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Notes

Introduction

- 1 Hannah Arendt, *Men in Dark Times* (New York: Harcourt Brace Jovanovich, 1983 [1955]), 165. Benjamin's exact wording, as quoted by Arendt from his "Theses on the Philosophy of History," is "What we call progress is *this* storm."
- 2 For an argument on the increasingly antiquated nature of the idea of the industrial proletariat, see Guy Standing, *The Precariat: The New Dangerous Class* (London: Bloomsbury Academic, 2011).
- 3 James Tully, *Public Philosophy in a New Key*, vol. 1, *Democracy and Civic Freedom* (Cambridge: Cambridge University Press, 2008), 19, 25, 32.
- 4 William E. Connolly, *Pluralism* (Durham, NC: Duke University Press, 2005), 140.
- 5 Orlando Patterson traces what he calls sovereign freedom or the idea of "freedom as total power" back to, in the non-Western world, the heretic Egyptian pharaoh Akhnaton in the fourteenth century BC; and back to, in the Western world, the fifth-century "aristocratic invitation [to all freeborn Greeks] to share in the overlordship of all slave peoples, that is to say, all non-Greeks." Orlando Patterson, *Freedom*, vol. 1, *Freedom in the Making of Western Culture* (New York: Basic Books, 1991), 38, 87. Patterson argues that sovereign, personal, and civic freedom constitute a "three-chord" value in Western history, with the relative strength of each chord changing from ancient times through the Middle Ages to today. To translate my core argument, to the extent that it can be translated, into his terms: this book proposes that the idea of sovereign freedom is as key as personal freedom to the modern age, and that new dangers emerge once sovereign freedom is democratized. However, I read early modern theories of monarchical sovereign power as *not* applauding sovereign freedom or the right of the monarch to do whatever he (or she) wants without limit or constraint, which those theories instead treat as the mark of tyranny. As for monarchical power in practice (as well as the actual

lower-level sovereign powers of aristocrats and gentry)—it was certainly capable of degenerating into such tyrannical forms, but it was normally hemmed in by custom, constraining rituals, moral and religious law, and prescribed obligations to inferiors (literal slaves apart).

- 6 Karuna Mantena, “Another Realism: The Politics of Gandhian Nonviolence,” *The American Political Science Review* 106, no. 2 (May 2012): 455–70; 456.
- 7 Vladimir Jabotinsky, *The Story of the Jewish Legion*, ed. and trans. Samuel Katz (New York: Bernard Ackerman, 1945 [posthumous publication]), 178–9.
- 8 Patchen Markell, “The Rule of the People: Arendt, *Archê*, and Democracy,” *American Political Science Review* 100, no. 1 (February 2006): 1–14.

Chapter 1: The Sovereignty Concept

- 1 J. S. Mill, “On Liberty,” in *John Stuart Mill: Three Essays*, ed. Richard Wollheim (Oxford: Oxford University Press, 1975 [1857]), 92.
- 2 See Elaine Scarry, *The Body in Pain* (Oxford: Oxford University Press, 1985) for an analysis of war as a method in which wounded bodies are used to resolve ideational conflicts. On another note, these two notions of freedom clearly are similar in structure—it is the proper subject of freedom over which they mainly disagree. They also are equally dissimilar from other notions of what it means to be free, such as being neither a master nor a slave; being a creative subject, not a passive object, of history; being instinctually uninhibited; and being unburdened by the cares of the body and anxieties of the soul.
- 3 W. B. Gallie, “Essentially Contested Concepts,” *Proceedings of the Aristotelian Society* 56 (1955–6): 167–98. Gallie sees conceptual open-endedness as a function of changing historical conditions, while I represent it as a function of a number of different factors, the first cited being the inherent restlessness of thought. For a discussion of the continued value of Gallie’s insights for political science, see David Collier, Fernando Daniel Hidalgo and Andra Olivia Maciuceanu,

- "Essentially Contested Concepts: Debates and Applications," *Journal of Political Ideologies* 11, no. 3 (October 2006): 211–46.
- 4 William E. Connolly, *The Terms of Political Discourse* (Lexington, MA: D. C. Heath, 1974).
 - 5 Raymond Williams, *Marxism and Literature* (Oxford: Oxford University Press, 1977), 11–20.
 - 6 See David Bollier, *Silent Theft: The Private Plunder of our Common Wealth* (New York: Routledge, 2003) for a forceful example of the critical value of these conceptual residues.
 - 7 Quentin Skinner, *Liberty before Liberalism* (Cambridge: Cambridge University Press, 1998), 112.
 - 8 Nicholas Greenwood Onuf, "Sovereignty: Outline of a Conceptual History," *Alternatives* 16 (1991): 425–46.
 - 9 That political theorists tended to take "sovereignty" for granted by omission is exemplified in the absence of the term from even the index of Connolly's *The Terms of Political Discourse* when it was published in 1974, while 30 years later, in, for example, *Pluralism* (Durham, NC: Duke University Press, 2005) Connolly treated "sovereignty" as a highly significant problematic concept.
 - 10 Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace, 1973 [1951]). Although very occasional references to national and popular sovereignty appear in the text, the term does not appear once in the index of *The Origins*' three volumes.
 - 11 See Daniel Philpott, *Revolutions in Sovereignty: How Ideas Shaped Modern International Relations* (Princeton, NJ: Princeton University Press, 2001).
 - 12 See, for example, Giorgio Agamben's left-Schmittian analysis of sovereign power as a "monarchical" decision over the life and death, not only of refugees and death-row prisoners who most obviously have been excluded from the protection of the law but also of the general citizen population, any of whose members are vulnerable to being demoted from inhabitants of political life to "bare life" by the sovereign power to declare the exception. Giorgio Agamben, *Homo Sacer: Sovereign Power and Bare Life*, trans. Daniel Heller-Roazen (Stanford, CA: Stanford University Press, 1998).
 - 13 William E. Connolly makes a similar point when he criticizes

neo-Schmittian theorists who locate sovereign power in a “monarch” who decides the exception rather than in the interplay between state authority and the micropolitics of popular sentiments and inclinations. Sovereignty is thus not “he” but “*that* which decides an exception exists and how to decide it, with the *that* composed of a plurality of forces circulating through and under the positional sovereignty of the official circulating body.” Connolly, *Pluralism*, 145. Yet Connolly seeks to save the value of sovereign power by showing us that it is always internally pluralistic, the result of a push and pull relationship between official sovereign authority and popular pressure, at both the domestic level and at the level of “global empire.” My different argument is that, while actual sovereign power may be more the outcome of plural forces than the classical theory of sovereign power admits (even in the period of classic monarchical rule), the will to and project of sovereign power is inherently problematic.

- 14 Edmund Morgan, *Inventing the People: The Rise of Popular Sovereignty in England and America* (New York: W. W. Norton, 1988). For Morgan, while the rule of elites is inevitable, the ideal of popular sovereignty exposes that rule to legitimate democratic pressure.
- 15 For a critique of “emergency-think,” even among democratic theorists, that legitimates sovereign decisionism and the state’s suppression of popular political action by turning conflict into crises, see Bonnie Honig, *Emergency Politics: Paradox, Law, Democracy* (Princeton, NJ: Princeton University Press, 2011, 2009).
- 16 In her Agamben-inflected critique of Guantanamo Bay, Judith Butler analyses, in the wake of 9/11, the revitalization of monarchism as an assault on the separation of powers. In an “unchecked enlargement of executive power” (72), the law was suspended by the U.S. executive branch, which delegated to bureaucratic minions, or petty sovereigns, the power to keep terrorism suspects in “socially conditioned states of suspended life and suspended death” (67). Butler departs from Agamben in insisting that U.S. sovereign power abandoned very specific populations as opposed to the general citizen body. Still, by focusing on the executive decision to suspend the law by declaring an indefinite state of emergency, Butler downplays the role of “popular sovereignty” in the drama. The popular atmosphere of fear of terrorism and

