

# Recreating the State

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**ABSTRACT** *If analysts want to understand the forces that give rise to the sovereign units that make up the ‘us’ and ‘them’ comprising the affinities and enmities of enduring inter-state inequality and systemically violent conflict, then we must move beyond the Weberian understanding of the state as an institution that has a monopoly of the legitimate use of violence and towards a deeper understanding of the rules that hold together the state as a membership organisation. This means several things but, for the purposes of this article, imagining the cessation of war and a truly global politics (committed to enabling conditions for the creative recreation of the planet and its inhabitants, regardless of where or to whom they were born) means understanding how all states create the form of the ‘other’ liable to yield death as an active or passive consequence of their kinship rules.*

This article explores the histories and overlapping meanings of the two phrases guiding this special issue, ‘Third World’ and ‘international law’. This is preparatory to questioning five deeply held myths that permeate intuitions on the left and the right, the purpose being to historicise the present moment’s global tensions and conflicts and to suggest that the steps to move beyond these may be somewhat different from those conventionally entertained in venues such as this one. Specifically, if analysts want to understand the forces that give rise to the sovereign units that make up the ‘us’ and ‘them’ comprising the affinities and enmities of enduring inter-state inequality and systemically violent conflict, then we must move beyond the Weberian understanding of the state as an institution that has a monopoly of the legitimate use of violence and towards a deeper understanding of the rules that hold together the *state as a membership organisation*. This means several things,<sup>1</sup> but, for purposes of this article, imagining the cessation of war and a truly global politics (committed to enabling conditions for the creative recreation of the planet and its inhabitants, regardless of where or to whom they were born) means understanding how *all states* create the form of the ‘other’ liable to yield death as an active or passive consequence of their kinship rules.

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### The Third World and international law

Intriguingly, 'Third World' and 'international law' have interlaced roots and metonymic imperatives, as the origin of each phrase depends on the possibility of the latter. This seems either opaque or unlikely, indeed, but consider the etymology. In his article on the origin of the 'Third World' concept, Carl Pletsch points out that the phrase *tiers monde*, and not the more idiomatic *troisième*, was first coined in 1952 by Alfred Sauvy as a play on the French revolutionary *tiers état*, third estate.<sup>2</sup> Sauvy's explicit point was an analogy between the stand-off between the clergy and the nobility in pre-Revolutionary France, on the one hand, and the Cold War that pitted against each other the USA and the USSR, on the other; 'What interests each of the two worlds, is to conquer the third, or at least to have it on its side. And from that proceed all the troubles of coexistence.' The challenge was whether the two major enemies seeking to carve up the world in their respective favour could 'not remain insensitive to the slow and irresistible threat [in the Third World], humble and ferocious, towards life. Because that third world, ignored exploited, despised like the Third Estate, it too wants something.'<sup>3</sup> Sauvy's policy argument was on behalf of regularising immigration into France, which not only would attend to the newly named Third World resentments, but, he thought, would address anticipated labour shortfalls as well. Taken very broadly, Sauvy was noticing some similarities between what can happen when two groups with virtually all the power ignore everyone else.

Taken very literally, and at odds with his specific intentions, Sauvy's metaphor is even more provocative, as to introduce the Third World with this specific lineage is to raise the spectre and contemporaneous possibility of divisions between the two dominant powers that will lead to their legal supersession by a third. If the model of the French Revolution is to be taken seriously at all then it must mean that not only would the Third World 'want something', but it would be content with nothing less than seizing control of the institutions of sovereignty. In other words, for the Third World to have emerged from the world of the two estates, or two worlds, would have required the multitudes of the non-aligned countries to stop hedging their bets with either side and to monopolise the use of violence in itself and for itself.

Just as the centralisation of power in the commoners meant their use of law for their own ends, the shift in power from the divided sovereignties of the USA and the USSR to the Third World would analogically require a new form of legal institutions to accommodate the legally sanctioned power, and indeed political dominance, of this group as well. Where the trade and other informal relations of civil society had been tried and had failed, law, meaning international law, is what Sauvy's metaphor requires for the Third World, as for the commoners, to set things right—an international law that would subsume all powers under the mandate of the Third World majority.

