

Denver Law Review

Volume 78

Issue 4 *Latcrit V Symposium - Class in LatCrit:
Theory and Praxis in a World of Economic
Inequality*

Article 17

December 2020

Post-Colonialism and the Question of Nation-State Violence

E. San Juan Jr.

Follow this and additional works at: <https://digitalcommons.du.edu/dlr>

Recommended Citation

E. San Juan, Post-Colonialism and the Question of Nation-State Violence, 78 Denv. U. L. Rev. 887 (2001).

This Article is brought to you for free and open access by Digital Commons @ DU. It has been accepted for inclusion in Denver Law Review by an authorized editor of Digital Commons @ DU. For more information, please contact jennifer.cox@du.edu, dig-commons@du.edu.

POST-COLONIALISM AND THE QUESTION OF NATION-STATE VIOLENCE

E. SAN JUAN, JR.¹

It has become axiomatic for post-modernist thinkers to condemn the nation and its corollary terms, "nationalism" and "nation-state," as the classic evils of modern industrial society. The nation-state, its reality if not its concept, has become a kind of malignant paradox, if not a sinister conundrum. It is often linked to violence and the terror of "ethnic cleansing." Despite this, the United Nations and the interstate system still function as seemingly viable institutions of everyday life. How do we explain this development?

Let us review the inventory of charges made against the nation-state. Typically described in normative terms as a vital necessity of modern life, the nation-state has employed violence to accomplish questionable ends. Its disciplinary apparatus is indicted for committing unprecedented barbarism. Examples of disasters brought about by the nation-state are the extermination of indigenous peoples in colonized territories by "civilizing" nations, the Nazi genocidal "holocaust" of Jews, and most recently the "ethnic cleansing" in the former Yugoslavia, Rwanda, East Timor, and so on. Following Elie Kedourie, Partha Chatterjee, and others, including Alfred Cobban, I believe that the Eurocentric theory of nationalism has proved one of the most potent agencies of destruction in the modern world.² In certain cases, nationalism mobilized by states competing against other states has become synonymous with totalitarianism and fascism. Charles Tilly, Michael Howard, and other historians concur in the opinion that war and the military machine are principal determinants in the shaping of nation states.³ In *The Nation-State and Violence*, Anthony Giddens defines nationalism as "the cultural sensibility of sovereignty" (note the fusion of culture and politics) that unleashes administrative power within a clearly demarcated territory, "the bounded nation-state."⁴ Although it is allegedly becoming obsolete under the pres-

1. E. San Juan, Jr. is a fellow of the Center for the Humanities, Wesleyan University, and visiting professor, Department of English, Wesleyan University, Middletown, CT.. He was recently chair of the Department of Comparative American Cultures, Washington State University, and professor of Ethnic Studies, Bowling Green State University, Ohio.

2. See generally, ELIE KEDOURIE, NATIONALISM (1960); ALFRED COBBAN, THE NATION STATE AND NATIONAL SELF-DETERMINATION (1969); PARTHA CHATTERJEE, THE NATION AND ITS FRAGMENTS (1993).

3. See CHARLES TILLY, THE FORMATION OF NATIONAL STATES IN WESTERN EUROPE; MICHAEL HOWARD, THE LESSONS OF HISTORY (1991).

4. ANTHONY GIDDENS, THE NATION-STATE AND VIOLENCE 219 (1985).

sure of globalization,⁵ the nation-state is considered by “legal modernists” as the prime source of violence against citizens and entire peoples.⁶

Post-modernist critiques of the nation (often sutured with the colonialist/imperialist state) locate the evil in its ideological nature. This primarily concerns the nation as the source of identity for modern individuals via citizenship or national belonging, converting natal filiation (kinship) into political affiliation. Identity implies definition by negation, inclusion based on exclusion underwritten by a positivist logic of representation.⁷ But these critiques seem to forget that the nation is a creation of the modern capitalist state, that is, a historical artifice or invention.

It is a truism that nation, and its corollary problematic, nationalism, presupposes the imperative of hierarchization and asymmetry of power in a political economy of commodity-exchange. Founded on socially constructed myths or traditions, the nation is posited by its proponents as a normal state of affairs used to legitimize the control and domination of one group over others. Such ideology has to be deconstructed and exposed as contingent on the changing grid of social relations. Post-colonial theory claims to expose the artificial and arbitrary nature of the nation: “This myth of nationhood, masked by ideology, perpetuates nationalism, in which specific identifiers are employed to create exclusive and homogeneous conceptions of national traditions.”⁸ Such signifiers of homogeneity not only fail to represent the diversity of the actual “nation” but also serve to impose the interests of a section of the community as the general interest. But this is not all. In the effort to make this universalizing intent prevail, the instrumentalities of state power—the military and police, religious and educational institutions, judiciary and legal apparatuses—are deployed. Hence, from this orthodox post-colonial perspective, the nation-state and its ideology of nationalism are alleged to have become the chief source of violence and conflict since the French Revolution.

Mainstream social science regards violence as a species of force, which violates, breaks, or destroys a normative state of affairs. It is coercion *tout court*. Violence is often used to designate power devoid of legitimacy or legally sanctioned authority. Should violence as an expression of physical force always be justified by political reason in order to be meaningful and therefore acceptable? If such a force is used by a state, an inherited political organ legitimized by “the people” or “the

5. See generally SASKIA SASSEN, *GLOBALIZATION AND ITS DISCONTENTS* (1998).

6. See generally Nathaniel Berman, *Modernism, Nationalism and Rhetoric of Reconstruction*, in *AFTER IDENTITY: A READER IN LAW AND CULTURE* (Dan Danielson & Karen Engle eds. 1995).

7. See generally ETIENNE BALIBAR & IMMANUEL WALLERSTIEN, *RACE, NATION, CLASS: AMBIGUOUS IDENTITIES* (1991).

8. BILL ASHCROFT ET AL., *KEY CONCEPTS IN POST COLONIAL STUDIES* 150 (1998).

nation," should we not distinguish between state-defined purposes and in what specific way nationalism or nation-making identity is involved in those state actions? State violence and assertion of national identity need not be automatically conflated so as to implicate nationalism in all class/state actions in every historical period. Such a move would be an absolutist censure of violence bereft of intentionality. In other words, violence would be construed as merely physical force akin to tidal waves, earthquakes, volcanic eruptions, and so on.