- anti-Muslim sentiment in the United States, which cannot be reduced to a mere product of government and media manipulation, surely helps explain the willingness of petty sovereigns to embrace their charge as well as the complacency of most citizens when details of torture in Guantanamo began to seep out. Judith Butler, "Indefinite Detention," in *Precarious Life: The Powers of Mourning and Violence* (London: Verso, 2006, 2004).
- 17 Saskia Sassen, *Losing Control? Sovereignty in an Age of Globalization* (New York: Columbia University Press, 1996). John Agnew, *Globalization and Sovereignty* (Lanham, MD: Rowman & Littlefield, 2009).
 - 18 Michael Hardt and Antonio Negri, *Empire* (Cambridge, MA: Harvard University Press, 2000).
 - 19 Wendy Brown, *Walled States, Waning Sovereignty* (New York: Zone Books, 2010), 64–5.
 - 20 See "Perry Declares Texas' Rejection of Health Care Law 'Intrusions,'" *New York Times*, Tuesday July 10, 2012.
 - 21 Brown, *Walled States*, 41.
 - 22 Ibid., 104.
 - 23 Ibid., 47.
 - 24 Sigmund Freud, *The Future of an Illusion*, in *The Freud Reader*, ed. Peter Gay (New York: W. W. Norton, 1989 [1927]), 704.
 - 25 Jean Bodin, *On Sovereignty: Four chapters from "The Six Books of the Commonwealth,"* ed. and trans. Julian H. Franklin (Cambridge: Cambridge University Press, 2006, 1992 [1576]), 38.
 - 26 While Bodin posits the sovereign king as bowing to no higher sovereign power except God's, he alludes to a world of many sovereign princes, each superior to his subjects but equal among themselves. This is one reason he can contemplate the overthrow of a tyrant by a foreign prince but not one by the tyrant's subjects.
 - 27 Bodin, *On Sovereignty*, 45, 4, 31.
 - 28 Thomas Hobbes, *Leviathan*, ed. Richard Tuck (Cambridge: Cambridge University Press, 2005, 1996 [1651]), 117, 109.
 - 29 Ibid., 9.
 - 30 Ibid., 237.
 - 31 Ibid., 135.

- 32 See Morgan, *Inventing the People*, for a historical rendering of this process in England and the United States.
- 33 Carl Schmitt, *Political Theology: Four Chapters on the Concept of Sovereignty*, trans. George Schwab (Chicago: University of Chicago, 2005 [1922]).
- 34 As Orlando Patterson reminds us, there were earlier anticipations of the idea of popular sovereignty that were not, however, as politically influential, including the fourteenth-century theory of popular sovereignty elaborated by Marsilius of Padua. Tellingly, Patterson files such theories under his category of “civic freedom,” not “sovereignal freedom.” Patterson, *Freedom*, 389.
- 35 Jean-Jacques Rousseau, *The Social Contract or Principles of Political Right*, trans. Maurice Cranston (London: Penguin Classics, 1968 [1762]), 51, 60, 61–2, 83.
- 36 Etienne Balibar, *We, the People of Europe? Reflections on Transnational Citizenship*, trans. James Swenson (Princeton, NJ: Princeton University Press, 2004), 148, 196.
- 37 Rousseau, *Social Contract*, 65.
- 38 Edmund Burke, *Reflections on the Revolution in France* in *Reflections on the Revolution in France and The Rights of Man* (New York: Anchor Books, 1973 [1790]), 140.
- 39 Hannah Arendt, “What is Freedom?” in Hannah Arendt, *Between Past and Future: Eight Exercises in Political Thought* (New York: Penguin, 2006 [1961]), 162.
- 40 Ibid., 163.
- 41 Ibid., 147.
- 42 Ibid., 163.
- 43 The dismissal is unfair at least on the elitist score, given that Arendt uses “freedom” to capture not merely the glorious words and deeds of heroic individuals in the ancient world but also liberating breaks by ordinary people with entrenched institutions and practices at extraordinary moments in modern politics.
- 44 I hope it is plain that the enjoyment of whatever patterns of life are beloved is not the same thing as the stability of the particular political institutions that Arendt deems necessary to preserve a space for freedom in her “creating something new” sense of that term.

- 45 Heinz Lubasz, *The Development of the Modern State* (New York: MacMillan, 1964), 2–3.
- 46 Connolly, *Pluralism*, 140.

Chapter 2: Foundational Violence and the Politics of Erasure

- 1 On the covert mechanisms of violence at home and/or the overt expressions of violence abroad that have characterized Western liberal societies once they were established, Marxist, anti-colonial, and post-structural critics all have been loquacious, as has the less pigeonhole-able theorist of structural violence, Johan Galtung.
- 2 Augustine, *The Political Writings of St. Augustine*, ed. Henry Paolucci (South Bend, IN: Gateway, Henry Regnery, 1962), 16–17, from Augustine's *City of God*, XV [completed 427].
- 3 According to Augustine, even a universal earthly empire cannot avoid this crime, as its establishment would mean that one people lusting for dominance had acquired total power over the rest.
- 4 Friedrich Nietzsche, *On the Genealogy of Morals*, trans. Walter Kaufmann and R. J. Hollingdale (New York: Vintage Books, 1969 [1887]), 86–7.
- 5 Max Weber, "Politics as a Vocation," in *From Max Weber: Essays in Sociology*, ed. and trans. H. H. Gerth and C. Wright Mills (New York: Oxford University Press, 1958, 1946 [1919]), 78.
- 6 Jacques Derrida, "Force of Law: The 'Mystical Foundation of Authority,'" in *Acts of Religion*, ed. Gil Anidjar (New York: Routledge, 2002), 234, 242.
- 7 *Ibid.*, 269.
- 8 *Ibid.*, 270.
- 9 Hannah Arendt, *On Revolution* (New York: Penguin Classics, 2006 [1963]), 28–9.
- 10 *Ibid.*, 169.
- 11 *Ibid.*, 82.
- 12 *Ibid.*
- 13 *Ibid.*, 158.

- 14 Ibid., 136.
- 15 Leo Strauss, *Natural Right and History* (Chicago: University of Chicago Press, 1965 [1950]), 1.
- 16 For an analysis of other implications of Arendt's performative reading of the "We hold," see Bonnie Honig, "Toward an Agonistic Feminism: Hannah Arendt and the Politics of Identity," in *Feminist Interpretations of Hannah Arendt*, ed. Bonnie Honig (University Park: Pennsylvania State University Press, 1995).
- 17 Arendt, *On Revolution*, 196.
- 18 Ibid., 206, 117.
- 19 Ibid., 110.
- 20 Ibid., 144.
- 21 Ibid., 175.
- 22 Ibid., 148, 156.
- 23 Ibid., 167.
- 24 Ibid., 164–5.
- 25 Ibid. 158–9.
- 26 For a detailed exploration of the diffuse character and fractured locus of sovereign power in the U.S. system of government, as well as for an overview of debates, not relevant to this book's focus, over where room for popular sovereign power lies in that country's liberal legal system, see Timothy A. Delaune, "Democratizing the Criminal: Jury Nullification as Exercise of Sovereign Discretion over the Friend-Enemy Distinction" (PhD diss., University of Massachusetts, Amherst, 2013).
- 27 James Madison, Alexander Hamilton, and John Jay, *The Federalist Papers*, ed. Isaac Kramnick (London: Penguin Classics, 1987 [1788]), 31.
- 28 Ibid., 91, 151.
- 29 Ibid., 155, 102, 103. For a historical account of Hamilton's special penchant for sovereign power concentration, which soon was to cause a rift between Madison and himself, see Stanley Elkins and Eric McKittrick, *The Age of Federalism: The Early American Republic, 1788–1800* (Oxford: Oxford University Press, 1993).
- 30 On allusions to Indians re trade, see Madison, *Federalist Papers*, 276–7 and *The Constitution*, reprinted therein, 493; re hostilities, see *Federalist Papers*, 96; re taxation and representation, see *The Constitution*, reprinted therein, 491.

- 31 Madison, *Federalist Papers*, 91. This is the passage that ends with the point we came across earlier, that this band “should never be split into a number of unsocial, jealous, and alien sovereignties.”
- 32 Even John Pocock, in his magisterial rendering of the elements of thought that would crystallize in the founding of the American republic, writes as if the republic’s fusion with its conceptual opposite, empire, occurred as a westward expansion into what had been a sheer unpopulated wilderness. The only hint Pocock gives of a native presence is in his occasional references to “wilderness savagery” as one of the two bad poles of early American possibility, the other bad pole being that of “metropolitan corruption.” However, those references pertain most directly to settlers at the frontier, and only obliquely, and if obliquely, disparagingly, to an Indian presence. J. G. A. Pocock, *The Machiavellian Moment: Florentine Political Thought and the Atlantic Republican Tradition* (Princeton, NJ: Princeton University Press, 1975), Chapter XV. The various Straussian celebrations of the founding are even less inclined to acknowledge its violent destruction of Indian life. See, for example, Charles R. Kesler, ed., *Saving the Revolution: The Federalist Papers and the American Founding* (New York: Free Press, 1987). The rare references to Indians in this liberty-celebrating set of essays concern not the founding’s implications for *their* liberty but the part the threat of their uprisings played in convincing voters in the states “of what they might gain from the existence of a national government.” Edward C. Banfield, “Was the Founding an Accident?” in *ibid.*, 272.
- 33 Obviously, not all recollection difficulties take the form of a total erasure from memory of the relevant situations and events, especially for generations not very far removed in time from them. For a study of the ways in which Indian leaders who fought to preserve their way of life were romanticized after the fact by those who had triumphed over them, see Gordon M. Sayre, *The Indian Chief as Tragic Hero: Native Resistance and the Literatures of America, from Moctezuma to Tecumseh* (Chapel Hill: University of North Carolina Press, 2005).
- 34 See, for example, Harry V. Jaffa, *How to Think about the American Revolution* (Durham: University of North Carolina Press, 1978). Jaffa argues that in embracing the natural law principle of political

equality, the American Revolution represented “the most radical break with tradition – with the tradition of Europe’s feudal past – that the world had ever seen.” In establishing a new government, the founders jettisoned all monarchical and aristocratic elements in favor of democratic republicanism and popular sovereignty, a principle that “has never been challenged within the American regime, by Conservatives any more than by Liberals or Radicals.” Ibid., 16.