Reciprocally, international law in the USA came out of its specific engagements with the Third World, that is, the colonies being disputed by the imperial powers of the USA and Spain.<sup>4</sup> International law, of course, has a long history significantly predating Sauvy's 1952 schema. But in the USA

international law as an ongoing institutional project officially began with the problem of empire, in other words, with Sauvy's global poor and the problem of whether management of them consisted best in their invasion, occupation, annexation or independence. While academics and politicians had been debating the finer points of Hugo Grotius for centuries, it was not until the raging debate about US imperialism in the aftermath of the Spanish–American War (1898)—the culmination of more than 50 years of a practice known as filibustering (armed US citizens invading the sovereign territories of Spain and Mexico for the purpose of seizing land and trade tariffs)—that the American Society for International Law first formed.

The founding prospectus of 1906 states:

If it be borne in mind that the course of recent events has not only given to our country a more prominent and influential position in the family of nations than it had previously enjoyed, but has brought government and people into closer and more intimate relations with the Spanish–American states in the western world and the peoples of the eastern, it is at once evident that Government and people are fundamentally and constitutionally interested in International Law, and that a correct understanding of the system is an essential element of good citizenship.

In the aftermath of acquiring Puerto Rico as a newly invented legal entity of a territory (where the residents of the island, claiming it improper for them to be taxed without representation, lost a landmark Supreme Court case in 1898), the agitation for the annexation of Cuba and Hawaii, and the questions about how the USA had handled its occupation of the Philippines between 1899 and 1901, not to mention the memory of the Mexican–American War, the American Society for International Law stated its mission was to 'make manifest to the American people fundamentally and constitutionally interested in International Law . . . that a correct understanding of the system as a whole is a duty incumbent upon enlightened citizenship'.<sup>5</sup> Hoping to stave off McKinleyesque efforts to make of the USA a fully fledged imperial power, a professional society of lawyers drew on a well of cosmopolitan sentiments in the country that would be truly shocking today, and offered an unqualified endorsement of the sort of US government that would put before its own commercial or even strategic interests the pursuit of law and peace.<sup>6</sup>

And yet international law, historically called on by the Third World through formal or informal recognition of its national sovereignty, or by lawyers insisting states follow the rule of law, always will betray the best intentions of its advocates. As long as international law accommodates the nation, international law will remain, a cosmopolitanism shrouded in flags, an arena for a competitive and deadly game where the most that can be achieved is a fair fight, but with no hope for the disbanding of enemy camps and a complete cessation of their hostilities.

### **Limits in political theories for representing the Third World**

Of course even before the demise of the USSR the Third World had connotations that went beyond the divisions of a simple geopolitical struggle,

implying a part of the world that was radically left behind, that was not first or even second but, economically and in every other way, different and elsewhere. If we follow the string of associations above in this context, then the problem of the Third World and international law is how to express the popular views of the majority of the world's inhabitants through institutions run by elites who believe they have an interest in controlling strategic resources, raising armies, and enriching themselves at the expense of those signified as 'other' through laws of kinship and borders. This raises the question of how to represent the views not only of the multitudes who live outside the 'First World' but, as importantly, the cosmopolitanism of those who live within it as well. Would such new possibilities mean world government or simply more charity in the way of donations from the rich to the poor?

Imagining global institutions with teeth, that is, with a monopoly on the legitimate use of force, might seem especially challenging at a moment when even domestic law is now giving way to the unaccountable rule of the Commander-in-Chief. Nonetheless, there are efforts, most notably by Brian Barry, Joseph Carens, Richard Falk, David Held, Thomas Pogge and Jeremy Waldron to formulate new principles and analyses that would lend themselves to establishing more globally egalitarian and less nationalist economic and political institutions.<sup>7</sup> Possibilities discussed range from mandatory levels of aid from the North to the South; allowing free movement; strengthening cross-national ties in civil society; eliminating birthright citizenship; and even establishing a true world government.

