

Settler Colonialism: Then and Now

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For students of settler colonialism in the modern era, Africa and America represent two polar opposites. Africa is the continent where settler colonialism has been defeated; America is where settler colonialism triumphed. My interest in this essay is the American discourse on the making of America. My ambition is to do this from an African vantage point.

Europeans who came to the New World were preoccupied with the ways in which it was not like Europe. Over the centuries that followed, there developed a body of work known as American exceptionalism. The benchmark text for this scholarship is the mid-nineteenth-century reflection on America by Alexis de Tocqueville. *Democracy in America* remains required reading in most programs in political theory or American politics. Among the arguments Tocqueville advanced in *Democracy in America* was that the key feature distinguishing America from Europe was the absence of feudalism; not tied down by the baggage of feudal tradition, America could enjoy the benefits of revolutionary change without having to pay its price. My concern here is less with Tocqueville than with how the Tocquevillians understood him.

Ever since Tocqueville, an important section of America's thinkers have written its autobiography as reflected in a European mirror. A Eurocentric perspective has shaped the contours of an important part of American political theory. The American autobiography is written as the autobiography of the settler. The native has no place in it. The official museum built in Washington, D.C. to commemorate this history is called the Museum of

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the American Indian, not the Museum of the Native American. Most American tribes call themselves Indians, not natives. The reluctance to speak of themselves as Native Americans springs from a profound sense of not being a part of America as a political community.

The autobiography of the settler begins with a nudge from Europe. This is how Louis Hartz put it in *The Liberal Tradition in America*: “When Tocqueville wrote that the ‘great advantage’ of the American lay in the fact that he did not have ‘to endure a democratic revolution,’ he advanced what was surely one of his most fundamental insights into American life.”¹ No feudalism translated into no revolution and no strong state—a combined legacy that was said to explain a pervasive individualism in American life. So Hartz wrote of the Jefferson and the Jackson eras: “where the aristocracies, peasantries, and proletariats of Europe are missing, where virtually everyone, including the nascent industrial worker has the mentality of an independent entrepreneur, two national impulses are bound to make themselves felt: the impulse toward democracy and the impulse toward capitalism” (*LT*, p. 89). For Hartz, “the absence of the experience of social revolution which is at the heart of the whole American dilemma” makes it “hard” for us “to understand Europe’s ‘social question’” or “the deeper social struggles of Asia” (*LT*, p. 306). For Hartz, a nonfeudal society was bound to lack both “a genuine revolutionary tradition” and “a tradition of reaction” (*LT*, p. 5). Unlike Europe, America “inherited” equality, without having to struggle for it (*LT*, p. 66).

Hartz thought the inheritance of equality explained the downside of the American experience, its stifling consensus. The absence of feudalism, citing William Ashley, meant “there was no need for the strong arm of a central power to destroy it” (*LT*, p. 43). It is the lack of a challenge, of a cause, that explains “the sterility of our political thought” (*LT*, p. 141). The American problem was not “the problem of the majority, which the Americans agonized themselves over so much, but the problem of virtual una-

1. Louis Hart, *The Liberal Tradition in America: An Interpretation of American Political Thought since the Revolution* (New York, 1991), p. 35; hereafter abbreviated *LT*. Alexis de Tocqueville’s account of America was multi-faceted, and included concerns that ranged from tyranny of the majority and rampant individualism to the absence of art; see Alexis de Tocqueville, *Democracy in America*, trans Arthur Goldhammer (1835; New York, 2004).

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nimity,” and it explains “why America has not produced a great philosophic tradition in politics in time of peace” (*LT*, pp. 141, 176).

The claim that America “inherited” equality rings hollow to anyone familiar with the history of slavery and to anyone who does not equate America with white America. Similarly, scholars of southern slave plantations have explored slavery’s link with feudalism and been skeptical of the claim that America had shed feudalism as a snake does its skin.²

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If Hartz focused on the US as a fragment of Europe, separated from it in space, Michael Walzer contrasted European nonimmigrant societies with the immigrant experience in America, exploring how immigration both necessitates and makes possible a radical rupture between culture and territoriality. This is how Walzer understood the difference between Europe and America. Where there is “an anciently established majority” as in European societies, “politics is bound to draw on its history and culture,” and “the state won’t be neutral in the American style.” Rather, “the existence of a majority nation will always make for a strong state.”³ The assumption that the Old World was made of polities with “established majorit[ies]” flies in the face of historical research that has documented the history of ethnic cleansing and the role of organized power in the making of nations;⁴ and so does the assumption that there was no such constructed majority in America.

