucasian, was arrested for violating section 2 of Act 111 of Louisiana state legislature in June of 1892. This law called for “equal but separate accommodations for the white and colored races” on passenger railways (Thompson 3). Plessy was carefully selected to challenge the law due to the ambiguous nature of his race—being only one-eighth black, he was not visually identifiable as African American, and even had to inform the passenger car driver of his race in order to be arrested for sitting in the white car. The lawyer on the case, Albion Winegar Tourgée, wanted a person of mixed race to violate the law in order to debate the arbitrary nature of defining a person’s race in court. The case was brought in front of the Supreme Court in 1896, appealing on the grounds that the Thirteenth and Fourteenth Amendments to the Constitution entitle a person of African descent to “every right, privilege, and immunity secured to citizens of the United States of the white race” (Thompson 42). In delivering the majority opinion of the court, Justice Henry Brown held that the Thirteenth Amendment solely regarded questions of slavery

and involuntary servitude, and was irrelevant to ordinary civil injury. He further insisted that the Fourteenth Amendment can be used to enforce equity of the two races before the law, but not to abolish social distinctions based on color (Thompson 43, 44). He stated that legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences. Therefore, separate but equal facilities for blacks and whites were ruled constitutional (Thompson 50).

One of Tourgée's central strategies was to argue against the arbitrary nature of determining a man's race, and to assert it violates Plessy's right to claim his whiteness as his "property." *Pudd'nhead Wilson* agrees with this claim, demonstrating it with the interchangeability of Tom and Chambers as babies, as well as with the characterization of Tom's mother, Roxy. While one child is one-thirty-two parts black, the other has purely white blood; neither was identifiable as African American. This fact is dramatically emphasized through their switch at birth (which notably goes unnoticed for a majority of the novel), suggesting, much as Tourgée does, that a man's race is irrelevant. Roxy is categorized as an intermediary between white and black, as evidenced in her introduction: "From Roxy's manner of speech a stranger would have expected her to be black, but she was not. Only one sixteenth of her was black, and that sixteenth did not show" (Twain 63). In this, *Pudd'nhead* contradicts the court's holding that a person of one-thirty-second African descent is lawfully black; the novel relies on Roxy's visible attributes rather than her ancestry, and so she is explicitly labeled "not black."

In *Plessy v. Ferguson*, Tourgée takes the race question further by asserting that Plessy's whiteness should be considered his "property." *Pudd'nhead* parallels this, and ups the ante by setting the novel in the slavery era – reflecting circumstances in which a person is, quite literally, considered a possession. Tom embodies the argument made in *Plessy* and the issue of involuntary servitude presented in *Pudd'nhead*. He asserts his whiteness when he sells Roxy down the river to pay off his debts. Here, we see the intersection of both elements: while one mostly white man is able to utilize the rights afforded to him through his apparent race, a woman who shares the same physical trait is nevertheless treated as property. However, like Homer Plessy, the value of Tom's whiteness ultimately holds no merit; he is destined to be sold down the river himself. This echoes Justice Brown's declaration that in the instance that the white race is property, a person considered black under the law "is not lawfully

entitled to the reputation of being a white man” (Thompson 48). In this, the question of how the law determines a person’s race is presented.

The ruling in *Plessy v. Ferguson* established that the Fourteenth Amendment “does not invest Congress with power to legislate upon subjects that are within the domain of state legislation,” which validates the state’s authority to “determine who . . . is to be deemed a white, and who is a colored person” (Thompson 48). *Pudd’nhead Wilson* emphasizes the importance of this aspect of the ruling with its depiction of Dawson’s Landing. The court’s ruling does not use its power to create new legislation, but instead, assumes a neutral position on the issue. However, the possible detrimental effects of allowing individual states to determine such laws are unavoidable. Similarly, Dawson’s Landing is introduced as a neutral town—making apparent its politically problematic aspects. The book opens with a depiction of the town as quaint and peaceful, with descriptions of “pretty homes . . . fenced with white railings and opulently stocked with hollyhocks, marigolds, touch-me-nots, prince’s-feathers and other old-fashioned flowers” (Twain 55). Soon after, an illustration of the dreaded river transitions us into the political reality that “Dawson’s Landing was a slaveholding town, with a rich, slave-worked grain and pork country back of it” (Twain 57). The characterization of the town’s citizens is shown as consequential, as well. The residents are shown to be ignorant when they are unable to recognize an ironic joke made by David Wilson, and instead label him a fool. The characters involved in this incident can be read as merely replications of the community, given their assigned names—No. 4, No. 5, et cetera—therefore portraying a majority of Dawson’s Landing’s inhabitants as unsophisticated. This scene demonstrates the danger of putting power in the hands of certain subsets of the United States population, as afforded by the rule in *Plessy* that gave states power to write legislation—legislation that puts African Americans at a greater disadvantage, rather than progressing in the direction of equality. In demonstrating how a racist town, steadfast in its ways, can have detrimental effects when given the opportunity by *Plessy*, *Pudd’nhead* shows that political decisions have social implications. The novel is further connected to this element of *Plessy* in analyzing the dichotomy of internal and external forces.