Unfortunately many of these efforts, as well as those taken by more pragmatic types such as Jeffrey Sachs and Bono—seeking simply to shame the USA into spending more on poor people outside our borders—are so moved by the moment's immediate symptoms that their efforts fail to take on the underlying problems that give rise to present ailments. Especially worrisome, they may ultimately, if understandably, make it very hard to articulate the rather simple form of the true problems. Certain myths need to be overcome so that the exclusions of birthright and kinship on which the very existence of any Third World is premised, and the challenge of international law superseding its provincial, particularist roots, are overcome.

These are myths that leftist and rightist, radicals, neoliberals and post-development theorists all must shake. The challenge in doing this is the difficulty in seeing beyond this or that moment's peace or struggle into the forces producing these catastrophic fissures and alignments. The ultimate question is whether the state-nation, ie the state with membership rules based on the artifice of kinship and its fantasies of primordial connections and origins, can ever be dismantled. Of course, before this, it would have to be understood. And, while there are numerous efforts to point out the 'constructed' quality of the nation and other groups, such as race and ethnicity, there are very few that accurately name the materials and technique through which these constructions occur.<sup>8</sup>

### **Today's five development and post-development myths about the Third World**

The Third World and international law not only imply each other historically, but their historical embeddedness in the specific struggles caused by US imperialism (during the turn of the 20th century and again during the Cold War) has made it very easy to arrive at a misconception that an evil, specifically US, Western, modern or even capitalist entity is at the heart of present challenges, on the part of the left. And then the right has a mirror image of these fantasies, the 'clash of civilisations' caused by modernisation's hold-outs,<sup>9</sup> as both sides seem to morph into the most unflattering caricatures of themselves put forward by their enemies.

#### *Myth one*

*If the problems posed by the economic and military hegemony of the USA, particularly US multinationals and a heavy US military footprint worldwide, can be overcome, then Third World populations will have a good chance of improving their economic circumstances and achieving democratic control of their political institutions, thereby moving the world order towards fulfilling its potential for peace, freedom and equality.*

It is of course a matter of direct observation that institutions and firms with a US address have wreaked havoc world-wide for quite some time. In fact, in the 19th century the USA was criticised by Mexico, European countries and US proponents of international law as a rogue state, allowing, if not encouraging, its citizens to use arms for the purpose of establishing insurrectionary outposts in Spanish territory, in much the same way the US has accused the Saudi government of doing too little to restrain Muslim terrorists. Spain's complaints against the USA at that point, however, were very different from those its politicians make today. Whereas contemporary Spanish foreign policy urges restraint on a superpower that would extend its reach as far as its military power will allow, ie the US presence in the Middle East, just over 100 years ago Spain struggled mightily so that it might use its own canons and ships to control land from Cuba to the Philippines. The outcry from US elites, including Samuel Gompers, Jane Addams, Andrew Carnegie and Grover Cleveland, was not sufficient to prevent the annexation of Hawaii, Puerto Rico and Guam, but the national autonomy of the Philippines and Cuba attest that, joined with their respective independence movements, and despite the strategic and actual racist sentiments propounded in advancing the anti-imperialist cause, the anti-imperialist league was not a complete failure.

US citizens opposing incipient efforts by President McKinley to establish US colonies invoked the spectre of their own era's imperialist superpowers, suggesting that the USA would be well advised to avoid becoming another Spain or England. Obvious and too often ignored is that the problem of international inequality and expansionism is not one for which the USA is responsible. Rather, for less than a century, the USA has happened to fill the

role of a hegemon. Soon the US economy will collapse and the federal government will lack the resources to fund its military efforts abroad but, unless other institutions change, the Third World will still exist. Its membership may not include the countries filling that roster presently but, unless the goal is rotating the areas of poverty and warfare, this can be of little comfort. The demise of the Ottoman Empire and, less than 30 years later, the Jewish catastrophe in Europe leading to the wars and death in Palestine, is just one crude demonstration of the ease with which a people may move from power to weakness and from weakness to power without that leading to peace, much less to a measurable improvement in the balance of freedom or equality.