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Walzer imagines America as a neutral state, a European majority comprised of immigrants instead of settlers, slaves, and natives. American pluralism, says Walzer, is not a sign of an empire but of an immigrant society. This pluralism, for Walzer, distinguishes immigrant societies like the US, Canada, and Israel from nonimmigrant societies like those in Europe.⁵ Difference in Europe was territorially grounded; in America it was groundless. For Walzer, Europe is “tribal” and America is “multicultural” (*W*, p. 15). If European tribalism was political, joining territory with nationality, American multiculturalism was cultural, based on a rupture between territory and nationality. But this rupture would be far more understandable if Walzer acknowledged the history of American multiculturalism, that it flowered on a bed prepared by the conquest and decima-

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2. I am thankful to Haun Saussy for pointing out the connection between the southern plantation system and European feudalism.

3. Michael Walzer, *What It Means to Be an American: Essays on the American Experience* (New York, 1996), p. 14; hereafter abbreviated *W*.

4. See Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (New York, 2006), and Eugen Weber, *Peasants into Frenchmen: The Modernization of Rural France, 1870–1914* (Stanford, Calif., 2006).

5. Since “nationality and ethnicity never acquired a stable territorial base” in this country, “the Old World call for self-determination had no resonance here” (*W*, p. 58).

tion of tribes in America. This single bit of historical honesty would clarify that immigrant societies—whether US, Canada, or Israel—are really settler societies.

The difference between the voluntary immigrant and the involuntary nonimmigrant is not just the difference between Europe and US; it also captures a key difference inside the US. Walzer was not unaware of this. “Here too, of course, there are conquered and incorporated peoples—Indian tribes, Mexicans—who stood in the path of American expansion,” he wrote, “and there are forcibly transported peoples—the blacks—brought to this country as slaves and subjected to a harsh and continuous repression” (W, p. 57). But Walzer considered the colonial question to be a historical relic: the rights of “aboriginal peoples like the Native Americans or the Maori in New Zealand . . . are eroded with time.”⁶ This erasure in time, this dimming of memory, according to Walzer, was true also of Palestinians inside Israel but not, for some reason, of ancient Israelites. Walzer never gives us a reason for this Israeli exceptionalism. When it comes to the future, Walzer goes on to recommend “some kind of local autonomy for Arab towns and villages” inside Israel but finds autonomy for American Indians problematic, for “it isn’t at all clear that their way of life can be sustained, even under conditions of autonomy, within liberal limits” because “it isn’t historically a liberal way of life.”⁷ Walzer’s ten- Fn6
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Walzer tends to naturalize the history of race and conquest. He says of the US: “the boundaries of the new country, like those of every other country, were determined by war and diplomacy,” and “immigration . . . determined the character of its inhabitants” (W, p. 58). In the process, he sets aside two salient facts: one, that conquest determined not just the boundaries of the US but its very body; and, two, that not everyone participated in the political constitution of this body or chose to immigrate to it. Walzer argues that American pluralism was an artifact of the majority race; even if minority races were “politically impotent and socially invisible,” he claims, “the shape” of American pluralism “was not determined by their presence or by their repression” (W, p. 58). But even if this were the

6. Walzer, *Thick and Thin: Moral Argument at Home and Abroad* (Notre Dame, Ind., 1994), p. 72.

7. Walzer, *On Toleration* (New Haven, Conn., 1997), pp. 43, 46.

case, surely Walzer's contrast between Old World corporatism (where groups are assigned members) and American voluntarism (where membership is self-assigned) holds only for ethnic groups that comprised the Euro (white) settler majority, not for racial groups that are nonwhite (see *W*, pp. 57, 58).

If Walzer is part of the liberal Right when it came to the literature on American exceptionalism, Seymour Martin Lipset is part of the liberal Left in the academy. Preoccupied with a single question—why is the US the only industrialized country without a significant socialist movement or labor party?—Lipset also turned to Tocqueville. Lipset noted that the question had been posed by some of the most important Left intellectuals in Europe, from the German socialist Werner Sombart in *Why Is There No Socialism in the United States?* to H. G. Wells in *The Future of America* to Friedrich Engels in *Socialism Utopian and Scientific* and Antonio Gramsci in his explorations of “Americanism.”⁸ Like all Tocquevillians, the Left also took its cue from the absence of a feudal past to understand why America had a weak Left political tradition. Wells said that the US lacked not only socialism but also Toryism. He traced this lack to the absence of two major social classes: a land-bound peasantry and an aristocracy. Evoking Tocqueville, he associated the former with a servile tradition and the latter with a sense of noblesse oblige, translated into a state responsibility for the social whole. Engels agreed: “A durable reign of the bourgeoisie has been possible only in countries like America, where feudalism was unknown, and society at the very beginning started from a bourgeois basis.”⁹ For Gramsci, Americanism was a form of pure rationalism, uninhibited by the traditional values of rigid social classes derived from feudalism. “Americans,” as Lipset paraphrases Gramsci, “regardless of class, emphasize the virtue of hard work by all, of the need to exploit nature rather than people” (*AE*, p. 87).