Violence, in my view, signifies a political force that demands dialectical triangulation in order to grasp how nation and state are implicated in it. A historical-materialist historicization of this phenomenon is needed to determine the complicity of individual states and nations in specific outbreaks of violence. But post-colonialists like Homi Bhabha resort to a questionable use of the discursive performativity of language to ascribe a semiotic indeterminacy to the nation, reducing it to a formula of hybridity and liminality of the multifarious narratives of nations/peoples.⁹ History is reduced to the ambiguities of culture and the play of textualities, ruling out critique and political intervention.

In this light, what makes the post-colonialist argument flawed becomes clear in the fallacies of its non-sequitur reasoning. It is perhaps easy to expose the contingent nature of the nation once its historical condition of possibility is pointed out. But it is more difficult to contend that once its socially contrived scaffolding is revealed, the nation-state and its capacity to mobilize and apply the means of violence can be restricted if not curtailed.

We can pose this question at this point: Can one seriously claim that once the British state is shown to rest on the myth of the Magna Carta or the United States government on the covenant of the Founding Fathers to uphold the interests of every citizen, except of course African slaves and other non-white peoples, one has undermined the power of the British or American nation-state? Not that this is an otiose and naive task. Debunking has been the classic move of those protesting against an unjust status quo purporting to be the permanent and transcendental condition for everyone.

But the weapon of criticism, as Marx once said, needs to be reinforced by the principled criticism of weapons.¹⁰ If we want to guard against committing the same absolutism or essentialism of the imperial nationalists, we need a historicizing strategy of ascertaining how force—the energy of social collectivities—turns into violence for the creation or

9. See HOMI BHABHA, *THE LOCATION OF CULTURE* (1994).

10. See KARL MARX, *CRITIQUE OF HEGEL'S PHILOSOPHY OF RIGHT* 137 (Annette Jolin & Joseph O'Malley trans., 1970) "The weapon of criticism certainly cannot replace the criticism of weapons; material force must be overthrown by material force; but theory, too, becomes a material force once it seizes the masses."

destruction of social orders and singular life-forms. Understood as embodying "the pathos of an elemental force," the insurrectionary movements of nationalities have been deemed the source of a vital and primordial energy that feeds "the legal Modernist composite of primitivism and experimentalism," a fusion of "radical discontinuity and reciprocal facilitation."¹¹

The question of the violence of the nation-state thus hinges on the linkage between the two categories, "nation" and "state." A prior distinction perhaps needs to be made between "nation" and "society." While the former "may be ordered, the [latter] orders itself."¹² Most historical accounts remind us that the modern nation-state has a beginning, and consequently, it is often forgotten, an ending. But the analytic and structural distinction between the referents of nation (local groups, community, domicile or belonging) and state (governance, machinery of sanctioning laws, disciplinary codes, military) is often elided because the force of nationalism is often conflated with the violence of the state apparatuses, an error compounded by ignoring the social classes involved in each sphere. This is the lesson of Marx and Lenin's necessary discrimination between oppressor and oppressed nations—a nation that oppresses another cannot really claim to be free. Often the symptom of this fundamental error is indexed by the formula of counter-pointing the state to civil society, obfuscating the symbiosis and synergy between them. This error may be traced partly to the Hobbesian conflation of state and society in order to regulate the anarchy of the market and of brutish individualism violating civil contracts.¹³

It may be useful to recall the metaphysics of the origin of the nation elaborated in Ernest Renan's 1882 lecture, "What is a nation?"¹⁴ This may be considered one of the originary locus of nationalism conceived as a primitivist revolt against the centralized authority of modernizing industrial states. While Renan emphasized a community founded on acts of sacrifice and their memorialization, this focus does not abolish the fact that the rise of the merchant bourgeoisie marked the start of the entrenchment of national boundaries first drawn in the age of monarchical absolutism.¹⁵ The establishment of the market coincided with the introduction of taxation, customs, tariffs, etc., underlined by the assertion of linguistic distinctions among the inhabitants of Europe. Karl Polanyi's thesis of *The Great Transformation* urges us to attend to the complexities in the evolution of the nation-state in the world system of commodity

11. See Berman, *supra* note 6, at 238.

12. See generally MICHAEL BROWN, *THE PRODUCTION OF SOCIETY* (1986).

13. See generally BERTELL OLLMAN, *DIALECTICAL INVESTIGATIONS* (1993).

14. Ernest Renan, "Qu'est-ce qu'une nation?" in *NATIONALISM* (John Hutchinson and Anthony D. Smith eds., 1994).

15. *Id.* at 17-18.

exchange.¹⁶ We also need to attend to Ernest Gellner's argument that cultural and linguistic homogeneity has served from the outset as a functional imperative for states administering a commodity-centered economy and its class-determining division of social labor.¹⁷

Post-colonialists subscribe to a post-structuralist hermeneutic of nationalism as a primordial destabilizing force devoid of rationality. While the formation of the nation-state in the centuries of profound social upheavals did not follow an undisturbed linear trajectory, we have only to remember the untypical origins of the German and Italian nation-states, not to speak of the national formations of Greece, Turkey, and the colonized peoples; however, that is not enough reason to ascribe an intrinsic instability and belligerency to the nation as such. States may rise and fall, as the absolute monarchs and dynasties did, but sentiments and practices constituting the nation follow another rhythm or temporality not easily dissolved into the vicissitudes of the modern expansive state. Nor does this mean that nations, whether in the North or the South, exert a stabilizing and conservative influence on social movements working for radical changes in the distribution of power and resources.