### *Myth two*

*Capitalist exploitation and world trade are largely responsible for global inequality.*

This is the Marxian analysis, issued for contemporary audiences in the initially hugely popular and now largely passé *Empire*, by Michael Hardt and Antoni Negri.<sup>10</sup> (Published a year before 9/11, its premise of a global order with just one power that had finally managed to absorb or eliminate dissenting non-modern anti-capitalist sentiments became an immediate anachronism.) The truth is that most inequality in the Third World, as well as the in USA, is a result of birth, that is, of conditions diachronic (generational, historical) and not synchronic (the snapshot of unequal relations taken at one moment). Data clearly show that being born in San Diego or Tijuana, and being born to rich or poor parents, contributes the most to determining whether one will be rich or poor oneself. Capitalist and feudal economies resemble each other in this respect: intergenerational transfers are largely responsible for the disparities in the accumulation of wealth, not each generation's different relation to the means of production.<sup>11</sup> In Third World countries inheritance alone is responsible for 90% of inequality in wealth.<sup>12</sup> As long as nothing is done to restrict the prerogatives of birthright, allowing more self-determination for fiscal and monetary policies in the Third World, and even strengthening workers' rights, will lead only to marginal improvements but will not shake loose most wealth from the few who control it at present.

### *Myth three*

*Violence resulting from intra-ethnic or religious group fighting can be alleviated by institutionalising the representation of minority groups through federated programmes that allow for cultural autonomy and self-determination.*

Such pronouncements cut across other political divisions. The Clinton and especially the British foreign policy in Bosnia-Herzegovina and Kosovo, as well as the Bush administration policy in Iraq, the European Union's position favourable to Kurds in Turkey, not to mention the

bipartisan support in the USA for two-state proposals for Israel–Palestine (as opposed to one state with strong civil rights laws) all support the idea that sovereignty should be exercised by and for homogeneous ethnic and religious groups.

Support for this view appears in political theory texts, too, most notably those by Will Kymlicka,<sup>13</sup> who urges federated systems along the lines of Canada whenever possible. There are two very clear problems with this approach. The first is its failure to even begin to take on the complexities of democratic governance, which give rise to all sorts of majorities and minorities, that is, persistent losers whose causes have nothing to do with hereditary or religious affiliation. If we are to have federated systems to accommodate minority ethnic and religious groups, we also should have federated systems that recognise the persistent losers in this country who advocate national health care, unilateral nuclear disarmament, enforcing the Kyoto protocols, and so forth. The people who fight on behalf of these causes believe in them no less strongly than many people who just happen to be born into a specific ethnic or religious group. In fact, one might argue that it would be even more sensible to form institutions that give voice to the minorities pressing for non-sectarian causes than to encourage minorities based on ethnicity to trump majorities.

The second reason to resist the temptation to map sovereignty onto ethnicity is that there is little contemporary or historical evidence to suggest it is effective and much to suggest the contrary is the case. There is not enough space for all the evidence on the ways that groups organised by governments, such as the Hutus or the Tutsis in Rwanda, the Orthodox and Roman Catholics in Yugoslavia, the Jews and Aryans in Germany, emerged as amenable to deadly divisions because of state documented identities,<sup>14</sup> but I do want to suggest that demands for ethnic privilege at one point only reflect the artifice of a group's kinship doctrine established at an earlier one and that their legitimation eventually will lead to the most unhappy manifestations of particularism. Juridical borders of territory or minority recognition tied to a group identity, be they those of a state-nation or a state-sponsored ethnicity, are the reason for present problems, not their solution.<sup>15</sup> The problem is not the artificial borders of the post-colonial Americas, Africa, and Asia, but the fact that all civilisations so far share a naive belief that at some earlier point their ancestors really, and now genetically, were this and not that. This mythology is always dangerous, regardless of who pronounces it. The hard part is that to attack the Israelite for being an oppressor, one also must remember when the Israelite was a victim, and then deny this fact and the 'victimhood' of all other victims as a future excuse.<sup>16</sup> For any victim to assert a national defence *qua* national defence is to stoke the flames conducive to an other's annihilation, either presently or in the future.