Lipset began with the contrast Walzer had drawn between the voluntary nature of New World association and the ascriptive character of Old World associations, tracing voluntarism in politics to the rupture between culture and territory in American society. He extended this analysis to religious groups in America, arguing that the voluntary and congregational character of religious life in the US most clearly distinguished it from the ascribed and hierarchical nature of churches in Europe. Unlike the European churches, whose state-guaranteed privileges had made for a

8. Quoted in Seymour Martin Lipset, *American Exceptionalism: A Double-Edged Sword* (New York, 1996), p. 87; hereafter abbreviated *AE*.

9. Quoted in Neil Davidson, *How Revolutionary Were the Bourgeois Revolutions?* (Chicago, 2012), p. 159.

pronounced antidemocratic orientation, American churches were “voluntary organizations in which congregational self-government was the predominant form of church government.”¹⁰ A common voluntarism in secular and religious life made for a marked resemblance in value systems in the religious and the secular sphere: “both sets of values stressed individual responsibility, both rejected hereditary status.” The two dominant Protestant denominations, the Methodists and the Baptists, “stressed religious doctrines that reinforced ‘anti-aristocratic tendencies.’”¹¹ “The emphasis on voluntary associations in America which so impressed Tocqueville, Weber, Gramsci, and other foreign observers as one of the distinctive American traits,” concluded Lipset, “is linked to the uniquely American system of ‘voluntary religion’” (AE, p. 61). Fm10

Marked by an institutionalized church hierarchy and reinforced by state-guaranteed privileges, was church governance in Europe the exception or the norm? Scholars who have sought to understand religious experience and institutionalized religion against the backdrop of religious life in the wider world have found the European case the exception, not the norm. Was not the creation of two separate orders—an institutionalized religious order, its boundaries policed by a religious hierarchy, and a secular order overseen by a state hierarchy, the former subordinate to the latter—brought to the non-Western world as part of the modern colonial project?¹² Fm12

One is struck by how Tocquevillian thought, whether Left or Right in orientation, was stamped with Eurocentrism. True, settlers had sought an escape from the corruption and traditional restraints of Europe. As Alexander Hamilton, one of America’s “founding fathers,” put it in *The Federalist Papers*, they came to build a state based on “reflection and choice” rather than “accident and force.” But that was not the whole story. Michael Rogin notes that “America clearly began not with primal innocence and consent but with acts of force and fraud. . . . Stripping away history did not permit beginning without sin; it simply exposed the sin at the beginning of it all.”¹³ Its sights set on an absence, that of a feudal past, this body of Tocquevillian thought was unable to focus on what was overwhelmingly Fm13

10. Lipset, *The First New Nation: The United States in Historical and Comparative Perspective* (New Brunswick, N.J., 2003), p. 159.

11. *Ibid.*, p. 162.

12. See Talal Asad, *Genealogies of Religion: Discipline and Reasons of Power in Christianity and Islam* (Baltimore, 1993) and *Formations of the Secular: Christianity, Islam, Modernity* (Stanford, Calif., 2003).

13. Michael Paul Rogin, *Fathers and Children: Andrew Jackson and the Subjugation of the American Indian* (New Brunswick, N.J., 2009), p. 3; hereafter abbreviated F.

present—the key social and political encounter in the making of America. That encounter was the conquest of America, which made for the native question in the US.

Aware that her Harvard colleagues had tended to focus on the white experience at the expense of minorities, Judith Sklar attempted a broader understanding of citizenship, one that consciously focused on its historical exclusions. “I have only tried to recall something that has too often been neglected by historians of American political thought: the enduring impact of slavery not merely on black Americans and on the Civil War generation generally, but also on the imagination and fear of those who were neither threatened by enslavement nor deeply and actively opposed to it.”¹⁴ Fn14 Sklar contrasted the trajectory of two movements engendered by two major exclusions in American citizenship: race and gender. She focused on different ways in which the Fifteenth Amendment impacted black people and women; while it “did not do nearly enough for the black voter,” the Fifteenth Amendment “did nothing at all for women.” The “bitter resentment” led to “an unhappy chapter in the women’s suffrage movement,” one that Sklar thought “particularly relevant to my story, because it illuminates the darker side of citizenship as standing” (*AC*, p. 57). This is how Sklar summed up the story:

The women’s suffrage movement had grown directly out of abolitionism, but when disenfranchised women saw black men achieve a right they still lacked, their deep racism quickly asserted itself, and it grew worse as they began to seek the support of southern women. . . .

When Wendell Phillips said, “One question at a time. This hour belongs to the Negro,” the suffragettes walked out on him. They saw their standing as above the black man’s, and they acted accordingly. It was a short-sighted move. [*AC*, pp. 57–58]

Compared to Walzer’s majority-embracing eulogy for America that excludes the minority because, after all, it is only a minority, Sklar’s attempt to work through minority exclusions is both morally compelling and politically illuminating. But Sklar’s analysis, like that of her predecessors, also left the Indian question out of consideration. Unlike all previous exclusions—ethnicity, race, and gender—the native question would provide a far more fundamental challenge to the celebration of citizenship in America. Engaging with the native question would require questioning the ethics and the politics of the very constitution of the United States of

14. Judith N. Sklar, *American Citizenship: The Quest for Inclusion* (Cambridge, Mass., 1991), p. 22; hereafter abbreviated *AC*.