In pursuing a historical analysis of violence, we need to avoid collapsing the distinction between the concept of the "nation-state" and "nationalism." Whence originates the will to exclude, the will to dominate? According to Anthony Giddens, "what makes the 'nation' integral to the nation-state . . . is not the existence of sentiments of nationalism but the unification of an administrative apparatus over precisely defined territorial boundaries in a complex of other nation-states."¹⁸ That is why the rise of nation-states coincided with wars and the establishment of the military bureaucratic machine. In this construal, the state refers to the political institution with centralized authority and monopoly of coercive agencies coeval with the rise of global capitalism, while nationalism denotes the diverse configuration of peoples based on the commonality of symbols, beliefs, traditions, and so on.

In addition, we need to guard against confusing historical periods and categories. Imagining the nation unified on the basis of secular citizenship and self-representation, as Benedict Anderson has shown, was only possible when print capitalism arose in conjunction with the expansive state.¹⁹ But that in turn was possible when the trading bourgeoisie developed the means of communication under pressure of competition and hegemonic exigencies. Moreover, the dissemination of the Bible in different vernaculars did not translate into a monopoly of violence by the

16. See generally KARL POLANYI, *THE GREAT TRANSFORMATION* (1957).

17. See generally ERNEST GELLNER, *NATIONS AND NATIONALISM* (1983).

18. See GIDDENS, *supra* note 4, at 172.

19. See generally BENEDICT ANDERSON, *IMAGINED COMMUNITIES: REFLECTIONS ON THE ORIGIN AND SPREAD OF NATIONALISM* (1991).

national churches. It is obvious that the sense of national belonging, whether based on clan or tribal customs, language, religion, etc., certainly has a historical origin and localizing motivation different from the emergence of the capitalist state as an agency to rally the populace to serve the needs of the commercial class and the goal of accumulation.

Given the rejection of a materialist analysis of the contradictions in any social formation, post-colonial critics in particular find themselves utterly at a loss in making coherent sense when dealing with nationalism. Representations of the historicity of the nation in the modern period give way to a Nietzschean will to invent reality as polysemic discourse, a product of enunciatory and performative acts. Post-colonialism resorts to a pluralist if not equivocating stance. It sees nationalism as "an extremely contentious site" in which notions of self-determination and identity collide with notions of domination and exclusion.²⁰ Such oppositions, however, prove unmanageable indeed if a mechanical idealist perspective is employed. Such a view in fact leads to an irresolvable muddle in which nation-states as instruments for the extraction of surplus value (profit) and "free" exchange of commodities also become violent agencies preventing "free" action in a global marketplace that crosses national boundaries. Averse to empirical grounding, post-colonialism regards nationalist ideology as the cause of individual and state competition for goods and resources in the "free market," with this market conceived as a creation of ideology. I cite one post-colonial authority that attributes violence to the nation-state on one hand and liberal disposition to the nation on the other:

The complex and powerful operation of the idea of a nation can be seen also in the great twentieth-century phenomenon of global capitalism, where the "free market" between nations, epitomized in the emergence of multinational companies, maintains a complex, problematic relationship with the idea of nations as natural and immutable formations based on shared collective values. Modern nations such as the United States, with their multi-ethnic composition, require the acceptance of an overarching national ideology (*E pluribus unum*). But global capitalism also requires that the individual be free to act in an economic realm that crosses and nullifies these boundaries and identities.²¹

It is misleading and foolish then to label the slogan "one in many" as the U.S. national ideology. Officially, the consensual ideology of the U.S. is neo-liberal pluralism, or possessive individualism with a pragmatic orientation. Utilitarian doctrine underwrites an acquisitive, entrepreneurial individualism that fits perfectly with mass consumerism and the gospel of the unregulated market. It is within this framework that we can comprehend how the ruling bourgeoisie of each sovereign state util-

20. ASHCROFT ET AL., *supra* note 8, at 151.

21. *Id.*

izes nationalist sentiment and the violence of the state apparatuses to impose their will. Consequently, the belief that the nation-state simultaneously prohibits economic freedom and promotes multinational companies actually occludes the source of political and juridical violence—for example, the war against Serbia by the NATO (an expedient coalition of nation-states led by the United States), or the stigmatization of rogue and “terrorist” states (North Korea, Iran, Iraq, Afghanistan) by the normative standards of hegemonic capitalism. The source of political violence, and I am speaking of that kind where collective energy and intentionality are involved, is the competitive drive for accumulation in the world market system where the propertied class is the key actor mobilizing its symbolic capital made up of ethnic loyalties and nationalist imaginaries.

We have now moved from the formalistic definition of the nation as a historic construct to the nation as a character in the narrative of capitalist development and colonialism. What role this protagonist has played and will play is now the topic of controversy. It is not enough to simply ascribe to the trading or commercial class the shaping of a new political form, the nation, to replace city-states, leagues, municipal kingdoms, and oligarchic republics. Why such “imagined communities” should serve as a more efficacious political instrument for the hegemonic bloc of property-owners, is the question.

One approach to this question is to apply dialectical analysis to the materialist anatomy of the nation sketched thus far. Historians have described the crafting of state power for the new bourgeois nations in Enlightenment philosophy. Earlier, Jean Bodin and Hugo Grotius theorized the sovereignty of the nation as the pivot of centralized authority and coercive power.²² The French Revolution posited the “people,” the universal rights of man, as the foundation of legitimacy for the state; the people as nation, a historical act of constituting the polity, gradually acquires libidinal investment enough to inspire movements of anti-colonial liberation across national boundaries. Its influence on the U.S. Constitution as well as on personalities like Sun Yat-Sen, Jose Rizal, and other “third world” radical democrats has given the principle of popular sovereignty a “transnational” if not universal status.²³ Within the system of nation-states, for Marxists, “recognition of national rights is an essential condition for international solidarity,” in the worldwide fight for socialism and communism.²⁴

22. See generally JOHN BOWLE, *WESTERN POLITICAL THOUGHT: AN HISTORICAL INTRODUCTION FROM THE ORIGINS TO ROUSSEAU* (1947).

23. See E. SAN JUAN, *AFTER POST COLONIALISM: REMAPPING THE PHILIPPINES – UNITED STATES CONFRONTATIONS* 104-110 (2000) (discussing Filipino nationalism); J. Blaut, *Nationalism as an Autonomous Force*, *SCIENCE AND SOCIETY* XLVI 1-22 (Spring 1982).