- 35 Francis Paul Prucha, *American Indian Treaties: The History of a Political Anomaly* (Berkeley: University of California Press, 1994), 130.
- 36 Pierre Clastres, *Society Against the State: The Leader as Servant and the Humane Uses of Power Among the Indians of the Americas*, trans. Robert Hurley (New York: Urizen Books, 1977, 1974), 20. Whether the indigenous taste for equality was extended to gender relations was another matter, but the “gender exception” to democracy was typical of the settlers, too. More relevant here is Clastres’s representation of the Indian chief, as long as the tribe was not at war with outsiders, as someone who exercised power in an “anti-sovereign power” way, maintaining or restoring harmony in the group not by exerting a punitive authority that he in fact did not have but by persuading quarrelers to reconcile on the basis of “the strength of his prestige, his fairness, and his verbal ability,” as well as his ongoing record of material generosity to group members. Ibid., 22.
- 37 Sandy Grande, *Red Pedagogy: Native American Social and Political Thought* (Lanham, MD: Rowman & Littlefield, 2004), 51.
- 38 Gordon S. Wood, *The Radicalism of the American Revolution* (New York: Alfred A. Knopf, 1991).
- 39 Stacy Kowtko, *Nature and the Environment in Pre-Columbian American Life* (Westport, CT: Greenwood Press, 2006), 129, 130, 131.
- 40 These are the arguments of, respectively, thinkers influenced by Edward Said’s critique of orientalism, David E. Stannard, and all those who see racism as part of an essential white psychology. My approach to settler violence against indigenous populations accords more with Dustin Howes’s analysis of “intersubjective violence” as “a matter of realizing oneself in the presence of others in ways that bring another’s world crashing down on them.” Dustin Howes, *Toward a Credible Pacifism* (Albany: State University of New York Press, 2009), 95.

- 41 David E. Stannard, *American Holocaust: The Conquest of the New World* (Oxford: Oxford University Press, 1992), 11.
- 42 Chief Justice Marshall, commenting in *Johnson v. M'Intosh* (1823), as quoted in Wildenthal, *Native American Sovereignty on Trial*, 22.
- 43 Almost any treaty chosen at random from Charles J. Kappler, ed., *Indian Affairs: Laws and Treaties*, vol. 2, *Treaties* (Washington, DC: Government Printing Office, 1904), will display the same pattern as the following excerpts. From the Treaty with the Ottawa, Etc., 1821: "The Ottawa, Chippewa, and Pottawatamie Nations of Indians cede to the United States all the Land comprehended within the following boundaries: Beginning at a point on the south bank of the river St. Joseph of Lake Michigan ... and from the termination of the said line, following the boundaries of former cessions, to the main branch of the Grand River of Lake Michigan ... From the cession aforesaid, there shall be reserved, for the use of the Indians, the following Tracts." Ibid., 198–9. From the Treaty with the Creeks, 1825: "Whereas ... it is the policy and earnest wish of the General Government, that the several Indian tribes within the limits of any of the states of the Union should remove to territory to be designated on the west side of the Mississippi river, as well for the better protection and security of said tribes, and their improvement in civilization ... The Creek nation cede to the United States all the land lying within the boundaries of the State of Georgia ... It is further agreed between the contracting parties, that the United States will give, in exchange for the lands hereby acquired, the like quantity ... westward of the Mississippi [along with several hundred thousand dollars in the form of annuities]." Ibid., 214–15. From the Treaty with the Rogue River, 1853: "The Rogue River tribe of Indians do hereby cede and relinquish ... to the United States, all their right, title, interest, and claim to all the lands lying in that part of the Territory of Oregon, and bounded by lines designated as follows ... The United States agree to pay to the aforesaid tribe the sum of sixty thousand dollars, fifteen thousand of which sum to be retained ... to pay for the property of the whites destroyed by them during the late war." Ibid., 603.
- 44 This is one of the important insights to be gleaned from Vine Deloria Jr. and Raymond J. DeMallie's edited two volumes, *Documents of American Indian Diplomacy: Treaties, Agreements, and Conventions 1775–1979* (Norman: University of Oklahoma Press, 1999). The volumes also

- improve upon Kappler in compiling agreements from 1871 through 1979 and including dialogues between Indians and whites especially in the Revolutionary period that record Indian voices, perspectives, philosophical outlooks, and rituals of friendship in the treaty process.
- 45 Dorothy V. Jones, *License for Empire: Colonialism by Treaty in Early America* (Chicago: University of Chicago Press, 1982), xi–xii. Jones argues that the Anglo-Indian treaty system had been one of “mutual compromise and accommodation” between independent parties, but by 1796 became a mechanism for Indian dispossession and white dominance through the transfer of “land from Indian ownership to ownership by the United States.” Ibid., 186. For a fine-grained study of hybrid legal/political structures and mutual advantages of treaties in the colonial period, see Vicki Hsueh, *Hybrid Constitutions: Challenging Legacies of Law, Privilege, and Culture in Colonial America* (Durham, NC: Duke University Press, 2010). It is unclear whether Hsueh would find greater domination-effects in the later treaties signed by the tribes and a sovereign United States.
- 46 Prucha states that the British had paid for lands ceded by Indians rather than taking them by right of conquest, and the United States preferred that strategy, too, to avoid appearing as an oppressor. Prucha, *American Indian Treaties*, 54.
- 47 As quoted in Prucha, *American Indian Treaties*, 6. Stannard’s Jefferson is even harsher: “[I]f ever we are constrained to lift the hatchet against any tribe ... we will never lay it down till that tribe is exterminated, or is driven beyond the Mississippi.” The choice for the natives was either to be “‘extirpate[d] from the earth’ or to remove themselves out of the Americans’ way.” Stannard, *American Holocaust*, 120.
- 48 Thus Chief Justice John Marshall asserted, in 1831, that to apply the English words “‘treaty’ and ‘nation’ ... to Indians as we have applied them to the other nations of the earth’” is to recognize the Indians as a “‘distinct political society, separated from others, capable of managing its own affairs and governing itself,’” and capable too of “‘being responsible ... for any violation of their engagements.’” Prucha, *American Indian Treaties*, 4–5.
- 49 In an argument that complements mine, Eric Cheyfitz argues that English settlers symbolically converted the Indian relationship to place to fit within an English conceptual schema of sovereign possession, title,

- here. The first pretext is that, as the Indians did not “own” land they lived on, having neither fenced it in nor used their labor to increase its productivity for market exchange, that land could be claimed as private property by settlers, as if both Indians and settlers had endorsed the settlers’ concept of place and bedrock rules for its habitation. The second pretext is that, as Indians “possessed” land in the English sense of the term (although collectively, not individually), Indian tribes could agree to exchange it for money, goods, or land elsewhere through treaties with the U.S. government. See Eric Cheyfitz, *The Poetics of Imperialism: Translation and Colonialism from “The Tempest” to “Tarzan”* (New York: Oxford University Press, 1991), esp. Chapter 3 and 59–60.
- 50 As we will see later, such a terrible irony has not prevented Indians and their allies from using the U.S.-Indian treaties, with their implicit recognition of American Indian sovereignty, as ammunition in the struggle for Indian rights to self-determination today. See, for example, Kevin Bruyneel, *The Third Space of Sovereignty: The Postcolonial Politics of U.S.—Indigenous Relations* (Minneapolis: University of Minnesota, 2007); David E. Wilkins, *American Indian Sovereignty and the U.S. Supreme Court: The Masking of Justice* (Austin: University of Texas Press, 1997); and David E. Wilkins and K. Tsianina Lomawaima, *Uneven Ground: American Indian Sovereignty and Federal Law* (Norman: University of Oklahoma Press, 2001).
 - 51 Contemporary American Indian writers are divided on whether “sovereignty” is a European import or an essential feature of indigenous self-understanding, but, as we shall see, even those who do see it as indigenous interpret it in a way that emphasizes the right to autonomy, not mastery.
 - 52 Prucha, *American Indian Treaties*, 4, 289.
 - 53 For depressing historical corroboration of this truth, see Michael Mann, *The Dark Side of Democracy: Explaining Ethnic Cleansing* (Cambridge: Cambridge University Press, 2005).
 - 54 Both Dale Turner and Taiaiake Alfred, whom we will look at in greater detail in a few moments, make this argument with respect to the Canadian context, although the political conclusions they draw from it are quite different. Alfred also notes that, even when it recognizes “Aboriginal title,” the Canadian state always reserves its prerogative