America. It would require rethinking and reconsidering the very political project called the USA. Indeed, it would call into question the self-proclaimed anticolonial identity of the US. Highlighting the colonial nature of the American political project would require a paradigmatic shift in the understanding of America, one necessary to think through both America's place in the world and the task of political reform for future generations.

If political theory in America tended to gel around the acknowledgment of an absence, the same could not be said of those who wrote political history and who looked for a distinctive experience—a presence rather than an absence—to define the meaning of America. They defined that experience as the frontier. Writings on the American frontier developed along two divergent lines: the natural and the social. For the former, the frontier was the wilderness; for the latter, it was the Indian. Each provided the historical foundation for a distinctive and dominant political movement: populist agrarianism and progressivism.

The notion of the frontier as wilderness was best elaborated in Frederick Jackson Turner's 1893 address to the American Historical Association on "The Significance of the Frontier in American History." As J. H. Elliott argues, Turner thought that the frontier "stimulated invention and rugged individualism, and was the important element in the formation of a distinctively 'American' character."¹⁵ The historian who famously shared Fm15 Turner's assumption that the existence of the frontier was key to understanding America's unique history and political economy was Charles Beard. There was not one frontier but many, wave upon wave: the transoceanic wave, the wave from the seaboard to the Alleghanies, the wave across the Alleghany frontier, and so on. So powerful was the frontier as a metaphor for successive stages that were seen to make up American history that it found a place in John F. Kennedy's 1960 inaugural call to mobilize around a new frontier. Each frontier moved outward, and that movement was always seen as progressive. For many, the frontier was the site of a struggle that defined the key ideological contest in American history, that between popular forces identified as Western and centralizing forces identified as Eastern.¹⁶ Fm16

To the extent that the frontier thesis focused on nature rather than society and polity, it was subject to a devastating critique; to begin with, nature (as in "God's creation") was universal and therefore could not

15. J. H. Elliott, *Empires of the Atlantic World: Britain and Spain in America 1492–1830* (New Haven, Conn., 2006), p. xiv.

16. See Richard Slotkin, *The Fatal Environment: The Myth of the Frontier in the Age of Industrialization, 1800–1890* (Norman, Okla., 1985), pp. 37–39, 41, 283.

explain the uniqueness of the American experience. The land the settlers conquered was cultivated to different degrees; it was a cultivated land, a historical landscape, not nature. Alongside the notion of the frontier as wilderness developed another thesis that recognized this, even if perversely. It was the work of political historians whose writing was less reflective and more instrumental to statecraft. The contrast between the two developed as an ideological contest, the dominant alternatives being populism and progressivism.¹⁷ If populism highlighted an agrarian reading of American history, progressivism provided a reading filtered through Indian wars. If agrarian populism mentioned Indian wars, it was as a prehistory and not as the real stuff of American history. That real action was said to be the work of the democratic yeoman farmer, whose individual toil was said to be responsible for the clearing and cultivation of the soil and the continuous extension of the frontier. As Richard Slotkin noted in his remarkable study of violence in America, this collective hero—very much in the spirit of Walt Whitman—took the credit for the unfolding democratic process on the American frontier. Among those who developed the notion of agrarian democracy in America were Thomas Jefferson and Andrew Jackson. Like Turner, the ideologues of agrarian populism also marginalized the role of violence in the development of the frontier.¹⁸

If populism took the cue from Turner and explained America's great triumph as the taming of nature, progressivism unabashedly center-staged Indian wars in its reading of the past. If agrarian populism saw American history through an economic lens—man against nature—progressivism saw the same history through a political lens. This political struggle was one for mastery between races. At its heart was the struggle between the settler and the native, recast as an epochal contest between the civilized and the savage. Since the dispossession of the Indians “did not happen once and for all in the beginning,” as it were, “America was continually beginning again on the frontier, and as it expanded across the continent, it killed, removed, and drove into extinction one tribe after another” (*F*, p. 3).

This was history as foundational mythology, a narrative that can be found in two related histories of the West that appeared in the second half of the nineteenth century: one by Francis Parkman and the other by Theodore Roosevelt. Published between 1859 and 1892, Parkman's monumental history of colonial Indian wars gave an account of intertribal rivalries that

17. And there were plenty of “rejected alternatives—such as non-populist agrarianism—that survived as splinter-party and sectional interests” (Haun Saussy, email to author, 21 Nov. 2013).