24. MICHAEL LOWRY, *FATHERLAND OR MOTHER EARTH?* 59 (1991).

Now this universal principle of people's rights is generally considered to be the basis of state power for the modern nation, "the empowerment, through this bureaucracy, of the interests of the state conceived as an abstraction rather than as a personal fiefdom."²⁵ A serious mistake occurs when the nation and its legitimating principle of popular sovereignty becomes confused with the state bureaucracy construed either as an organ transcending the interest of any single class, or as the "executive committee" of the bourgeoisie. A mechanical, not dialectical, method underlies this failure to connect the ideology, politics, and economics of the bourgeois revolution. This quasi-Hegelian interpretation posits the popular will of the post-Renaissance nation-states as the motor of world expansion, of 19th-century colonialism. Instead of the substance of the "civilizing mission" being informed by the gospel of universal human rights, according to post-colonial orthodoxy, it is the ideology of national glory tied to "the unifying signifiers of language and race" that now impels the colonial enterprise.

So nationalism, the need to superimpose the unifying myths of the imperial nation-state, is not only generated by the bourgeois agenda of controlling and regulating the space of its market, but also by the imperative of seizing markets and resources outside territories and peoples. Nationalism is then interpreted by post-colonial theorists as equivalent to colonialism; the nation is an instrument of imperialist aggrandizement, so that if newly liberated ex-colonies employ nationalist discourse and principles, they will only be replicating the European model whose myths, sentiments, and traditions justified the violent suppression of "internal heterogeneities and differences."²⁶ The decolonizing nation is thus an oxymoron, a rhetorical if not actual impossibility.

Lacking any historical anchorage, the argument of post-colonial theory generates inconsistencies due to an exorbitant culturalism. Because they disregard the historical genealogy of the nation-state discussed by Anderson, Gellner, and Smith among others, post-colonial critics uphold the sphere of culture as the decisive force in configuring social formations.²⁷ It is not that culture is irrelevant in explaining political antagonisms; rather, it is erroneous when such antagonisms are translated into nothing but the tensions of cultural differences. The dogma of cultural difference (for Charles Taylor, the need and demand for recognition in a modern politics of identity) becomes then the key to explaining colonial-

25. ASHCROFT, ET AL., *supra* note 8 at 153.

26. BILL ASHCROFT, GARETH GRIFFITHS, & HELEN TIFFIN, *THE POST-COLONIAL STUDIES READER* 152 (1995).

27. *See generally* BENEDICT ANDERSON, *IMAGINED COMMUNITIES: REFLECTIONS ON THE ORIGIN AND SPREAD OF NATIONALISM* (1991); ERNEST GELLNER, *NATIONS AND NATIONALISM* (1983); ANTHONY SMITH, *THEORIES OF NATIONALISM* (1971).

ism, racism, and post-colonial society.²⁸ Ambivalence, hybridity, and interstitial or liminal space become privileged signifiers over against homogenizing symbols and icons whose “authority of cultural synthesis” is the target of attack. Ideology and discursive performances serve as the primary field of analysis over and against “localized materialism” and vulgar Marxism.

Violence in post-colonial discourse is thus located in ideas and cultural forces that unify, synthesize, or generalize a range of experiences; such forces suppress difference or negate multiple “others” not subsumed within totalities such as nation, class, gender, etc. While some culturalist critics allow for different versions of the historic form of the nation, the reductive dualism of their thinking manifests a distinct bias for a liberal framework of analysis: the choice is either a nation based on an exclusionary myth of national unity centered on abstractions such as race, religion, or ethnic singularity; or a nation upholding plurality and multiculturalism (for example, Canada or the United States). This fashionable vogue of pluralism and culturalism has already been proved inutile in confronting inequalities of class, gender, and “race.” Moreover, it cannot explain the appeal of nationalism as a means of reconciling the antagonistic needs for order and for autonomy in the face of mechanistic bureaucracy and the anarchic market of atomized consumers.²⁹

The most flagrant evidence of the constrained parameters of this culturalist diagnosis of nation/nationalism may be found in its construal of racist ideology as “the construction and naturalization of an unequal form of intercultural relations.”³⁰ If racism occurs only or chiefly on the level of “intercultural relations,” from this constricted optic, the other parts of a given social formation (political or economic) become superfluous and marginal. Politics is then reduced to an epiphenomenal manifestation of discourse and language-games.

A virtuoso application of culturalist contextualism is illustrated by the legal scholar Rosemary Coombe who defends the right of the Canadian First Nations to claim “ownership” rights to certain cultural property.³¹ Coombe correctly rejects the standard procedure of universalizing the Lockean concept of property and its rationale, possessive individualism, which underlies the Western idea of authorship and authentic artefacts.³² She writes: “By representing cultures in the image of the undivided possessive individual, we obscure people’s historical agency and

28. See generally Charles Taylor, *Nationalism and Modernity*, in *THEORIZING NATIONALISM* (Ronald Beiner ed., 1999).

29. ANTHONY SMITH, *THEORIES OF NATIONALISM* (1971).

30. ASHCROFT ET AL., *supra* note 8 at 46 (1998).

31. See generally Rosemary Coombe, *The Properties of Culture and the Politics of Possessing Identity: Native Claims in the Cultural Appropriation Controversy*, in *AFTER IDENTITY*, *supra* note 6.

32. *Id.*

transformations, their internal differences, the productivity of intercultural contact, and the ability of peoples to culturally express their position in a wider world.”³³ Although Coombe calls attention to structures of power and the systemic legacies of exclusion, the call remains abstract and consequently trivializing.³⁴ Above all, it obscures the reality and effect of material inequities. The post-modernist leitmotif of domination and exclusion mystifies the operations of corporate capitalism and its current political suppression of the indigenous struggles for self-determination. Coombe ignores precisely those “internal differences” and their contradictory motion that give concrete specificity to the experiences of embattled groups such as the First Nations.³⁵ Here, ironically, the post-modernist inflection of the nation evokes the strategy of bourgeois nationalism to erase class, gender, and other differences ostensibly in the name of contextual nuances and refined distinctions.