- to use Indian lands for industrial development, resource extraction, transportation, military, business, and recreational access, for the “good” of “all Canadians.” Taiaiake Alfred, *Peace, Power, Righteousness: An Indigenous Manifesto* (Don Mills, Ontario: Oxford University Press, 1999), 121.
- 55 William Cronon, *Changes in the Land: Indians, Colonists, and the Ecology of New England* (New York: Hill and Wang, 1983), 79–80.
- 56 Ibid., 15.
- 57 For a rigorous analysis of contemporary indigenous politics with a focus on the Mexican, not U.S. context; on entrenched structural injustice, not the foundational violence by which one order supplants another; and on movements that push for, not sovereign freedom, but democratic inclusion in politics at the international, national, and local level, see Courtney Jung, *The Moral Force of Indigenous Politics: Critical Liberalism and the Zapatistas* (Cambridge: Cambridge University Press, 2008). Although I give far more weight than Jung does to the human value of being able to sustain enjoyable patterns of relations and practices as long as they *are* enjoyable, I agree with both her repudiation of cultural essentialism (which is why I have avoided boiling down “patterns of relations and practices” to “culture”) and her argument for a political standing for marginalized groups that “flows not from who they are, but from what has been done to them.” Ibid., 33.
- 58 John Sugden, *Tecumseh: A Life* (New York: Henry Holt, 1998), 9. For a briefer account of the political impetus to and outcome of Tecumseh’s attempt to build a pan-Indian confederacy to resist white encroachment on Indian lands, see R. David Edmonds, *Tecumseh and the Quest for Indian Leadership*, 2nd ed. (New York: Pearson Longman, 2007).
- 59 Sugden, *Tecumseh*, 204–5.
- 60 James Tully has written extensively on the injustice of the sovereign settler states in their dealings with first nations, the reasons why indigenous populations cannot be considered ethnic minorities, and the illegitimacy of their subjection to, in his case, Canadian law. However, he follows three lines of thought at odds with the arguments of this chapter.
- First, in contrasting the “bad” nineteenth-century Indian Acts imposed on Aboriginal peoples “without their consent” with the “good” seventeenth- through twentieth-century treaties between Aboriginal

peoples and settlers, Tully claims that the treaty relationship has been the historic means by which “Aboriginal peoples and newcomer Canadians recognize each other as equal, coexisting and self-governing nations and govern their relations with each other by negotiations, based on procedures of reciprocity and consent.” James Tully, *Public Philosophy in a New Key*, vol. 1, *Democracy and Civic Freedom* (Cambridge: Cambridge University Press, 2008), 226. I have argued, in contrast, that the treaty relationship was a mechanism by which the settler state expanded its sovereign authority over what had been Indian lands, with treaties functioning as non-directly violent instruments of sovereign state foundational violence. While Canadian treaty history may be less egregious than its U.S. counterpart, Tully admits elsewhere in the text that the extinction of Native land rights in Canada occurred both through conquest and “voluntarily (through treaties and cession).” *Ibid.*, 263.

Second, Tully hinges the equality of Aboriginal peoples on the Canadian state’s recognition of their sovereign status, thereby eliding the tremendous changes in *material* asymmetries that would have to occur for Aboriginal peoples to enjoy real sovereign power, not to speak of real equality with the non-native populations of North America. While he does press for a “leveling up” of the “appalling social and economic inequalities of Aboriginal peoples” (*ibid.*, 247), his emphasis on the primacy of the politics of recognition sidesteps the way reciprocal recognition and respect can serve as both a substitute for material transformation and a discursive mystification of the deep material inequalities between so-called equal sovereign nations.

Third, Tully treats independence, autonomy, and self-governance as synonyms for sovereignty; suggests that sovereignty is a natural, not historically specific phenomenon when he speaks of “the sovereign nations that were already here” before the acquisition of sovereignty by the United States and Canada (*ibid.*, 234); and does not remark on any clash between traditional indigenous philosophy and the ethos of sovereign power.

61 Cronon, *Changes in the Land*, 38.

62 *Ibid.*, 62, 67. These features also seemed to characterize even those tribes that were more sedentary than the tribes Cronon mainly describes.

- 63 Alfred, *Peace, Power, Righteousness*, 22, 42, 42, 42.
- 64 Ibid., 55, 61, 62, 62.
- 65 Ibid., 59, 55–6.
- 66 Ibid., 52.
- 67 Dale Turner, *This is Not a Peace Pipe*, 67.
- 68 Ibid., 95.
- 69 Very weirdly, as John Sugden remarks in his biography of Tecumseh, the pro-Nazi Fritz Steuben churned out a series of popular Tecumseh novels in the 1930s representing the Indian chief as a führer who lost his war with the whites because Indians failed to unite under his leadership, the moral of his story being that Hitler would lose the war against his enemies if Germans did not unite under him. Sugden, *Tecumseh*, 393–4.
- 70 David Blackbourn, *The Conquest of Nature: Water, Landscape, and the Making of Modern Germany*, Chapter 5, “Race and Reclamation: National Socialism in Germany and Europe” (New York: W. W. Norton, 2006), 251–309.
- 71 Ibid., 273.
- 72 Hannah Arendt, *The Origins of Totalitarianism* (New York: Harcourt Brace, 1973 [1951]), 206.
- 73 Ibid., 191.
- 74 Alfred, *Peace, Power, Righteousness*, 63.
- 75 G. A. Cohen, “History, Ethics, and Marxism,” in *Canadian Political Philosophy: Contemporary Reflections*, ed. Ronald Beiner and Wayne Norman (Oxford: Oxford University Press, 2001), 116.

Chapter 3: The Search for Sovereign Freedom

- 1 The United States at its very inception was guilty of other political sins as well, most obviously the sin of slavery. But the expansion of the sovereign power of the United States across the continent did not logically require the enslavement of Africans in the way that it required the dispossession of indigenous peoples.
- 2 It might be argued that the resolution of the U.N. General Assembly in November 1947 to partition British Palestine into a Jewish and an Arab state provided a prior, higher right – at least in the legal sense of the term

- “right” – of the Jews to just over half of Mandatory Palestine. But whether the U.N. decision itself was grounded in a prior, higher *moral* right was hotly contested by both parties. The Arabs rejected the partition plan for turning them from a majority into a minority on one side of the partition line. Although supporting partition in the short term, the Zionist leadership disagreed with the plan’s geographical limits on the Jews.
- 3 For the differences between the religious Old and the colonizing New *Yishuv*, as well as differences between “practical” and “political” Zionism (the former less practical in the political sense of the term than the latter, from the latter’s point of view), and also for the distinctive mentalities of each wave of Jewish immigrants to Palestine, see Walter Laqueur, *A History of Zionism* (New York: Schocken Books, 1976, 1972), esp. Chapter 6, and David Vital, *The Origins of Zionism* (Oxford: Clarendon Press, 1980, 1975).
 - 4 J. C. Hurewitz, *The Struggle for Palestine* (New York: W. W. Norton, 1950). Hurewitz reports that after an increase in Jewish immigration for religious reasons in the first half of the nineteenth century, as a result of persecution the number of Jews in Palestine grew “from 12,000 in 1845, and 47,000 in 1895, to nearly 85,000 in 1914.” After declining in 1919 to 65,000 or 10 percent of the total population, by 1936 the Jewish population had reached, through new influxes, almost 30 percent of the total population. *Ibid.*, 27.
 - 5 Yosef Gorny, *From Binational Society to Jewish State: Federal Concepts in Zionist Political Thought, 1920–1990, and the Jewish People* (Leiden, The Netherlands: Brill, 2006), 171–2. Gorny tracks the various federal and confederal ideas that surfaced in Zionist debates in this 70-year period, displaying a “utopian” strain of Zionist thought on the co-existence of peoples in the Middle East that eventually gave way to realism on both the left and the right.
 - 6 As David Ben-Gurion remarked to his Labor Party’s Central Committee in 1949, “‘Land with Arabs on it and land without Arabs on it are two very different types of land,’” and although there were arguments about whether it was better to try to gain less land with fewer Arabs or more land with more Arabs, it was as much land as possible with as few Arabs as possible that was for almost all the ideal. Tom Segev, *1949: The First Israelis* (New York: Henry Holt, 1998, 1986), 28.