In delivering the opinion of the court, Justice Brown states that he cannot accept the proposition that “social prejudices may be overcome by legislation” (Thompson 50). Instead, he argues “if two races are to meet

upon terms of social equality, it must be the result of natural affinities, and a mutual appreciation of each other's merits and a voluntary consent of individuals;" in summary he writes, "legislation is powerless to eradicate racial instincts or to abolish distinctions based upon physical differences, and the attempt to do so can only result in accentuating the difficulties of the present situation" (Thompson 51). The clash between political versus social affordances is indirectly paralleled in *Pudd'nhead Wilson's* "nature versus nurture" debate. Both raise the question of what is determined by inherent traits, and what is a result of external influences inflicted upon a person. By showing the effect of Tom's upbringing on his character, *Pudd'nhead* brings to light the dependence social circumstances has on the law during the period in which "separate but equal" was established.

Tom, in his childhood, was "indulged in all his caprices, howsoever troublesome and exasperating they might be" (Twain 76). Along with the rest of his privileged upbringing, this has shaped Tom into an extremely unlikeable character in early adulthood; his abuse of Chambers, rude manner, and selfishness ensure this. A passage concerning Roxy's relationship to her son, written in conjunction with the description of Tom's childhood, suggests his demeanor can be attributed to his treatment in formative years: "[B]y the fiction created by herself, he was become her master . . . this exercise soon concreted itself into habit; it became automatic and unconscious; then a natural result followed: deceptions intended solely for others gradually grew practically into self-deceptions as well" (Twain 77). *Pudd'nhead* shows the reader the significant influence that external thought and influences can have upon a person. Reading this passage in relation to *Plessy*, the importance of external factors on a person's potential to succeed is underlined—be those factors governmental legislation or the way they are raised. Later in the novel, however, Tom claims to feel the "'nigger' in him," insinuating there is an element of internal impact (Twain 118).

Tom's sudden sense of the black blood in him, and the immediate negative effect it had on his confidence and assertiveness, suggests the possibility that a person's character is indeed rooted within them. After Roxy's revelation, Tom found himself uncomfortable around white men whom he had known for years. He claims this was because "the 'nigger' in him went shrinking and skulking here and there and yonder, and fancying it saw suspicion and maybe detection in all faces, tones, and gestures" (Twain 118). This would parallel Judge Brown's claim that the

black man's disadvantage in society comes from the fact he "chooses" to interpret his circumstances in such a way. Both arguments suggest Tom's and Plessy's social positions are derived from internal forces. However, *Pudd'nhead Wilson* ultimately deems this argument as having no merit. Given that Tom solely feels his blackness after Roxy tells him the truth about his race, his reaction is evidently a mental shift. Furthermore, there was never any suggestion that Chambers had felt his whiteness at any point in the novel; in fact, when informed of his ancestry at the end, he was unable to embody his new persona as a white man. Instead, "his gait, his attitudes, his gestures, his bearing, his laugh – all were vulgar and uncouth . . . Money and fine clothes could not mend these defects or cover them up" (Twain 225). If the factors that influenced a person's social standing were truly internal instead of external, Tom's personality change would not have been so sudden following Roxy's revelation, and Chambers would not feel that it is impossible to take his rightful place as a white man in society. In demonstrating this, *Pudd'nhead* exhibits the fallacies within the ruling of Plessy: a man cannot rise from civilization's lowest position simply because he sees himself as socially equal to his white counterpart—he must have the backbone of the law to hold him up.