Notwithstanding her partisanship for the oppressed, Coombe condemns “cultural nationalism” as an expression of possessive individualism and its idealist metaphysics.³⁶ But her method of empiricist contextualism contradicts any emancipatory move by the First Nations at self-determination. It hides the global asymmetry of power, the dynamics of exploitative production relations, and the hierarchy of states in the geopolitical struggle for world hegemony. We have not transcended identity politics and the injustice of cultural appropriation because the strategy of contextualism reproduces the condition by refusing to attack the causes of class exploitation and racial violence. Despite gestures of repudiating domination and exclusion, post-modernist contextualism mimics the moralizing rhetoric of United Nations humanitarianism that cannot, for the present, move beyond reformism since it continues to operate within the framework of the transnational corporate globalized market. Such a framework is never subjected to critical interrogation.

In the fashionable discourse of post-modernists, nation and nationalism are made complicit with the conduct of Western colonialism and imperialism. They become anathema to deconstructionists hostile to any revolutionary project in the “third world” inspired by emancipatory goals. This is the reason why post-colonial critics have a difficult time dealing with Fanon and his engagement with decolonizing violence as a strategic response of subjugated peoples to the inhumane violence of colonial racism and imperial subjugation. Fanon's conceptualization of a national culture is the direct antithesis to any culturalist syndrome, in fact an antidote to it, because he emphasizes the organic integration of cultural action with a systematic program of subverting colonialism: “A

33. *Id.* at 264.

34. *Id.*

35. *Id.*

36. *Id.*

national culture is the whole body of efforts made by a people in the sphere of thought to describe, justify and praise the action through which that people has created itself and keeps itself in existence."³⁷ Discourse and power are articulated by Fanon in the dialectics of practice inscribed in the specific historical conditions of their effectivity.³⁸ Fanon's universalist-critical theory of national liberation proves itself a true "concrete universal" in that it incorporates via a dialectical sublation the richness of the particulars embodied in the Algerian revolution.³⁹

Given his historicizing method, Fanon refuses any demarcation of culture from politics and economics.⁴⁰ Liberation is always tied to the question of property relations, the social division of labor, and the process of social reproduction. All of these questions are transvalued by the imperative of the revolutionary transformation of colonial relations. Opposed to Fanon's denunciation of "abstract populism," Edward Said and Homi Bhabha fetishize an abstract "people" on liminal, borderline spaces.⁴¹ Such recuperation of colonial hegemony via a "third space" or contrapuntal passage of negotiation reveals the comprador character of post-colonial theories of translation and cultural exchange. Transcultural syncretism devised to abolish the nation substitutes for anti-imperialist revolution a pragmatic *modus vivendi* of opportunist compromises.

An analogous charge can be leveled at Edward Said's reading of Fanon's "liberationist" critique. Said locates violence in nationalist movements (unless it is "critical") since they deny the heterogeneity of pre-colonial societies by romanticizing the past.⁴² For Said, liberationist populism is preferable to nativism and the fanatical cult of "minor differences."⁴³ Said presents us a hypothetical dilemma: "Fanon's notion was that unless national consciousness at its moment of success was somehow changed into social consciousness, the future would not hold liberation but an extension of imperialism."⁴⁴ Said thus posits a spurious antithesis between the project of national self-determination and a vague notion of social liberation. For Said, nationalism is always a tool of the hegemonic oppressor and holds no socially emancipatory potential.⁴⁵ Said's answer evacuates Fanon's popular-democratic nationalism of all social content, postulating an entirely abstract divide between a national-

37. FRANTZ FANON, *THE WRETCHED OF THE EARTH* 155 (1965).

38. *Id.*

39. *Id.*

40. *Id.*

41. See generally EDWARD SAID, *CULTURE AND IMPERIALISM* (1993); Homi Bhabha, *Postcolonial Criticism*, in REDRAWING THE BOUNDARIES 433-65 (Stephen Greenblatt & Giles Gunn eds., 1992).

42. *Id.*

43. *Id.*

44. *Id.* at 273.

45. *Id.*

ist program and a socially radical one.⁴⁶ For Said, the violence of anti-colonial movements becomes symptomatic of a profound colonial malaise.⁴⁷

National liberation and social justice via class struggle are interdependent. As Leopoldo Marmora observes, "While classes, in order to become predominant, have to constitute themselves as national classes, the nation arises from class struggle."⁴⁸ The popular-democratic aspiration for self-determination contains both national and social dimensions. In *On Violence*, Fanon invoked the ideal of decolonizing freedom as the legitimizing rationale of mass popular revolution. It is force deployed to accomplish the political agenda of overthrowing colonial domination and bourgeois property relations.⁴⁹ Violence here becomes intelligible as an expression of subaltern agency and its creative potential.⁵⁰ Its meaning is crystallized in the will of the collective agent, in the movement of seizing the historical moment to realize the human potential.⁵¹ If rights are violated and the violence of the violator (for example, the state) held responsible, can the concept of rights be associated with peoples and their national identities? Or is the authority of the state to exercise violence derived from the nation/people? Here we need to ascertain the distinction between the state as an instrument of class interest and the nation/people as the matrix of sovereignty. The authority of the state as regulative juridical organ and administrative apparatus with a monopoly of coercive force derives from its historical origin in enforcing bourgeois rights of freedom and equality against the absolutist monarchy. National identity is used by the state to legitimize its actions within a delimited territory and to insure mobilization and coordination of policy.⁵² Formally structured as a *Rechtsstaat*, the bourgeois nation-state functions to insure the self-reproduction of capital through market forces and the continuous commodification of labor power.⁵³ Fanon understands that national liberation challenges the global conditions guaranteeing valorization and realization of capital, conditions in which the internationalization and nationalization of the circuits of capital are enforced by hegemonic nation-states.⁵⁴

46. *Id.*

47. *Id.*

48. Leopoldo Marmora, *Is There a Marxist Theory of Nation*, in *RETHINKING MARX* 108-14 (Sakari Hanninen & Leena Paldan, eds. 1984).