- 7 Frantz Fanon, *The Wretched of the Earth*, trans. Constance Farrington (New York: Grove Weidenfeld, 1991 [1963]), 35. Of course, Fanon was addressing this replacement in the context of decolonization.
- 8 This is the position that Maxime Rodinson takes when, dismissing “both the intemperate idealization of the movement by Zionists and their sympathizers and the no less frenzied ‘diabolization’ in which their opponents have often indulged,” he finds in Zionism “all the unpleasant features of nationalism, beginning with contempt for the rights of others.” Maxime Rodinson, *Cult, Ghetto, and State: The Persistence of the Jewish Question* (London: Al Saqi Books, 1983), 150–1.
- 9 Quoted in Bennie Morris, *Righteous Victims: A History of the Zionist-Arab Conflict, 1881–1999* (New York: Alfred A. Knopf, 1999), 49, 38.
- 10 Ibid., 37–8.
- 11 Ahad Ha-Am, “The Jewish State and the Jewish Problem” (1897), in *The Zionist Idea*, ed. Arthur Hertzberg (New York: Atheneum Macmillan, 1969, 1959), 268.
- 12 Quoted in Morris, *Righteous Victims*, 47–8. Morris is, however, alert to complexities with respect to how the sense of superiority and disdain surfaced in relations between Arabs and Jews. He notes that Jews had flourished at some junctures in Islamic societies, especially between 850–1250, but generally were seen as second-class citizens by Islam, often humiliated and sometimes persecuted even before the emergence of Zionism. The fact that Muslims traditionally viewed Jews as inferior weaklings made their assent to sovereign mastery in Israel all the more cause for anger and resentment. Conversely, some early Israeli leaders were as astute as Ha-Am about the psychological complexities of the master/slave relationship on the Jewish side. Segev quotes Pinhas Lavon, General Secretary of the national labor union, *Histadrut*, as warning in 1948 of the obstacles to “‘Jewish–Arab co-existence’” posed by the “‘Israeli-born generation, with its crude and primitive nationalism,’” and “‘the Oriental communities, with their historical and natural urge to avenge the years of humiliation and repression they suffered in Arab countries, which could easily be aroused when they suddenly discover that now we are the masters.’” Segev, 1949: *The First Israelis*, 46.

- 13 Evoking the self-mastery that becoming a sovereign self demands, David Ben-Gurion later would call the diaspora type of Jew “‘the debris of Jewish humanity’” that had to be melted down and reconstituted into a “‘new human type,’” with the capacity for “‘Independence and national freedom.’” Quoted in Segev, *1949: The First Israelis*, 292–3. For an analysis of how this self-domination required the erasure of two millennia of the Jewish past, and how that erasure was used to enhance the sovereign power of the Jewish state, see Idith Zertal, “From the People’s Hall to the Wailing Wall: A Study in Memory, Fear, and War,” in *Representations* 69 (Winter 2000): 96–126.
- 14 For an analysis of the Jewish-only labor principle that emphasizes the second motive of labor Zionism noted above, as well as the consistency with which ethnonationalism trumped socialist principles at every turn, see Zachary Lockman, “Land, Labor and the Logic of Zionism: A Critical Engagement with Gershon Shafir,” in “Past is Present: Settler Colonialism in Palestine,” special issue, *Settler Colonial Studies* 2, no. 1 (2012): 9–38.
- 15 Segev, *1949: The First Israelis*, 69–79. Segev puts the figure of immigrants taking over Palestinian houses at between 140,000 and 160,000.
- 16 *Ibid.*, 46. The lower figure for the number of refugees is Segev’s; the higher is Rashid Khalidi’s in his *The Iron Cage: The Story of the Palestinian Struggle for Statehood* (Boston: Beacon Press, 2006), 189. For a study of the Palestinians who remained in Israel, see Ian Lustick, *Arabs in the Jewish State: Israel’s Control of a National Minority* (Austin: University of Texas, 1980).
- 17 Segev, *1949: The First Israelis*, 80–4. Segev also reports that military officials used their authority to expel villagers from their homes, preventing them from working their land, which the Minister of Agriculture then declared uncultivated and handed over to Jews to farm without a title. For a detailed investigation of the Israeli erasure not only of Palestinian places but also of the very names of those places on the map of Israel, see Meron Benvenisti, *Sacred Landscape: The Buried History of the Holy Land since 1948*, trans. Maxine Kaufman-Lacusta (Berkeley: University of California Press, 2000). For an investigation of the participation of Israel archaeology in the erasure process, see Nadia Abu El-Haj, *Facts on the Ground: Archaeological Practice and Territorial*

Self-Fashioning in Israeli Society (Chicago: University of Chicago Press, 2001).

- 18 For a recent example of “good/bad” splitting between the pre- and post-1967 period, see David Remnick, “The Party Faithful,” *New Yorker*, January 21, 2013, 38–49.
- 19 While David Ben-Gurion does not figure in this study, see Shabtai Teveth, *Ben-Gurion and the Palestinian Arabs: From Peace to War* (Oxford: Oxford University Press, 1985) for an account of his initial thoughtlessness about Palestinian Arabs, his later attempts to square the circle of Jewish self-determination and Arab rights in Palestine as well as of ethnonational segregation and democratic socialist labor principles, and the morphing of his early insistence that Jewish sovereign freedom requires justice into his embrace of domination as the route to Jewish sovereign power. Teveth, however, asserts that the difference between Ben-Gurion and Jabotinsky on the subject of Jewish–Palestinian Arab affairs was always one of tactics and strategy, not ultimate goals, with Ben-Gurion’s seeing bi-national autonomy and partition simply as necessary stepping-stones en route to a completely Jewish Palestine.
- 20 For a detailed study of the Revisionist Right and Jabotinsky’s role in it, see Yaacov Shavit, *Jabotinsky and the Revisionist Movement 1925–1948* (London: Frank Cass, 1988).
- 21 Neve Gordon, *Israel’s Occupation* (Berkeley: University of California Press, 2008), 5–6. Only about 17,000 out of the 120,000 who applied were eventually allowed to return. Morris puts the numbers at 200–250,000 Arabs fleeing, driven from, or enticed to leave the West Bank, 70,000 from Gaza, and 80–90,000 from the Golan Heights. Morris, *Righteous Victims*, 328.
- 22 Jeff Halper, *An Israeli in Palestine: Resisting Dispossession, Redeeming Israel* (London: Pluto Press, 2010, 2008), 33.
- 23 Morris put the number of this remnant in 1967 at 400,000. Morris, *Righteous Victims*, 336.
- 24 Israel’s most recent twist on the solution to this conundrum has been to shrink the areas of Palestinian habitation to their smallest possible extent, take as much land and other natural resources as possible for Jewish settlement and use, unload the management of everyday life in non-contiguous Palestinian “population centers” to Palestinian

- authorities, and retain sovereign security control over the relationship between those centers, Israel, and the outside world.
- 25 Halper, *Israeli in Palestine*, 301.
 - 26 Gordon, *Israel's Occupation*, 204. Gordon reports that house demolitions in the first four years of the second Intifada left more than 24,000 Palestinians homeless.
 - 27 Halper, *Israeli in Palestine*, 41–4, and Appendix 1, 301. Halper, who derived his estimates mainly from United Nations figures, estimates that only 5 percent of house demolitions in the Occupied Territories served legitimate security purposes.
 - 28 Quoted in *ibid.*, 43.
 - 29 Gordon, *Israel's Occupation*, 193–4. Israel Shahak and Norton Mezvinsky give the figure of 100,000 Jewish settlers in the West Bank, Gaza, and the Golan Heights in 1999, with another 250,000 in “Greater Jerusalem.” Israel Shahak and Norton Mezvinsky, *Jewish Fundamentalism in Israel*, new ed. (London: Pluto Press, 2004), 78.
 - 30 Israel has established “about 250 Jewish settlements in the West Bank and East Jerusalem since 1967.” Nick Cumming-Bruce and Isabel Kershner, “U.N. Panel Sees Violations in Israeli Settlement Policy,” *New York Times*, February 1, 2013.
 - 31 *National Public Radio Evening News*, March 19, 2013.
 - 32 Eyal Weizman, *Hollow Land: Israel's Architecture of Occupation* (London: Verso, 2007), 116–18. This was in addition to new land in the Occupied Territories acquired through private purchase contracts. Land expropriated by the state on security grounds increased greatly after 2001 with the building of the separation wall, which Gordon estimates would, when completed, sweep 12 percent of Palestinian land into the space between the wall and the pre-1967 borders of Israel. Gordon, *Israel's Occupation*, 213. Meanwhile, planning regulations have been used to establish Jewish hegemony over the whole of Jerusalem, with the municipality issuing, from 1967 to 2007, “an annual average of 1500 building permits to Jewish Israelis” and constructing “90,000 housing units for Jews in all parts of East Jerusalem,” while limiting Palestinian permits to an average of 100 a year, imposing lower height levels on Palestinian houses, and declaring many existing Palestinian structures illegal. Weizman, *Hollow Land*, 49. According to a 2013 report in *The*

Economist, “in the past 45 years of Israeli occupation the army has redistributed around 70% of the West Bank land designated as state-owned either to Jewish settlers or to the World Zionist Organization, whereas less than 1% of supposedly state-owned land was granted to Palestinians.” “The Palestinians’ West Bank: Squeeze Them Out,” *Economist*, May 4, 2013.