#### *Myth four*

*World government is the way to solve these problems.* It might be fair to question some of the preceding myths, on the grounds that the sensibilities

with which they are associated are so far from being implemented that one might with equal consequence attack astrology or Satanism. World government is perhaps the most extreme example of outlandish propositions discussed here but, as do these others, it deserves mention for the reason that efforts to undertake reforms in its name at this time fail to attend to its specific impediments, which ruin not only its own possibility but the development of a genuine cosmopolitanism conducive to the emergence of the system proponents of world government implicitly support. Were a world government established tomorrow, or any time before hostile attack from Mars, the result would be a politically hollow apparatus and commitment. It is true that the European Union has been a spectacularly successful blow to those who proclaim attachments to national identities unnegotiable—within decades of invasions and occupation the EU's successful integration has, *de jure* if not *de facto*, been a spectacularly impressive achievement—but it is far from a complete success and the fissures, closures and economic challenges map on closely to what would be expected if, miraculously, world government were to appear tomorrow. That is, there would be second-, and third-class members of the world government with needs and grudges, as well as first-class members whose resentments would be sufficiently strong to pull a few more threads out until, rather quickly, the fabric of the whole would unravel. In fact, the main thing that now holds the European Union together—the others of their former colonies, as well as Arabs, Muslims, the USA, Russia and China—is precisely what would be absent if we were ruled by a world government. As long as there is any entity that is not in the European Union, then it will retain its shape, one with contours that will be more and less visible depending on the threats posed from the outside. But this is only a formula for the clash of larger state powers and is by no means a step on a steady march towards a peaceful world order. It is not clear that Germany at war with France was a marked improvement over one lord and village sporadically fighting another. In other words, amalgamating state-nations into larger entities without an eye towards eliminating the national form altogether may only mean achieving greater economies of scale for soldiers killing and dying.

### *Myth five*

*Democracy will or will not alleviate violence and poverty.* Because of their internal divisions on the potential benefits and irrelevance of democracy in the Third World, one can assess whether an individual putting forth a case for or against democracy is a conservative or a radical only by knowing whether they hold the peoples of these areas in contempt or treat them with respect. That is, the policy positions of conservatives and radicals are internally divided: for every conservative who endorses the theses of Samuel Huntington and despairs for democracy's promise in Africa, Asia, and the Middle East, for instance, one can find one who will, with a few standard disclaimers, opine along the lines of another political scientist, the US Secretary of State Condoleezza Rice. She says, 'The principles of democracy

are universal—as is the desire for them’,<sup>17</sup> and also that to ‘support democratic aspirations, we must be serious about the universal appeal of certain basic rights’.<sup>18</sup>

Huntington’s views do not find support in the Bush administration but instead resonate in the work of postcolonial studies scholars, many of whom agree with Marxist historian Eric Hobsbawm when he writes:

The wars in Iraq and Afghanistan are but one part of a supposedly universal effort to create world order by ‘spreading democracy’. This idea is not merely quixotic—it is dangerous. The rhetoric implies that democracy is applicable in a standardised (western) form, that it can succeed everywhere, that it can remedy today’s transnational dilemmas, and that it can bring peace, rather than sow disorder. It cannot.<sup>19</sup>

At the same time, those embracing post-development paradigms and identifying as leftists hold the same views as Rice, and see possibilities for ‘radical democracy’ in contexts world-wide. In an article distinguishing among and within variants of post-development scholarship on democracy, Aram Ziai writes:

before celebrating the post-development critique, its ambivalence has to be taken into account. It is of crucial importance to be aware of the dangers of reactionary populism on the one hand, while not overlooking the emancipatory potential of the project of radical democracy in post-development on the other.<sup>20</sup>

According to Ziai, the underlying impetus in some post-development research, often unavowed or even disavowed, amounts to a necessary embrace of democracy.

The democracy debate’s limits are those of its emphasis on process over substance, meaning the content of the laws that would overcome the Third World problem. Not institutions for administering law, but rather, the very form of the state-nation, democratic or otherwise, presently produces national and international majorities and majorities committed to their respective kinship groups causing such tremendous suffering. The solution is not, however, Hobsbawm’s proposal to map sovereign institutions onto existing ethnic groups, ie people who have the incorrect belief that their genetic ancestors belonged to the same kinship group as they themselves. The solution is to eliminate the internal as well as external conditions of birthright prerogatives, since it is the borders among state-nations that lead to the template producing ethnic groups within them. There is no ethnicity that is not a past, present, or aspirational nation and once the legal conditions, meaning the kinship rules producing the nation, are eliminated, ethnicity will wither as well.