18. See Slotkin, *The Fatal Environment*, pp. 52, 55

were established as historical orthodoxy: “the idea that Indian warfare was characteristically exterminationist and genocidal in its objective and tactics.”¹⁹ It was more a projection of settler warfare than a characterization of Indian wars. Parkman was not only “one of young Roosevelt’s favorite authors” but also “his model as a historian” (G, p. 35). The influence was evident in Roosevelt’s seven volumes titled *The Winning of the West*. Roosevelt’s West is not a confrontation of man and wilderness but a Darwinian contest for mastery between contending races. Roosevelt, writes Slotkin, “‘naturalizes’ force and violence by representing it chiefly through stories of his big-game hunts” (G, p. 45). In this literature, the primary agent of American expansion is “the man who knows Indians,” from the fictional Hawkeye to historical figures like Daniel Boone and Davy Crocket, Robert Rogers of the Rangers, Kit Carson, Sam Houston, and in particular the “three hunter-presidents, Washington, Jackson, and Lincoln” (G, p. 42). Indian wars are the motive force of this history. They occur at the border between civilization and savagery. War is endemic and terminal: in Roosevelt’s words, “‘the chief feature of frontier life was the endless warfare between the settlers and the red men’” (G, p. 52). Peace is only possible if the savage is unconditionally pacified, even exterminated, for peace is only possible between those who “‘feel the same spirit’” (G, p. 52). It recalls Walzer’s opposition to autonomy for American Indians for the simple reason that their way of life “isn’t historically a liberal way of life.” In today’s language, that same thesis is reformulated as that of democratic peace, claiming that peace is only possible between liberal democracies. It is as if armed Mafia gangs were to use an ongoing feud between armed gangs as the basis for asserting a truism, that the only peace can be an armed peace.

Those who argue some version of American exceptionalism tend to agree that the absence of feudalism made central power weak but individual liberties strong in America. And yet a strong central power did develop, if not to destroy feudalism, then to destroy slavery and to wage colonial wars—first against Indian tribes, then against neighbors, and then in the world at large. Eric Foner has contrasted the revolution and the Civil War as two radically opposed moments in the constitution of central and local power in the undergirding of individual liberty. If the American Revolution was driven by the preoccupation that centralized power posed the major threat to individual liberties—with this presumption written into the Bill of Rights—the aftermath of the Civil War saw a sharp reversal in

19. Slotkin, *Gunfighter Nation: The Myth of the Frontier in Twentieth-Century America* (Norman, Okla., 1992), p. 35; hereafter abbreviated G.

perspective so that freedom seemed in greater danger from local than from national authority. Thus the tendency in Reconstruction was to strengthen central power at the expense of local power, so as to ensure the liberty of citizens.²⁰

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The Fourteenth Amendment carried forward the state-building process born of the Civil War by limiting the powers of states and increasing the powers of Congress. The Reconstruction Act of 1867 divided eleven Confederate states (except Tennessee) into five military districts under commanders instructed to employ the army to protect life and property. At the same time, Congressional passage of the Habeas Corpus Act greatly expanded citizens' ability to remove cases from local to federal courts.²¹ Four years later, Congress passed an even more sweeping measure to curtail local violence; when the Ku Klux Klan Act of 1871 designated certain crimes committed by individuals as offenses punishable under federal law, it made violence infringing civil and political rights a federal crime. The law authorized widespread federal intervention in state affairs. If sanctioned by state authorities, "conspiracies to deprive citizens of the right to vote, hold office, serve on juries, and enjoy the equal protection of the laws" could be the subject of prosecution by federal district attorneys.²²

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This same period that introduced measures to enhance African American participation in the US saw a definitive exclusion of Indians from that same political community. Both developments were enforced by an expanded federal power and were in turn evoked to justify that same expansion. As did article 1, section 2 of the Constitution, the Fourteenth Amendment pointedly excluded "Indians not taxed"—that is, tribal Indians living on reservations—from the right to vote or to be elected to Congress.²³ As Akhil Reed Amar has pointed out, "this Indian exclusion appeared in plainer language in the text of the companion Civil Rights Act of 1866, 14 Stat. 27."²⁴ The provision in the act legislated the principle of birthright citizenship, but it excluded Indians: "All persons born in the United States and not subject to any foreign power, excluding Indians not

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20. In only its second number, *The Nation*, a magazine founded in 1865 by antislavery activists, underlined the connection between federal power and a unitary citizenship: "The issue of the war marks an epoch by the consolidation of nationality under democratic forms. . . . The prime issue of the war was between nationality one and indivisible, and the loose and changeable federation of independent States" (quoted in Eric Foner, *Reconstruction: America's Unfinished Revolution, 1863–1877* [New York, 1988], pp. 24–25).

21. See *ibid.*, pp. 276–77.

22. *Ibid.*, pp. 454–55.

