

# Contents

Introduction	1
--------------	---

## PART I: LIBERALISM AND THE RACIAL SUBJECT

1. <i>Imperium and Dominium</i>	25
I THE THREE THESES OF LIBERAL LEGALISM	30
A Medieval Aristotelianism	30
B Hobbes	34
C Locke	37
II THE SOVEREIGN'S RIGHT TO EXCLUDE	41
A <i>Pomerium, Dominium, Imperium</i>	43
B The Domestic Analogy and the Global <i>Demos</i>	49
2. The Racial <i>Xenos</i>	62
I THE LOGIC OF EXCLUSION AND ITS LIMITS	63
II THE BIOPOLITICS OF RACIAL SUBJECTION	68
III THE GLOBAL CONTEXT OF RACIAL XENOPHOBIA	76
A From Environment to Evolution	80
B Eugenics	84
C From Raciality to Ethnocultures	87
3. Nations of Daylight, Children of the Night	95
I ON RACIAL IDEOLOGY	97
II CLASSIC RACIAL IDEOLOGY IN INTERNATIONAL LAW	103
A Property, Sovereignty, and Territory	103
B Articulating Racial Ideology in the Classic Style	113

## PART II: MODERN RACIAL IDEOLOGY IN INTERNATIONAL LEGAL THOUGHT

4. Modern Racial Ideology as Naturalizing Juridical Science	135
I THE RISE OF LEGAL FUNCTIONALISM	138
II FUNCTIONALISM IN INTERNATIONAL LEGAL THOUGHT	150
III THE LOGIC OF INCLUSION	156
5. The Promise of International Migration Law	161
I MIGRATION LAW IN THE FAMILY OF NATIONS AND THE UNITED STATES	164
II CLASSICAL RACIAL IDEOLOGY FROM BELOW	166

III CLASSICAL RACIAL IDEOLOGY FROM ABOVE	169
IV RACIAL IDEOLOGY AND <i>DOMINIUM</i> IN THE SUPREME COURT	175
V THE TRANSFORMATION OF MIGRATION LAW AFTER WORLD WAR I	181
6. Decolonization and the Ambivalence of Self-Determination	189
I THE INTERWAR ALLIANCE BETWEEN ANTIRACIST AND ANTICOLONIAL STRATEGY	193
A The Universal Races Congress	193
B Pan-Africanism, The League Against Imperialism, and the Black Radical Tradition	199
C Decolonizing the United Nations	205
II FROM ANTICOLONIAL SELF-DETERMINATION TO HUMAN RIGHTS	210
A <i>Western Sahara</i>	211
B Case Concerning the Frontier Dispute	215
C The Acquired Rights Debate	218
D <i>Imperium</i> and the New International Economic Order	220
E After Apartheid	222
7. On the Ideological Threshold	229
I THE ANTICLASSIFICATION/ANTISUBORDINATION DEBATE	233
II TOWARD NEOLIBERALISM AND NEOFORMALISM	238
III TOWARD THE UN'S DISCRIMINATION CONVENTION	245
IV RACIAL EQUALITY, REFUGEES, AND THE RIGHT TO EXCLUDE	253
PART III: POSTRACIAL XENOPHOBIA	
8. Multiculturalism, Nationalism, Pragmatism	265
I THE CRITIQUE OF NEOFORMALISM: POSTRACIAL MULTICULTURALISM	267
A LatCrit and TWAIL	272
B Postracial Self-Determination	275
C An Analytics of Raciality	281
II THE CRITIQUE OF FUNCTIONALISM: POSTRACIAL NATIONALISM	286
III THE CRITIQUE OF STRUCTURE: POSTRACIAL PRAGMATISM	298
9. On the Inevitability of Racial Borders	313
I GLOBAL GOVERNANCE AND DEMOCRATIC DEFICITS	316
II THE <i>DEMOS</i> UNBOUND	322
III ARE RACIAL BORDERS AN IRON CAGE?	331
<i>Index</i>	339