A democracy debate distracts from the more meaningful substantive debate about the Third (and First and Second) World’s states’ perpetuation of caste in its inheritance and kinship rules, as well as its own rules on migration. The rules for acquiring citizenship in Botswana are virtually

identical to those for acquiring citizenship in the USA, making both places equally unfriendly to the cause of free movement and the elimination of birthright privileges, be they those acquired from one's parents or from having the good or bad luck to be born in one place and not another.

### Conclusion

There is a common belief propounded by the powerful that their forms of oppression and warfare reflect a universal human nature, when in fact the ability to induce people, through force or ideas, to kill and die on a massive scale is confined to a very small number of affiliations,<sup>21</sup> those rooted in the nation, ethnicity, race, family and in religion. These commitments have absolutely nothing to do with culture *per se* (if violence were based on a strictly substantive culture clash, slick Wall Street bankers would have to watch out for teenage Goths) and everything to do with anxieties about birth and death. The scripts of kinship rules enacted on the political stage of the state effect the divisions of nation, from the Latin *nasci*, meaning birth and the root of 'native' and 'nature' as well, and productive of our categories of race and ethnicity as related forms of attachments experienced as acquired at birth. The kinship rules giving rise to these are far from biologically determined, but in truth are an act of defiance against anatomy, since at their root the only work specific to kinship rules is to use the power of a political society, be it a tribe or a state, to enforce a man's prerogative to be in relationship to a specific child, regardless of their potential genetic tie. These rules occur as a result of pathologies following from the ways that boys are forced to negotiate their desire to give birth along with the admonition from parents that their sex precludes this.<sup>22</sup>

Fuelling birth fantasies is the same regard for and fear of the mysterious powers of life and death underlying the formation of religion commitments as well. Whereas kinship rules provide for the continuity of the group in the face of the mortality of the individual, religion provides for the continuity of the individual (in the afterlife) through their synchronic attachments to a certain kind of other-world in this life. As long as our state-nations produce the templates of intergenerational and extra-generational bonds that institutionalise and concretise psychic, physical and spiritual disabilities masked as culture and wisdom, eg Christian family values, American liberalism (which is not even close to liberal) and evolutionary biology (an ideology of patriarchy), as well as their mirror and parallel images in other locations, the Third World will persist.

The alternative, a world of states without nations, can emerge if one path of liberalism is followed so that birthright is eliminated not only in name but in law as well; the changes in this doctrine necessary for this to occur are dramatic. At least the following would be required: 1) citizenship based on residence, not birth; 2) the elimination of inheritance, with one's wealth at death reverting to a global agency that would redistribute it to provide for basic needs of health and education world-wide; 3) the elimination of a state-sanctioned marriage, with those desirous of contracts for their long-term

child-rearing and other relations of intimacy determining them through individual contracts; and 4) no private ownership of land, to reconcile our condition of mortality with the immortality of the Earth.

It is not certain that Earth will not cease to exist, but it is certain each of its inhabitants will and, if there is to be one delusion, then respect for the potential immortality of this world seems one that is good as well as useful. Establishing laws that are consistent with our actual experiences of mortality, and not pathetic efforts to supersede these, ie the nation, inheritance, marriage, land rights, is the first step towards founding states worthy of our attachments and our best fantasies.