23. U.S. Const. amend. 14, § 2.

24. Akhil Reed Amar, *America's Constitution: A Biography* (New York, 2005), p. 439n.

taxed, are hereby declared to be citizens of the United States.”²⁵ Instead of Fn25
 being conferred citizenship, Indians were herded into semicaptivity in en-
 closures known as reservations; initiated by Lincoln after the Civil War, the
 development of these reservations accelerated under President Ulysses S.
 Grant in 1869. The first great postrevolutionary era of democratic reform
 in US history, the Reconstruction closed the door firmly on any hopes of
 including Indians in the political community called the United States.

The most poignant and searching autonarratives in the American au-
 tobiography concern the race question, not the native question. More than
 any other issue, race—and increasingly gender—has been at the cutting
 edge of reform in America. The importance of race was evident in the
 aftermath of the Civil War. As Hartz noted, race-based mobilization
 around the question of slavery led to the disintegration of the entire Dem-
 ocratic Party.²⁶ Historically, citizenship struggles in the US have drawn Fn26
 energy from the African American struggle for equal rights, just as the
 momentum for more recent immigration struggles has come from Latino
 struggles for rights of residency and citizenship. If America’s greatest social
 successes have been registered on the frontier of race, the same cannot be
 said of the frontier of colonialism. If the race question marks the cutting
 edge of American reform, the native question highlights the limits of that
 reform. The thrust of American struggles has been to deracialize but not to
 decolonize. A deracialized America still remains a settler society and a
 settler state.

Not only are there important differences in the political and social lo-
 cation of African Americans and American Indians, these differences also
 translate into the lack of a shared perspective on emancipation and strat-
 egies for it. For the settler, African Americans signified labor; in contrast,
 American Indians were the source of land. If settlers sought to master
 African slaves as individuals, they set about conquering American Indians
 as entire tribes. In the language of the law, the African American was like a
 dog that could be tamed, but the Indian American was more like a cat that
 remained wild. If African Americans faced the alternative between return-
 ing to Africa and a struggle for equal citizenship in America—with Marcus
 Garvey calling for return and W. E. B. Du Bois for equal citizenship—the
 Native American could make no such distinction. Native American groups
 continue to call for a pale semblance of independence through tribal sov-
 ereignty. From this point of view, a struggle for equal citizenship looks like

25. Civil Rights Act, 14 Stat. 27 (1866).

26. See Louis Hartz, *The Founding of New Societies: Studies in the History of the United States, Latin America, South Africa, Canada, and Australia* (New York, 1964), pp. 94–95.

a masked acceptance of final defeat: total colonization. For the American who empathizes with the African American struggle for equal citizenship, discussing the race question is often a way to avoid the native question.

Looked at from this vantage point, the American experience is both exceptional and pioneering. If the US is exceptional, it is not because of what it lacks but because of what it is. One autobiography of America sees the country as the first new nation, the child of the first modern anticolonial revolution. A single-minded celebration of this history has hidden from public consciousness a fact far more constitutive of America: the conquest and decimation of American Indians. America is not just the first new nation; it is also the first modern settler state. What is exceptional about America, the USA, is that it has yet to pose the question of decolonization in the public sphere.

The significance of this became clear to me in 1993 when first I went to South Africa to study apartheid as a form of the state. I realized that basic institutions of apartheid had been created long before the name and the state came into being. The ethnic cleansing of the African population of South Africa began as early as 1913 when the Natives Land Act declared 87 percent of the land for whites and divided the remaining 13 percent into tribal homelands for the native population. These homelands were called reserves. I wondered why the name sounded so uncannily like the American reservation. The answer was illuminating and chilling. White South Africa became independent from Britain in 1910. That same year, the new settler government sent a delegation to North America, specifically to the US and Canada, to study how to set up tribal homelands; for, after all, they had first been created in North America half a century before. The American reservation became the South African reserve.

Inserted in the history of colonialism, America appears less as exceptional and more as a pioneer in the history and technology of settler colonialism. All the defining institutions of settler colonialism were produced as technologies of native control in North America. The first of these was the concentration of natives in tribal homelands. The prototype concentration camp from which the Nazis drew inspiration was not the one built by the British to confine Boers during the Anglo-Boer War; rather, it was the reservation built to confine Indian tribes—under the watch of Presidents Lincoln and Grant in mid-nineteenth-century America. Like the South African reserve and the tribal homeland in British indirect-rule colonies, the reservation went alongside other basic institutions. One was a separate system of governance typified by two institutions: on the one hand, an unaccountable and unelected native authority; and on the other, an equally unaccountable customary law wielded by this native authority.

The second basic institution in the making of the reservation was the technology known as the pass system.

The pass system first originated in the slave plantations of the American South and was designed to regulate the movement of slaves outside the plantation. Because many slaves had family—including spouses and children spread out in different plantations—plantation visits, like those to nearby towns, were monitored through the pass system. The pass system became critical to the control of black people, slave or not, subjecting them to forms of harassment that ranged from questioning, searches, whipping, and beating—whether or not the person concerned had broken the law.²⁷ Fn27 When it came to the American reservation and the African reserve, the pass system was forced on the Apache and other North American Indian tribes long before it was forced on any colonized African.