- 33 Weizman, *Hollow Land*, 147.
- 34 Chaim Levinson, “Israel introduces ‘Palestinian only’ bus lines, following complaints from Jewish settlers,” *Haaretz Digital Editions*, Friday April 12, 2013. (Levinson’s original posting, March 3, 2013, reports the decision of an Israeli bus company to operate separate lines for Palestinians and Jews from the West Bank to central Israel.)
- 35 David Lloyd, “Settler Colonialism and the State of Exception: The Example of Palestine/Israel,” in “Past is Present: Settler Colonialism in Palestine,” special issue, *Settler Colonial Studies* 2, no. 1 (2012): 59–80.
- 36 See, for example, Jodi Rudoren, “Some Fear a Soccer Team’s Racist Fans Hold a Mirror Up to Israel,” *New York Times*, January 31, 2013. This news report describes a banner calling for racial purity by fans and members of the Beitar Jerusalem team in Israel, in protest of the team owner’s attempt to recruit two Muslim players from Chechnya; the story also notes an incident in March 2012, in which hundreds of Beitar’s fans “stormed a mall near the stadium” to beat up Arab workers. For a detailed study of the fundamentalist religious right in Israel and its attitudes towards Arabs as Gentiles, see Shahak and Mezvinsky, *Jewish Fundamentalism in Israel*, especially Chapters 1 and 6. See Gordon, *Israel’s Occupation*, on state-sanctioned settler violence, 140–3.
- 37 Sometimes the lesson was learned quite self-consciously, as in the 1930s, when the Zionist underground organization Irgun received military training from the Polish army and pro-Mussolini Zionist naval cadets received training from the Italian fascist military. See Eran Kaplan, *The Jewish Radical Right: Revisionist Zionism and its Ideological Legacy* (Madison, WI: University of Wisconsin Press, 2005).
- 38 For a vivid evocation of multicultural life in Salonica under the Ottomans and its disintegration after the rise of nationalism, see Mark Mazower, *Salonica, City of Ghosts: Christians, Muslims and Jews 1430–1950* (New York: Alfred A. Knopf, 2005).

- 39 In his introduction to *The Zionist Idea*, Arthur Herzberg describes the dawning realization of Jews that liberal and “tribal” nationalisms were not “French” versus “Teutonic” or characteristic of different countries but were different strains running through every country in Europe (46). Two of our illustrative Zionists go further than Herzberg, suggesting that under the veneer of even the most enlightened strain of European nationalism lurked the chauvinistic form.
- 40 International socialism stood apart in offering outsiders, including the Jews, a cosmopolitan political community in opposition to the nation-state, but while the socialist movement repudiated racial, ethnic, and ethnonational divisions at the theoretical level, it failed at the practical level to pay those divisions the attention they deserved.
- 41 *Israeli Declaration of Independence*, 1948.
- 42 In a double irony, that imperative was heightened from 1948 onwards with every new Arab attack on the Jewish state, which most Jews misrecognized as eternal anti-Semitism instead of anti-Western, anti-colonial animus; while each new attack on diasporic Jewish communities in the name of anti-Zionism that could legitimately be called anti-Semitic triggered a new mini-*Aliyah*.
- 43 Can every relation of domination and subjection be accurately filed under the master/slave rubric? Sharon R. Krouse, in her own critique of sovereign freedom, intimates that that rubric should be reserved for relations of labor exploitation, asserting that some forms of oppression, such as the oppression of homosexuals (and, by extension, Jews and other minorities), resemble the bars of imprisonment more than the chains of slavery. Sharon Krouse, “Freedom Beyond Sovereignty,” [politicalscience.stanford.edu/Workshops/Political Theory Workshop/](http://politicalscience.stanford.edu/Workshops/Political%20Theory%20Workshop/) Sharon Krouse (March 9, 2012). To be sure, “mastery and servitude” is more metaphorical than literal when groups are disempowered via marginalization than when they are used as chattel labor. Nevertheless, the majority ethnic/religious/national group in a society can be called the “master” of that society *vis-à-vis* the minorities it marginalizes, especially in light of the material and psychological rewards to be gained from belittling, persecuting, and/or dispossessing weaker social groups.
- 44 While some feminists have borrowed for themselves the trope of the self who attains sovereign freedom through transcending the master/

slave relationship, I see sovereign power and hence sovereign freedom as more a masculine than either a feminine or a feminist fantasy and so have taken the liberty of using the masculine subject form here.

- 45 Mezvinsky has something of this unconscious desire in mind when he writes in his preface to the new edition of *Jewish Fundamentalism* that “many Israeli Jews are chauvinists who feel pride in the display of Jewish power [in the context of the passage, over Palestinians] and considered it to be compensation for centuries of Jewish humiliation.” Ibid., vii.
- 46 Albert Memmi, *The Liberation of the Jew*, trans. Judy Hyun (New York: Viking, 1973 [1966]), 27.
- 47 Vladamir Jabotinsky, “Amen,” *The Jewish Herald*, July 21, 1939, excerpted in *Political and Social Philosophy*, 40. Further in the same piece, Jabotinsky writes that “the worst of all horrors known to history is called *galuth*, dispersion; and the blackest of all characteristics of *galuth* is the tradition of the cheapness of Jewish blood, on the spilling of which there is no prohibition and for which you do not pay. To this an end has been made in Palestine.” Ibid., 40–1.
- 48 Albert Memmi, *Decolonization and the Decolonized*, trans. Robert Bononno (Minneapolis: University of Minnesota Press, 2006, 2004), 45. Memmi makes this point in a book that bluntly indicts Third World societies for the impoverishment of their peoples and their continued exposure to violence half a century after their independence from colonial rule, as a result of tyrannical native leaders, corrupt elites, supine intellectuals, and power-hungry fundamentalist sects.
- 49 There were precedents, however. For an account of and excerpts from their works, see Hertzberg, *Zionist Idea* and Laqueur, *History of Zionism*, Chapter 2.
- 50 Illustrating the diasporic condition of the Jews that Zionists intended to cure, *The Jewish State* was translated during Herzl’s lifetime into Russian, Hebrew, English, Yiddish, Romanian, Bulgarian, French, and German with Hebrew characters. Vital, *Origins of Zionism*, 260.
- 51 For Herzl’s attempts to sway world leaders, see John C. G. Rohl, “Herzl and Kaiser Wilhelm II: A German Protectorate in Palestine?” and Edward Timms, “Ambassador Herzl and the Blueprint for a Modern State,” in *Theodor Herzl and the Origins of Zionism*, ed. Ritchie