Justice Brown's contention that a black man is only socially inferior because he "chooses to put that construction on it" is determined solely by subjective reasoning; he cites no evidence to support this claim in the written opinion of the court (Thompson 50). Rather, he looks at precedent relevant to *Plessy*—which, as evidenced in Justice Harlan's dissent, is reasoning that relies solely on personal interpretations. Wilson uses a different tact when presenting his argument to the court. By portraying a reliance on tangible evidence, *Pudd'nhead Wilson* condemns the subjective nature of the court's reasoning. Wilson, after presenting his theory before the court, says that he "will proceed to the evidences by which [he will] . . . prove its soundness" (Twain 215). He then reveals Tom's fingerprints on the murder weapon, as well as using the prints to reveal he was actually Roxy's son, Chambers. The scientific support wins him his case, but had he relied on his theory alone, it's likely those in the courtroom would have remained steadfast in their assumption that "the overworked lawyer had lost his mind" (Twain 213). Wilson's image in the eyes of Dawson's Landing immediately shifts after his presentation of the fingerprints as evidence. Since the moment he came to town,

the residents had him labeled as a “lummoX,” a “labrick,” and a “dam fool,” and held this assumption during much of the courtroom drama – until this moment (Twain 60). From that point onward, Wilson’s “long fight against hard luck and prejudice was ended” (Twain 224). A man unable to present verifiable and objective proof is likened to someone undeserving of respect. Wilson, before his revelation of the fingerprints, can be compared to Justice Brown in the case of *Plessy*. This is because only circumstantial evidence was provided, as in Wilson’s original defense; the court relied on subjective reasoning to reach its conclusion. However, Wilson’s final victory does more than establish that a single person’s logic should not be applied universally. It further illustrates the ultimate failure of the court’s duty to ensure justice is served in both *Plessy* and *Pudd’nhead*.

Pudd’nhead Wilson concludes with the Governor of Dawson’s Landing “underst[anding] the case, [and] pardoned Tom at once,” in order to not “shut up a valuable life” and instead sell him down the river to live the remainder of his life as a slave (Twain 226). The novel’s ending serves as commentary on the failure of the American judicial system. Despite a successful prosecution and conviction, the court’s version of justice is nevertheless questionable. The town’s discomfort is set at ease not only because a murderer and thief is off the streets, but because an African American is no longer being afforded the privileges of a white man. The court’s ultimate failure in its primary duty to bring about justice reflects the similarly racist opinion in *Plessy v. Ferguson*. Both cases deny a man of African descent the rights of a Caucasian, and punish him for having acted as one—Homer Plessy, in insisting to sit in the railroad car designated for white people, and Tom in masquerading as white for the majority of his life (albeit, unintentionally.) As noted by Eric J. Sundquist in *Mark Twain and Homer Plessy*, “The hero of the novel has no trouble convicting Tom—convicting him both of murder and pretending to be a white man. Tom’s sale down the river indicates which is the worst crime” (124). By demonstrating that the court more adamantly condemns Tom’s masquerade than his crimes, *Pudd’nhead* suggests that the controversy in Plessy’s case is derived from his embodiment of a white man, instead of the actual issue of designated railroad cars.

While *Pudd’nhead Wilson* criticizes the ruling of the court in *Plessy v. Ferguson* through its melodramatic plotline and uncanny character portrayals, it simultaneously goes further to require readers to assess

their own views on race. Ostensibly, Tom's send-off down the river can be interpreted as a restoration of balance after the unlikeable character's deplorable past actions. After all, he previously doomed his mother to the same dreaded fate. However, the restoration of "justice" relies on a sentence that could only be inflicted upon a black man, instead of that of incarceration—the more humane punishment that would be legally warranted. Instead, the Governor of Dawson's Landing steps outside of the law and presumes his own interpretation of what is fair, mirroring the actions of Justice Brown. By using the conclusion to prompt a sense of satisfaction in the reader, *Pudd'nhead Wilson* urges us to reevaluate our own views on race: is the reader's reaction to circumstantial punishment for a black man ultimately any different from that of Justice Brown's in *Plessy v. Ferguson*?

Works Cited

- Sundquist, Eric J. "Mark Twain and Homer Plessy." *Representations* 24 (1988): 102-28. Print.
- Thomas, Brook. *Plessy v. Ferguson: A Brief History with Documents*. Boston: Bedford, 1997. Print.
- Twain, Mark. *Pudd'nhead Wilson*. London: Penguin, 1986. Print.