## Notes

- 1 I describe this in Jacqueline Stevens, *Reproducing the State*, Princeton, NJ: Princeton University Press, 1999.
- 2 Carl Pletsch, 'The three worlds, or the division of social scientific labor, circa 1950–1975', *Comparative Studies in Social History*, 23 (4), 1981, pp 565–590, citing Alfred Sauvy, 'Trois mondes, une planète' (three worlds, one planet), *L'Observateur*, 14 August 1952.
- 3 Sauvy, 'trois mondes', in *ibid*, pp 569, 571.
- 4 It is impossible to compare a map of the USA in 1800 and in 1900, and especially the major portions of land taken over from Spain, Mexico, and the Indian nations (with their respective populations) and abide by the odd myth that America is not an imperialist country.
- 5 'Prospectus', *American Journal of International Law*, January and April, 1907, p 131.
- 6 The first volume of the *American Journal of International Law*'s imprimatur carries the motto, 'Inter Gentes Jus et Pax'.
- 7 And there are communitarian contributions as well, most notably work by Will Kymlicka, Alisdair MacIntyre and Michael Walzer, suggesting the imperative for state boundaries to map onto those of putative ethnic groups.
- 8 For an excellent example of using a kinship framework to analyse national conflict in a postcolonial context, see Veena Das, 'National honor and practical kinship: unwanted women and children', in Faye D Ginsburg & Rayna Rapp (eds), *Conceiving the New World Order: The Global Politics of Reproduction*, Berkeley, CA: University of California Press, 1995. For using a kinship framework to analyse colonial domination, see Anne McClintock, *Imperial Leather: Race, Gender, and Sexuality in the Colonial Context*, New York: Routledge, 1995; and Ann Stoler, 'Making empire respectable: the politics of race and sexual morality in twentieth-century colonial cultures', in Anne McClintock, Aamir Mufti & Ella Shohat (eds), *Dangerous Liaisons: Gender, Nation, and Postcolonial Perspectives*, Minneapolis, MN: University of Minnesota Press, 1997, pp 344–373.
- 9 Samuel Huntington, *The Clash of Civilizations and the Remaking of the World Order*, New York: Simon and Schuster, 1996.
- 10 Michael Hardt & Antonio Negri, *Empire*, Cambridge, MA: Harvard University Press, 2000.
- 11 Data and analysis for this claim appear in my 'On the class question', 2001, available at [www.jacquelinestevens.org](http://www.jacquelinestevens.org).
- 12 J Bradford Delong, 'Inheritance: an historical perspective', mimeo, 2001, cited in Karen Dynan, Jonathan Skinner & Stephen P Zeldes, 'The importance of bequests and life-cycle saving in capital accumulation: a new answer', *American Economic Review*, 92, 2002, p 277.
- 13 Will Kymlicka, *Multicultural Citizenship: A Liberal Theory of Minority Rights*, Oxford: Oxford University Press, 1995.
- 14 Philip Gourevitch, *We Wish to Inform You that Tomorrow We will be Killed with Our Families: Stories from Rwanda*, New York: Farrar, Straus, and Giroux, 1998.
- 15 Lahouari Addi, 'The failure of Third World nationalism', *Journal of Democracy*, 7 (3), 1996, pp 94–107.
- 16 This is precisely what Hannah Arendt did when, in 1944, she wrote her scathing attack on the Zionist programme for a purely Jewish nation-state. For a Jewish refugee who wrote contemporaneously with the catastrophe to condemn and even ridicule the idea of a Jewish state is a beautifully clear and, sadly, rare, instance of speaking truth to anger and desperation.
- 17 Condoleezza Rice, 'Address to the 60th General Assembly of the United Nations', 17 September 2005, at <http://www.state.gov/secretary>.

- 18 Condoleezza Rice, 'Comments at Princeton University', 30 September 2005, at <http://www.state.gov/secretary>.
- 19 'The dangers of exporting democracy', *Guardian*, 22 January 2005, at <http://www.guardian.co.uk/comment/story/0,3604,1396038,00.html>.
- 20 Aram Ziai, 'The ambivalence of post-development: between reactionary populism and radical democracy', *Third World Quarterly*, 25 (6), 2004, p 1060.
- 21 For an elaboration, see my 'Legal aesthetics of the family and nation: agoraXchange and notes toward re-imagining the future', *New York Law Review*, 49, 2004–05, pp 316–352; and 'Sigmund Freud and international law', *Law, Culture, and Humanities*, forthcoming, 2006.
- 22 See my 'Pregnancy envy: the politics of compensatory masculinities', *Gender and Politics*, 1 (2), 2005, pp 265–296.