- Robertson and Edward Timms (Edinburgh: Edinburgh University Press, 1997), 27–38 and 12–26.
- 52 For an engaging narrative of his agitation for a Jewish Legion in the British Army in World War I, which also reveals his mixture of disdain and respect for the British upper class and the Jewish working class in Britain, as well as his unmixed contempt for the Turks and Jewish assimilationists, see Vladimir Jabotinsky, *The Story of the Jewish Legion*, ed. and trans. Samuel Katz (New York: Bernard Ackerman, 1945). Joseph B. Schechtman, Jabotinsky's close political ally and biographer, also notes that Jabotinsky was a devoted father figure to the Religious Revisionists and the *Irgun*, the clandestine military organization engaged in armed reprisals against the Arabs and the British. Joseph B. Schechtman, *The Life and Times of Jabotinsky*, vol. 2, *Fighter and Prophet: The Last Years* (Silver Springs, MD: Eshel Books, 1986, 1961), 405–91.
 - 53 Albert Memmi, *Jews and Arabs*, trans. Eleanor Levieux (Chicago: J. Philip O'Hara, 1975), 73.
 - 54 In that last book, which broke with his earlier, empathetic descriptions of Arab societies, Memmi exclaims: “*Jewish Arabs*—that’s what we would have liked to be, and if we have given up the idea, it is because for centuries the Moslem Arabs have scornfully, cruelly, and systematically prevented us from carrying it out.” *Ibid.*, 20.
 - 55 *Ibid.*, 95.
 - 56 Theodor Herzl, *The Diaries of Theodor Herzl*, ed. and trans. Marvin Lowenthal (New York: Dial Press, 1956 [from a 1896 entry]), 199.
 - 57 For a more detailed analysis of Jabotinsky’s philosophy and its aesthetic dimensions, see Kaplan, *Jewish Radical Right*.
 - 58 Vladimir Jabotinsky, “Sippur Yamai,” *Autobiography*, excerpted in *Political and Social Philosophy*, 48.
 - 59 Vladimir Jabotinsky, “On State and Social Problems,” in *From the Pen of Jabotinsky* (Capetown, South Africa: Unie-Volkspers BPK, 1941), 64.
 - 60 Vladimir Jabotinsky, *Prelude to Delilah*, excerpted in *Political and Social Philosophy*, 38.
 - 61 Vladimir Jabotinsky, “The Ideology of the Betar,” in *From the Pen of Jabotinsky*, 49.
 - 62 Vladimir Jabotinsky, “The Ideology of Betar,” (1934), excerpted in *Political and Social Philosophy*, 126–7. My edition of *From the Pen of*

Jabotinsky, from which “The Ideology of the Betar” is reproduced, does not have this precise line in it; the translation as a whole of my edition is less vivid than that of the Sarig ed., Feder trans. text.

- 63 “The woman” appears in Memmi’s list of dominated “men” that also includes the Jew, the worker, the colonized, and the Negro, but Memmi’s views on women have been checkered. For example, he complained in a late interview of the sexual temptations for men of women who are covered and women who are skimpily dressed, women’s veils tempting men to tear them off to see what delights they are hiding, and women’s short skirts tempting men to tear them off because those delights are already half exposed. Gary Wilder, “Irreconcilable Differences: A Conversation with Albert Memmi,” *Transition*, Issue 71 (1996): 158–77.
- 64 Theodor Herzl, *Altneuland*, trans. Paula Arnold (Haifa: Haifa Publishing, 1960 [1902]), 94. Of course, the fact that Herzl constructed a character with such sentiments could be taken as evidence that he was worried at some level about how the indigenous Palestinian population would respond to Zionism’s impact. He also made a more sinister comment in his diaries, which Morris reports from a June 12, 1895 entry, of the need for a “gentle” expropriation of poor Arabs and their removal from the territory of the Jewish state. Morris, *Righteous Victims*, 21–2.
- 65 Jabotinsky also did not hesitate to prescribe the Jews’ self-domination by means of disciplinary training to transform the defenseless, ill-mannered, and pallid ghetto Jew into a muscular, proud, victorious type evoking the ideal of the “Aryan.” For more on this score, see Michael Stanislawski, *Zionism and the Fin de Siècle: Cosmopolitanism and Nationalism from Nordau to Jabotinsky* (Berkeley: University of California Press, 2001).
- 66 Memmi, *Liberation of the Jew*, 287, 289, 292.
- 67 *Ibid.*, 288.
- 68 Memmi, *Jews and Arabs*, 216.
- 69 Theodor Herzl, *Zionist Writings: Essays and Addresses*, vol. 2, *August, 1898–May, 1904*, trans. Harry Zohn (New York: Herzl Press, 1975 [from a 1901 entry]), 173. Alex Bein, in a short biographical essay at the front of *The Jewish State*, quotes Herzl as writing in his diary, “The state exists as essence in the will-to-the-state of a people, yes, even in that will in a

- single powerful person ... The territory is only the concrete basis, and the state itself, with a territory beneath it, is still in the nature of an abstract thing ... In Basle I created the abstraction, which, as such, is invisible to the great majority.” Herzl, *Jewish State*, 53.
- 70 “I believe that pure ideological activity is likely to be as constructive as work which creates ‘real’ things such as houses and colonies ... The ideological constructive factor is more important and longer lasting than the material-constructive one.” Vladimir Jabotinsky, “Etliche Brief Copien,” *Der Moment*, 8 April, 1934, excerpted in *Political and Social Philosophy*, 14.
 - 71 Vladimir Jabotinsky, *The Jewish War Front* (London: George Allen & Unwin, 1940), 63, 29–30.
 - 72 Historians have disputed Herzl’s account of his politicization by the Dreyfus Affair, but what is not in dispute is the fact that his Zionist sympathies crystallized over the course of the affair, which by 1897 had persuaded him of the grave problem that European Jews were up against. For an account of that dispute and indeed for a supple study of Herzl, Jabotinsky, and other Zionists against the backdrop of European intellectual life at the turn of the century, see Stanislawski, *Zionism and the Fin de Siècle*.
 - 73 Theodor Herzl, “The Situation in France,” *Die Welt*, December 24, 1897, in Theodor Herzl, *Zionist Writings: Essays and Addresses*, vol. 1, *January 1896–June 1898*, trans. Harry Zohn (New York: The Herzl Press, 1973), 198, 200.
 - 74 Herzl, *Jewish State*, 136–8.
 - 75 Hannah Arendt, “The Jewish State: Fifty Years After: *Where Have Herzl’s Politics Led?* (May 1946), in *The Jew as Pariah: Jewish Identity and Politics in the Modern Age*, ed. Ron H. Feldman (New York: Grove Press, 1978), 171, 166. Arendt moreover sees Herzl’s prescriptions for a Jewish state as fraught with danger for both Jews and Arabs, and she is scathing about the way Zionists turned those prescriptions into practice. See Hannah Arendt, “Zionism Reconsidered” (October 1944), in *ibid.*, 131–63.
 - 76 Herzl, *Jewish State*, 89.
 - 77 Theodor Herzl, “Opening Address at the Second Zionist Congress” (August 28, 1898) in *Zionist Writings*, vol. 2, 15.

- 78 As Jabotinsky put the last point, "When the nation requires an authentic creation in Russian, they will reject the work of the alien and state: the imitation is admirable and perhaps better than the Russian creation; but pardon me, we require a genuine Russian creation." Vladimir Jabotinsky, "On the Wrong Road," *Diaspora and Assimilation*, excerpted in *Political and Social Philosophy*, 139.
- 79 Jabotinsky, *Jewish War Front*, 108.
- 80 Jabotinsky, "The Ideology of Betar," excerpted in *Political and Social Philosophy*, 79. Sarig notes this line as coming from this essay in *From the Pen of Jabotinsky*, but without a page number in the citation. My edition of that text does not have this precise line in it, although it less vividly articulates the same sentiment.
- 81 As Jabotinsky noted, "Had there been no Jews in Poland," there would still have been competition, but "the 'crusade' ... would have assumed a less concentrated form, a struggle of 'all against all.'" Jabotinsky, *Jewish War Front*, 78.
- 82 Ibid., 38.
- 83 Ibid., 105.
- 84 Herzl, *Altneuland*, 189. On their experience of the warmth of the Jewish community, our three Zionists seem to differ greatly. In his autobiographical novels, Memmi evokes a picture of the traditional and sometimes claustrophobic Jewish world in which he was enveloped in Tunisia, although his success in school provided him with a ticket out. The more affluent and deracinated Herzl and Jabotinsky seemed to romanticize that warmth from the standpoint of outsiders looking in during a fierce storm on a cozy domestic hearth.
- 85 Theodor Herzl, "Letter to the *Berliner Tageblatt*, January 4, 1898," in *Zionist Writings*, vol. 1, 208–9.
- 86 Theodor Herzl, "Opening Address at the Fourth Zionist Congress, August 13, 1900," in *Zionist Writings*, vol. 2, 152.
- 87 Theodor Herzl, "For a Jewish State," Address to the Maccabean Club, London, July 6, 1896, in *Zionist Writings*, vol. 1, 38. Even Jews seeking refuge from national chauvinism in international socialism would be "sloughed off" when socialism becomes "saturated with Jews." Theodor Herzl, "The Social Democrats and the Jewish Question," June 17, 1897, in *ibid.*, 86–7.