49. See generally Frantz Fanon, *On Violence*, in *THE WRETCHED OF THE EARTH* (1965).

50. *Id.*

51. See generally GEORG LUKACS, *IN DEFENSE OF HISTORY AND CLASS CONSCIOUSNESS* (2000).

52. See generally David Held, *The Development of the Modern State*, in *FORMATIONS OF MODERNITY* 72-117 (Stuart Hall & Bram Gieben eds., 1992).

53. See generally BOB JESSOP, *THE CAPITALIST STATE: MARXIST THEORIES AND METHODS* (1982).

54. FRANTZ FANON, *supra* note 37.

We are thus faced with the notion of structural violence attached to the bourgeois state as opposed to the intentionalist mode of violence as an expression of subject/agency such as the collectivity of the people. Violence is thus inscribed in the dialectic of identity and "Otherness," with the bourgeois state's coherence depending on the subordination (if not consent) of workers and other subalterns.

We can resolve the initial paradox of the nation, a Janus-faced phenomenon, by considering the following historical background.⁵⁵ The idea of state-initiated violence (as opposed to communal ethnic-motivated violence) performs a heuristic role in the task of historicizing any existing state authority and questioning the peaceful normalcy of the status quo. The prevailing social order is then exposed as artificial and contingent; what is deemed normal or natural reveals itself as an instrument of partial interests. But the relative permanence of certain institutional bodies and their effects need to be acknowledged in calculating political strategies. The long duration of collective and individual memories exerts its influence through the mediation of what Pierre Bourdieu calls "habitus."⁵⁶ We begin to understand that the state's hierarchical structure is made possible because of the institutionalized violence that privileges the hegemony (moral and intellectual leadership crafted via negotiating compromises) of a bloc of classes over competing blocs and their alternative programs. Hegemony is always underwritten by coercion (open or covert, subtle or crude) in varying proportions and contingencies. The demarcated territory claimed by a state in rivalry with other states becomes for Max Weber one major pretext for the state monopoly of legitimate violence in order to defend private property and promote the overseas interests of the domestic business class.⁵⁷

Georges Sorel argued for the demystificatory use of violence in *Reflections on Violence*.⁵⁸ Sorel believed that the only way to expose the illusion of a peaceful and just bourgeois order is to propagate the myth of the general strike.⁵⁹ Through strategic, organized violence, the proletariat is bound to succeed in releasing vast social energies hitherto repressed and directing them to the project of radical social transformation.⁶⁰ This is still confined within the boundaries of the national entity. Open violence or war purges the body politic of hatred, prejudice, deceptions, and so on. Proletarian violence destroys bourgeois mystification and the nationalist ethos affiliated with it. Sorel's syndicalist politics of violence tries to convert force as a means to a political and social end—the process of the general strike. This politics of organized mass violence appeals

55. See generally TOM NARIN, *THE BREAK-UP OF BRITAIN* (1977).

56. See generally PIERRE BOURDIEU, *THE FIELD OF CULTURAL PRODUCTION* (1993).

57. See generally LAWRENCE KRADER, *FORMATION OF THE STATE* (1968).

58. See generally GEORGES SOREL, *REFLECTIONS ON VIOLENCE* (1906).

59. *Id.*

60. *Id.*

to a utopian vision that displaces the means-ends rationality of bourgeois society in the fusion of force with pleasure realizable in a just, egalitarian order.

The classical Marxist view of violence rejects the mechanical calculation of means-ends that undermines the logic of Blanquist and Sorelian conceptions of social change.⁶¹ Marx disavowed utopian socialism in favor of the overthrow of the bourgeoisie through a combination of violent and peaceful means. Instrumentalism is subordinated to a narrative of emancipation from class bondage. The objective of emancipating labor associated with the laboring nation/people requires the exposure of commodity-fetishism and the ideology of equal exchange of values in the market. Reification and alienation in social relations account for the bourgeois state's ascendancy. Where the state bureaucracy supporting the bourgeoisie and the standing army does not dominate the state apparatus completely (a rare case) or has been weakened, as in the case of the monarchy and the Russian bourgeoisie at the time of the Bolshevik Revolution in 1917, the working class might attain their goal of class liberation by peaceful means; but in most cases, the notion that "the lever of the revolution will have to be force" is harnessed by the masses and unified by class consciousness and popular solidarity.⁶²

Based on their historical investigations, Marx and Engels understood the role of violence as the midwife in the birth of a new social order within the old framework of the nation-state. In his later years, Engels speculated that with the changes in the ideological situation of the classes in any national territory, "a real victory of an insurrection over the military in street fighting is one of the rarest exceptions."⁶³ In an unusual historic conjuncture, however, the Bolshevik revolution mobilized mass strikes and thus disproved Engels. Nevertheless, Marx's "analytical universality," to use John Dunn's phrase, remains valid in deploying the concept of totality to comprehend the nexus of state, class and nation.⁶⁴ We can rehearse here the issues that need to be examined from the viewpoint of totality: Was Lenin's "dictatorship of the proletariat" an imposition of state violence, or the coercive rule of the people against the class enemy? If it is an instrumental means of the new proletarian state, did it implicate the nation? Is violence here both structured into the state system of apparatuses and inscribed in the collective agency of the working masses cognized as the nation? Is the political authority invoked by the proletarian state embodied in the class interest of all those exploited by

61. See e.g. HANNAH ARENDT, ON VIOLENCE (1970); DANIEL GUERIN, ANARCHISM (1970); ROBERT PAUL WOLFF, IN DEFENSE OF ANARCHISM (1970).

62. Neil Harding, *Violence*, in A DICTIONARY OF MARXIST THOUGHT 514 (Tom Bottomore ed., 1983) (quoting Karl Marx); see also ERNST FISCHER, HOW TO READ KARL MARX (1996).

63. FRIEDRICH ENGLES, PRINCIPLES OF COMMUNISM (1847).

64. JOHN DUNN, WESTERN POLITICAL THEORY IN THE FACE OF THE FUTURE 78 (1979).

capital (in both periphery and center) ascendant over all? Marxists who are critical of the Leninist interpretation denounce the use of state violence as an anarchist deviation, an arbitrary application of force.⁶⁵ They affirm instead the law-governed historical process that will inevitably transform capitalism into socialism, whatever the subjective intentions of the political protagonists involved.⁶⁶ Such fatalism, however, rules out the intervention of a class-for-itself freed from ideological blinders and uniting all the oppressed with its moral-intellectual leadership, the cardinal axiom of socialist revolution.

