

# Deconstructing the Cherokee Nation: Town, Region, and Nation among Eighteenth-Century Cherokees

When the Cherokee Became Indigenous:  
*Cherokee Nation v. Georgia* and its  
Paradoxical Legalities

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**Abstract.** When representatives of the Cherokee nation went to the US Supreme Court in 1831 to sue the state of Georgia, they initiated a paradoxical endeavor. They argued that they were a “foreign state,” but subjected themselves at the same time to the jurisdiction of the court of another state. In the course of this campaign, they transformed themselves from a political to a legal subject and took the position of what today would be called an “indigenous” community. The court translated the paradoxical formation of indigeneity—being legally incorporated and excluded at the same time—into the legal text of the judgment by inventing the contradictory phrase “domestic dependent nation.” Analyzing as an autoethnographic text the bill that the Cherokee nation presented to the Supreme Court, this essay investigates how the Cherokee’s indigeneity was produced in their interaction with the legal field of the (post)colonial state and how the paradoxical roots of indigeneity can serve as a starting point from which to rethink the native-settler relationship and the indigenous condition.

**Keywords.** indigeneity, Cherokee, indigenous paradox, settler colonialism, autoethnographic text

## Introduction

On 5 March 1831, the US Supreme Court began to hear the case *Cherokee Nation v. Georgia*.<sup>1</sup> Today, it is regarded as one of the most important landmark cases in federal Indian law and is part of the famous “Marshall trilogy” in which Chief Justice John Marshall developed the basic legal principles governing the relationship between the United States and the

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