- 88 Jabotinsky, *Jewish War Front*, 135. Jabotinsky's exact words are "The Jewish tramp is not wanted."
- 89 Ibid., 62, 36, 62, 62, 74.
- 90 Theodor Herzl, "Sir Francis Montefiore," *Die Welt*, February 17, 1899, in *Zionist Writings*, vol. 2, 61. Actually, Herzl was speaking specifically about the great Jewish philanthropists, but at least with respect to the "Politics, Poor" score, his indictment of Jewish political inexperience is more general.
- 91 Vladimir Jabotinsky, *The Jewish State—Solution to the Jewish Problem* (1936), excerpted in *Political and Social Philosophy*, 132.
- 92 Albert Memmi, *Portrait of the Jew*, trans. Elisabeth Abbott (New York: Orion, 1962), 244–6.
- 93 Theodor Herzl, "The Jews as a Pioneer People," Spring 1899, Vienna, in *Zionist Writings*, vol. 2, 66.
- 94 The unity of oppressed peoples in a struggle against their oppressors was Arendt's preferred strategy for the European Jews, which was far easier for her to imagine, because she did not buy Herzl's definition of a nation and so could contemplate both the Jews' participation in a larger political struggle for freedom and their continued existence as Jews in a multi-ethnic society that such a struggle might bring about.
- 95 Memmi, *Liberation of the Jew*, 283.
- 96 Joseph B. Schechtman, *The Life and Times of Vladimir Jabotinsky*, vol. 1, *Rebel and Statesman: The Early Years* (New York: Eshel Books, 1986, 1956), 47. Schechtman recounts these words from Jabotinsky's first public speech at 17 years of age.
- 97 Theodor Herzl, "The Family Affliction," *The American Hebrew*, January 13, 1899, in *Zionist Writings*, vol. 2, 45.
- 98 Jabotinsky, *Jewish War Front*, 115.
- 99 Theodor Herzl, "Zionism," Fall 1899, in *Zionist Writings*, vol. 2, 111.
- 100 Herzl, *Jewish State*, 129.
- 101 Herzl, "For a Jewish State," in *Zionist Writings*, vol. 1, 37.
- 102 Herzl, *Jewish State*, 112.
- 103 Ibid., 138.
- 104 Herzl, *Diaries of Theodor Herzl*, June 7, 1895 entry, 37.
- 105 This select few would investigate the new national territory, orchestrate immigration to it, raise the requisite funds, and develop new political

institutions. Herzl hoped that a similarly select few would serve in the new government as a sovereign “counterpoise” to the power of the people.

- 106 Herzl, *Jewish State*, 157, 92, 153–4.
- 107 Vladimir Jabotinsky, “Parliament,” *Haaretz*, May 21, 1925, excerpted in *Political and Social Philosophy*, 102.
- 108 Vladimir Jabotinsky, “Vos Erger Alts Besser,” *De Tribune*, 25 April, 1926, excerpted in *ibid.*, 109. While Jabotinsky is thus well aware of the anti-colonial thrust of Arab resistance to Zionism, he as well as Schechtman emphatically refer to popular Arab violence against the increase of Jewish immigration to Palestine in the 1920s and early 1930s as “pogroms,” a word that, while it strictly speaking connotes “riots,” conveys the message that the animating passion of such riots was anti-Semitism, and not, in this instance, anti-colonialism. For example, see Schechtman, *Vladimir Jabotinsky*, vol. 1, 362, 379, 385. Khalidi describes the same violence instead as a response to the growing landlessness and unemployment among Palestinian peasants as a result of Zionist land acquisitions and Jewish-only labor policies. Khalidi, *Iron Cage*, 86.
- 109 Vladimir Jabotinsky, “On the Sanctity of the Police,” *Hazit Haam*, 8 January, 1934, excerpted in *Political and Social Philosophy*, 43.
- 110 Vladimir Jabotinsky, “Address before British Members of Parliament,” 13 July, 1937, *Speeches, 1927–1940*, excerpted in *ibid.*, 103.
- 111 Vladimir Jabotinsky, “Foolish Vanity,” *Hayarden*, February 12, 1938, excerpted in *ibid.*, 106.
- 112 Vladimir Jabotinsky, “The Iron Wall,” *The Jewish Herald*, November 6, 1937, excerpted in *ibid.*, 105.
- 113 Vladimir Jabotinsky, “Address to the Eretz-Israel Council, 1919, *Speeches 1905–1926*, excerpted in *ibid.*, 94.
- 114 Vladimir Jabotinsky, “A Lecture on Israeli History,” *Umah ve-Havrah*, 1959, quoted in Kaplan *The Jewish Radical Right*, 49. Jabotinsky uses the same “no connecting bridge” and “Iron Wall” metaphors to describe other un-crossable chasms, including one between British anti-Semitic officials and armed Zionists in Palestine, and even between his own hard line towards the British and Arabs, and the World Zionist Organization’s lenient one. See Schechtman, *Vladimir Jabotinsky*, vol. 1, 380, 436.
- 115 Jabotinsky, “The Ideology of the Betar,” *From the Pen of Jabotinsky*, 37.

- 116 Vladimir Jabotinsky, "Ethics of the Iron Wall," *Rasswiyet*, 1923, excerpted in *Political and Social Philosophy*, 105.
- 117 Jabotinsky, *The Jewish War Front*, 213–20.
- 118 Vladimir Jabotinsky, Recording of a speech to the Jewish population in Palestine, 1937, excerpted in *Political and Social Philosophy*, 101.
- 119 Jabotinsky, "On State and Social Problems," *From the Pen of Jabotinsky*, 60–1.
- 120 This is according to Mordechai Sarig, who says that Jabotinsky put these words in the mouth of an unknown spokesman for the Jewish nation. "Editor's Note," in *Political and Social Philosophy*, xxv–xxvi.

Conclusions and Extrapolations

- 1 I offer an Arendtian reading of these efforts in Joan Cocks, "Is the Right to Sovereignty a Human Right? The Idea of Sovereign Freedom and the Jewish State," in *Silencing Human Rights: Critical Engagements with a Contested Project*, ed. Gurminder K. Bhambra and Robbie Shilliam (Houndmills, England: Palgrave Macmillan, 2009), 105–23.
- 2 Other villages resisting Israeli Occupation in the same way include Budrus, Nabi Saleh, Biddu, Ni'lin, and Al Ma'sara. See Ben Ehrenreich, "The Resisters," *New York Times Sunday Magazine*, March 17, 2013, 24–31 and 50–1.
- 3 See especially James C. Scott, *Seeing like a State: How Certain Schemes to Improve the Human Condition Have Failed* (New Haven, CT: Yale University Press, 1998) and *The Art of Not Being Governed: An Anarchist History of Upland Southeast Asia* (New Haven, CT: Yale University Press, 2009).
- 4 Wendy Brown, *Walled States, Waning Sovereignty* (New York: Zone Books, 2010), 64–5.
- 5 For a like-minded but far more extended argument against liberal ideas of Progress, see Uday Singh Mehta, *Liberalism and Empire* (Chicago: University of Chicago Press, 1999).
- 6 Karl Marx, *Capital*, vol. 1, ed. Frederick Engels, trans. Samuel Moore and Edward Aveling (New York: International Publishers, 1967 [1867]), 713–74.

- 7 Rosa Luxemburg, *The Accumulation of Capital*, trans. Agnes Schwarzschild (London: Routledge and Kegan Paul, 1963 [1913]), Chapters XXVI–XXXII. However mistaken she might have been about the necessity of non-capitalist environments for profit-making, and however misplaced her faith in the proletarian revolution as an almost unstoppable “locomotive of history,” Luxemburg was keenly sensitive to the virtues of pre-capitalist, non-capitalist, and early capitalist historical moments.
- 8 See, for example, Raymond Williams, *The Country and the City* (Oxford: Oxford University Press, 1973), and E. P. Thompson, “Time, Work-Discipline, and Industrial Capitalism,” *Past and Present*, no. 38: 56–97 and “The Moral Economy of the English Crowd in the Eighteenth Century,” *Past and Present*, no. 50: 76–136.
- 9 David Harvey, *The New Imperialism* (Oxford University Press, 2005, 2003), Chapter 4.
- 10 Yuri Slezkine, *The Jewish Century* (Princeton, NJ: Princeton University Press, 2004), 367.
- 11 Not that theoretical nation-deconstructions and recommendations for non-national or international laws and norms can’t stimulate the political imagination. For example, see Jacqueline Stevens, *States without Nations: Citizenship for Mortals* (New York: Columbia University, 2010) and, in a different vein, Seyla Benhabib, *The Rights of Others: Aliens, Residents, and Citizens* (Cambridge: Cambridge University Press, 2007, 2004).
- 12 California’s recent to attempt to invite resident aliens to serve on jury panels promised to be, if only for the moment before it was stymied, another step forward for Mercurians in that state.
- 13 Patchen Markell, *Bound by Recognition* (Princeton, NJ: Princeton University Press, 2003), 22.
- 14 Pope Francis, as quoted in James Carroll, “Who am I to Judge? A radical Pope’s first year,” *New Yorker*, December 23 and 30, 2013, 88.