In the middle of the nineteenth century, around the same time as the reservation system was being forged, three landmark judgments issued by Chief Justice of the US Supreme Court, Justice John Marshall, sealed the fate of American Indians as a colonized people in the heartland of America. Marshall characterized American Indians as domestic dependent nations, autonomous but unfree, condemned to live as wards under federal tutelage. Marshall's rulings continue to provide the basic legal framework for federal governance—really oversight and custodianship—of American Indians to this day.

Demonized in the Declaration of Independence as “savages” and never included in the Constitution as part of the rights-bearing political community of Americans, American Indians have been treated by the Supreme Court as wards of the government of the United States. American Indians were declared citizens in 1924, but they were the only adult citizens also to be wards—as long as they lived in the reservation and were committed to its way of life. What does it mean to be both citizen and ward? It means that those who live in reservations enjoy no constitutionally guaranteed freedoms, freedoms that may be subject to judicial review by the Supreme Court. They possess political rights but not civil rights. They can vote and be voted into office, but they are the only adult citizens of the US who as a population are subject to rule by a decree of Congress, a body in which they have no representation as a people. Any freedoms they may enjoy are at sufferance of this body that has powers to grant or withdraw these provisions at will. The Civil Rights Act of 1964 does not apply to American

27. See Sally E. Hadden, *Slave Patrols: Law and Violence in Virginia and the Carolinas* (Cambridge, Mass., 2001), and Stanley W. Campbell, *The Slave Catchers: Enforcement of the Fugitive Slave Law, 1850–1860* (Chapel Hill, N.C., 1970).

statement of Mwalimu Julius Nyerere, the former president of Tanzania, to a visiting Palestinian delegation in the 1960s, that Palestinians had suffered a fate worse than had South Africans. In Nyerere's words: We only lost our independence, you lost your country! For a parallel that will illuminate the relation between Israel and Palestine, we should look at America more than South Africa. The 1924 Indian Citizenship Act in the US unilaterally "declared"—meaning compelled—"all non citizen Indians born within the territorial limits of the United States . . . to be citizens of the United States."³⁰ Even then, Indians were considered naturalized citizens, not citizens by birthright as native-born Americans. The distinction invites parallels with the difference between Palestinian and Jewish Israelis. One single fact, the right of return, testifies that Israeli citizenship is a birthright for Jews, not for Palestinians, who are akin to naturalized citizens. Even after Indians were declared citizens in the US, they were often denied voting rights by individual states. This remained true for several decades. Today, the real distinction between Native Americans who live in reservations and other Americans is not in their political but in their civil rights; just as in Israel, the state guarantees equal political rights for Jewish and Palestinian citizens. But that is where equal treatment ends. Like American Indians in reservations, Palestinian Israelis may have the right to vote or even to be elected to office, but they live under a state of exception that denies them constitutionally defensible civil rights. Fn30

I would like to close with a comment on political history. To read some of the early treaties between Indian tribes and the Confederacy in the US is to realize that settlers began by promising Indians a *one-state solution*. The era of one-state solution ends with the Confederacy promising the tribes direct representation in Congress—provided the tribes behave!—and begins with Andrew Jackson's Indian Removal Act of 1830 and the ethnic cleansing of Indians from east of Mississippi. The Jackson era combined a dual policy—genocide and confinement. The decimation of the weak, Jackson argued and whites agreed, was an inevitable consequence of progress. By the end of Jackson's presidency, "every tribe east of the Mississippi and south of Lake Michigan, save for two tiny bands in Ohio and Indiana, had come under government removal programs." By 1844, "removal up-

Threatening Bill's Passage," *Jerusalem Post*, 10 Dec. 2013, www.jpost.com/Diplomacy-and-Politics/MKs-learn-Beduin-were-in-the-dark-over-resettlement-plan-threatening-bills-Knesset-passage-334502

30. Indian Citizen Act (1924); my emphasis.

rooted 70,000 southern Indians from their homes . . . only a few thousand, scattered in swamps and mountains, were left” (*F*, p. 206). This is how Jackson justified the genocide of Indians:

“Humanity has often wept over the fate of the aborigines of this country, and Philanthropy has been busily engaged in devising means to avert it, but its progress has never for a moment been arrested, and one by one have many powerful tribes disappeared from the earth. To follow to the land the last of his race and to tread on the graves of extinct nations excites melancholy reflections. But true philanthropy reconciles the mind to these vicissitudes, as it does to the extinction of one generation to make room for another.” [*F*, p. 248]

The second great wave of genocidal violence followed the admission of California to the Union as a free state, after the compromise of 1850. California Governor Peter H. Burnett refused to “regret” the mass hunt and murder of California Indians. In Rogin’s words, the result was “a genocide that concentrated in time, space, and brutality the Jacksonian project of Indian dispossession.” Governor Burnett predicted, in his 1851 annual message, “that a war of extermination will continue to be waged between the two races until the Indian race becomes extinct” (*F*, p. xxvi).