Rationalist thinkers for their part reject violence as an end in itself while accepting the force of the market as normal and natural. This is epitomized by legal thinkers who contend that primordial nationalist claims should be regulated by autonomous international law, "the domain of the *metajuridique*."⁶⁷ By identifying nationalism as a primitive elemental force outside the jurisdiction of positive law, the modernist legal scholar is alleged to be receptive to its experimental creativity so that new legal techniques are devised to regulate the destabilization of Europe—and for that matter, its colonial empires—by "separatist nationalisms." The aim is to pacify the subalterns and oppressed classes by juridical and culturalist prophylactic.

As I have noted above in dealing with Fanon's work, the nature of violence in the process of decolonization cannot be grasped by such dualistic metaphysics epitomized in the binarism of passion-versus-law. What is needed is the application of a historical materialist critique to the complex problem of national self-determination. Marxists like Lenin and Rosa Luxemburg, despite their differences, stress the combination of knowledge and practice in analyzing the balance of political forces.⁶⁸ They contend that class struggle is a form of knowledge/action, the civil war of political groups, which can synthesize wars of position (legal, peaceful reforms) and the war of maneuver (organized frontal assault by armed masses, to use Gramsci's terminology) in the transformation of social relations in any particular nation.⁶⁹ Violence itself can become a creative force insofar as it reveals the class bias of the bourgeois/colonial state and serves to accelerate the emergence of class-consciousness and organized popular solidarity. Insofar as the force of nation/national iden-

65. For a critique of voluntarism, see ANTONIO GRAMSCI, SELECTIONS FROM THE PRISON NOTEBOOKS 202-02 (1971); GEORG LUKACS, THE PROCESS OF DEMOCRATIZATION (1991).

66. This mechanistic or historicist tendency may be discerned in JACK WODDIS, NEW THEORIES OF REVOLUTION (1972); M. ROSENTHAL & P. YUDIN EDS., A DICTIONARY OF PHILOSOPHY 391 (1967).

67. See generally Berman, *supra* note 6.

68. See, V. Lenin, *Left-Wing Communism-an Infantile Disorder*, in SELECTED WORKS OF LENIN (1971); ROSA LUXEMBURG, THE MASS STRIKE, THE POLITICAL PARTY, AND THE TRADE UNIONS (1906).

69. See V. LENIN, MATERIALISM AND EMPIRIO-CRITICISM (1972); ROSA LUXEMBURG, THE NATIONAL QUESTION (1976).

tity distracts and prohibits the development of class-consciousness, it becomes useless for socialist transformation. In colonized societies, however, nationalism coincides with the converging class-consciousness of workers, peasants, and the masses of subjugated natives that constitute the political force *par excellence* in harnessing violence for emancipatory goals.

From the historical-materialist perspective then, violence cannot be identified with the nation or nation-state *per se* under all circumstances. We need to distinguish between the two positions; the post-modern position of indiscriminate attack on all totalities (such as class, nation, etc.) premised on a syllogistic Kantian means-ends rationality, and the historical-materialist position where means/ends are dialectically calibrated in historically inventive modalities, so as to illuminate the problem of violence in this new millennium. The impasse between these two positions reflects the relation of unceasing antagonism between the bourgeoisie and the nationalities they exploit in the world system of commodity-exchange and accumulation.

On another level, the impasse may be viewed as a theoretical crux. It signifies the antinomy between agency and structure, the intentionalist-nominalist pragmatism of liberals, and the structuralist views of historical materialists. The former looks at the nation as always implicated in the state, while the latter considers the nation as historically separate and contingent on the vicissitudes of concrete class warfare. One way of trying to elucidate this contradiction is by examining Walter Benjamin's argument in *Critique of Violence*⁷⁰.

Taking Sorel as one point of departure, Benjamin considers the use of violence as a means for establishing governance.⁷¹ Law is opposed to divine violence grasped as fate and the providential reign of justice. Bound up with violence, law is cognized as power, a power considered as a means of establishing order within a national boundary. The abolition of state power is the aim of revolutionary violence, which operates beyond the reach of law-making force, an aspiration for justice that would spell the end of class society. Proletarian revolution resolves the means-ends instrumentalism of bourgeois politics. Violence becomes problematic when fate/justice, once deemed providential, eludes our grasp with the Babel of differences blocking communication and also aggrandizing particularisms found below the level of the nation-form and its international, not to say cosmopolitan, possibilities.

Violence is only physical force divorced from its juridical potency. Benjamin's thesis may be more unequivocal than the academically fash-

70. See generally Walter Benjamin, *Critique of Violence*, in REFLECTIONS 277-300 (Edmund Jephcott trans., Peter Demetz ed., 1978).

71. *Id.*

ionable Foucauldian view of subsuming violence in power relations. It takes a more scrupulous appraisal of the sectarian limitations as well as empowering possibilities of violence in the context of class antagonisms. While the issue of nationalist violence is not explicitly addressed in his essay, Benjamin seeks to explore the function of violence as a creator and preserver of law, a factor intricately involved in the substance of normative processes. Benjamin writes: "Lawmaking is power making, and, to that extent, an immediate manifestation of violence. Justice is the principle of all divine end making, power the principle of all mythical lawmaking."⁷² Lawmaking mythical violence can be contested only by divine power, which today, according to Benjamin, is manifested in, "educative power, which in its perfected form stands outside the law."⁷³ Benjamin is not entirely clear about this "educative power," but I think it can only designate the influence of the family and other agencies in civil society not regulated by the traditional state apparatuses. In another sense, Benjamin alludes to "the proper sphere of understanding, language," which makes possible the peaceful resolution of conflicts.⁷⁴ Since language is intimately linked with the national community, national consciousness contradicts the disruptive effects of violence in its capacity to resolve antagonisms.

Benjamin goes on to investigate violence embodied in the state (as contradistinguished from the national community) through a process of demystification.⁷⁵ His critique begins by disclosing the idea of its development and its trajectory of ruptures and mutations, which in turn expose the fact that all social contracts depend on a lie, or on fiction.⁷⁶ "Justice, the criterion of ends," supersedes legality, "the criterion of means."⁷⁷ Justice is the reign of communication, which, because it excludes lying, excludes violence. In effect, violence is the mediation that enables state power to prevail. Violence cannot be eliminated by counter-violence that simply inverts it. Only the educative power of language, communication associated with the national collectivity, can do away with the need to lie. But since the social contract displaces justice as the end of life with legality connected with the state, and law is required as an instrument to enforce the contract, violence continues to be a recurrent phenomenon in a commodity-centered society.

Benjamin is silent about the nation and the efficacy of popular sovereignty in this text. His realism seeks to clarify the historic collusion between law, violence, and the state.⁷⁸ He wants to resolve the philosophi-

72. *Id.* at 295.

73. *Id.* at 277-300.

74. *Id.*

75. *Id.*

76. *Id.*

77. *Id.*

78. *See Id.*

cal dualism of means and ends that has bedeviled liberal rationalism and its inheritors; pragmatism and assorted post-modernist nominalisms. His realism strives to subordinate the instrumentality of violence to law, but eventually he dismisses law as incapable of realizing justice.⁷⁹ But we may ask: how can justice—the quest for identity without exclusion/inclusion, without alterity—be achieved in history if it becomes some kind of intervention by a transcendent power into the secular domain of class struggle? How can justice be attained as an ideal effect of communication? Perhaps justice can be attained through language as mediated in the nation-form, in the web of discourse configuring the nation as a community of speakers, or as the performance of groups unified under the aegis of struggle against oppression and exploitation?⁸⁰

Benjamin's speculation on the reconciling charisma of language seems utopian in the pejorative sense. Peoples speaking the same language (e.g., Northern Ireland, Colombia, North and South Korea) continue to be locked in internecine conflict. If violence is inescapable in the present milieu of reification and commodity-fetishism, how can we use it to promote dialogue and enhance the resources of the oppressed for liberation? In a seminal essay entitled *Nationalism and Modernity*, Charles Taylor underscores the modernity of nationalism in opposition to those who condemn it as atavistic tribalism or a regression to primordial barbarism.⁸¹ In the context of modernization, Taylor resituates violence in the framework of the struggle for recognition—nationalism “as a call to difference . . . lived in the register of threatened dignity, and constructing a new, categorical identity as the bearer of that dignity.”⁸²

The philosophical underpinning of the struggle for recognition and recovery of dignity needs to be stressed. This struggle clearly invokes the Hegelian paradigm of the relation between lord and bondsman in *The Phenomenology of Mind*.⁸³ In this struggle, the possibility of violence mediates the individual's discovery of his finite and limited existence, his vulnerability, and his need for community. Piotr Hoffman's gloss underlines the Hegelian motif of freedom as risk: “Violence . . . is the necessary condition of my emergence as a universal, communal being . . . for I can find common ground with the other only insofar as both of us can endure the mortal danger of the struggle and can thus think inde-

79. See *Id.*

80. E. San Juan, *Bakhtin: Uttering the “(Into)nation of the Nation/People*, in *BAKHTIN AND THE NATION* (Donald Wesling et al. eds., 2000).

81. See generally Charles Taylor, *Nationalism and Modernity*, in *THEORIZING NATIONALISM* (Ronald Beiner ed., 1999).

82. *Id.* at 240.

83. See generally GEORG WILHELM FRIEDRICH HEGEL, *THE PHENOMENOLOGY OF MIND* (J.B. Baillie trans., 1977).

pendently of a blind attachment to our particular selves.”⁸⁴ Since the nation evokes sacrifice (the warrior’s death on the battlefield, honor, self-transcendence, destiny) the capitalist state seeks to mobilize such nation-centered feelings and emotions to legitimize itself as a wider, more inclusive, and less artificial reality to attain its own accumulative goals. Weber reminds us: “For the state is the highest power organization on earth, it has power over life and death . . . A mistake comes in, however, when one speaks of the state alone and not of the nation.”⁸⁵

The nationalist struggle for recognition and the violence of anti-colonial revolutions thus acquire a substantial complexity in the context of modernity, the fact of uneven development, and the vicissitudes of capitalist crisis. In any case, whatever the moral puzzle entailed by the plural genealogies of the nation-state, it is clear that a dogmatic pacifism is no answer to an effective comprehension of the real world and purposeful intervention in it. Given the continued existence of nation-states amidst the increasing power of transnational corporations in a geopolitical arena of sharpening rivalry, can we choose between a “just” and an “unjust” war when nuclear weapons that can destroy the whole planet are involved? Violence on such a scale obviously requires the dialectical transcendence of the system of nation-states in the interest of planetary justice and survival.

Overall, the question of violence cannot be answered within the framework of the *Realpolitik* of the past, but only within the framework of nation-states living in mutual reciprocity. Causality, however, has to be ascertained and responsibility assigned even if the nation is construed as “an interpretive construct.”⁸⁶ My view is that the hegemonic bloc of classes using the capitalist state machinery is the crux of the problem. If nations have been manipulated by states dominated by possessive/acquisitive classes that have undertaken and continue to undertake colonial and imperial conquests, then the future of humanity and all living organisms on earth can be insured only by eliminating those classes that are the origin of state violence. The nation-form can then be reconstituted and transcended to insure that it will not generate reasons or opportunities for class-based state-violence to recur. That will be the challenge for future revolutionaries.

84. PIOTR HOFFMAN, VIOLENCE IN MODERN PHILOSOPHY: A SOCIOLOGICAL INTRODUCTION 144-145 (1989).

85. GIANFRANCO POGGI, THE DEVELOPMENT OF THE MODERN STATE 100-101 (1978) quoting *Max Webber und die deutsche Politik* at 216.

86. Johan Aronson, *Nationalism, Globalization, and Modernity*, in GLOBAL CULTURE: NATIONALISM GLOBALIZATION AND MODERNITY 230 (Mike Featherstone ed., 1990).