The new promise was of a *two-state solution*—a white state east of the Mississippi and an Indian state west of the Mississippi. Following the Civil War, the Indian state in the promised two-state solution turned into a ministate, Oklahoma, different from other states in that its parliament would function under a federally appointed governor who would rule by decree. This was no longer a two-state solution but a white state ruling an Indian Bantustan by decree. And then came the forerunners of concentration camps, called reservations.

The reservation regime came dressed in a language of paternalism. White authorities had insisted since colonial days that Indians address them as father. From presidents to frontier governors, Indian agents, treaty commissioners, generals, secretaries of war, and superintendents of Indian affairs, all referred to Indians as their children. Jackson began using the parent-child metaphor during the negotiations leading to the 1817 Cherokee treaty. The first recorded reference to Jackson speaking of himself as the protector of red children is during the negotiations leading to the Choctaw treaty of 1820. He claimed to be the defender of “real Indians” against the very chiefs he was bribing to sign the treaty (*F*, p. 174). At the same time, he urged Congress to become the tribal “guardian” (*F*, p. 144). In Jacksonian language, Indians ranged from being “savage bloodhounds”—“savages” in the American constitution—to children who

needed protection (*F*, p. 147). The infantilization of the Indians who survived was part of a larger argument that without federal protection they were sure to become extinct. There must have been many who refused. One such instance survives in a record of negotiations between William Henry Harrison and the Shawnee chief Tecumseh. According to this report, the interpreter said to Tecumseh, “Your father requests you to take a chair.” “My father!” replied the chief. “The sun is my father, and the earth is my mother; I will repose upon her bosom” (*F*, p. 209).³¹

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Settlers’ numbers replenished in geometric fashion from across the Atlantic, and they mounted one onslaught after another, wave upon wave, on Indians. Indians debated the way forward. Some called for accommodation with the whites, while others called for resistance. But neither solution proved workable. As tribe after tribe divided between resisters and accommodationists, civil wars raged inside Indian communities, in some cases as many as five civil wars in ten years. Eventually, both sides lost. All were interned in reservations. None could see a future ahead. Isolation bred despair and led to some of the highest rates of suicide in the world.

This tragic history is punctuated with sparks of resistance. The most spectacular Indian resistance, resistance that kept the flame of hope flickering, happened when the adversary was divided: when the British fought the French, the settlers fought the British, and the South fought the North. The rest of the time, Indians were isolated, contained, neutralized, defeated, and demoralized.

This is where we reach the limits of the parallel with Palestinians. Indians lived in a world and at a time of the ascendancy of empire, of race, of the constellation of modern power we know as the West. That context is changing. In Bob Dylan’s memorable words: the times they are a-changing! We are now reaching the end of a period of five centuries of Western domination, a period that began in 1492. Is it likely that Palestinians will be isolated and interned as American Indians were in an earlier era? You need only think of the tumultuous political convulsions known as the Arab Spring. Even if much is up in the air and the verdict is mixed, one thing is clear: Palestinian political isolation in the Middle East is gradually becoming history. I am talking of a trend, not an accomplished outcome. Nothing is inevitable. But some things are possible. It is now possible to imagine a free Palestine and a democratic Israel. It really does not matter

31. On “protecting” red children, see *F*, pp. 185, 188; on infantilization, see *F*, pp. 208, 292; on “liberating” poor Indians from “corrupt and despotic” tribal governments, see *F*, p. 292; on Tecumseh’s defiance of paternalism, see *F*, p. 209.

whether the outcome is one state, two states, or many states. What matters is that these states be democratically constituted.

What does it mean for America, the world's first settler colony, to be decolonized? For those who think that such a question is anachronistic in the aftermath of the Indian genocide—given that a small number survive today—it is well worth asking: what did it mean to de-Nazify Germany in the aftermath of the genocide of Jews? To ask such a question is to go beyond a narrow focus on surviving Jews, and their relations to Germans, to a broader focus on the institutions and the mindset that was made possible and was reinforced by that genocide and support the very institutional and ideological makeup of postgenocide German society and its relations with the wider world.

It is fitting to recall the words of Felix Cohen, a renowned Indian law specialist in America, who dared his audience to think of a different future. Writing in the highly charged moral and political atmosphere that followed the Holocaust, Cohen observed:

The Indian plays much the same role in our American society that the Jews played in Germany. Like the miner's canary, the Indian marks the shift from fresh air to poison gas in our political atmosphere; and our treatment of Indians . . . reflects the rise and fall in our democratic faith.³²

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We may add: the Palestinian plays that same role in contemporary Israeli society.

32. Quoted in Rennard Strickland, "Genocide-at-Law: An Historic and Contemporary View of the Native American Experience," *University of Kansas Law Review* 34 (Summer 1986): 719.