If American national space is an in-between zone, questions immediately arise about the nature of representation and the derived narrative conditions for claims to legitimacy. Which elements of the nation-state can be presupposed to be civilized and to constitute resources for a softening process toward civilization, and which elements can—or must—be transformed because they represent fragments of the wilderness that have to be removed? During World War I and the interwar period, important early concepts were developed that help answer these questions.

Especially in urban space, the notion of spatial restructuring was influential, and as a result the frontier model of civilization was often applied to urban space. By the 1930s, urban restructuring was routinely called for with references to “urban frontier” in Frederick Jackson Turner’s sense (Duffus, “Waterfronts”; Silzer, “Super-Port,” 668), and such language thus informed the spatial manifestation of industrial development in the city. In this context, the relationship between collective violence and the law soon emerged as the most important site for the hostis humani generis constellation’s production of illegitimate Other collectives as political factions. This becomes evident in the First Red Scare in the aftermath of World War I (circa 1919–21). The First Red Scare marks a period of upheaval and civic unrest in the United States that “accompan[ied] American industrial development” (Gage, “Terrorism,” 87) and that associated communism with domestic violence carried out by excluded groups, especially within the American urban population. “Native Americans, blacks, Catholics, immigrants—all, at one time or another, embodied the threat of internal subversion,” Ellen Schrecker explains, and she adds in reference to the First Red Scare: “By the twentieth century, the American ‘Other’ had become politicized and increasingly identified with communism, the party’s Moscow connections tapping in conveniently with the traditional fear of foreigners” (McCarthyism, 10).
The usage of hostis humani generis to describe domestic urban conflict was accompanied and strongly reinforced by international developments during the same period. As has been widely recognized among scholars,

World War I produced two unforeseen events with profound implications for the rest of the twentieth century, including the cultural wars of our historical epoch. The first was the Russian Revolution, which sparked communist revolutions and revolutionary movements from Mongolia to Germany and then around the world. The second was the national liberation movements of the colored peoples in the colonies and neo-colonies of the great empires.

. . . During World War I, what Africans and Asians, as well as American “Negroes,” saw in the great cradle of “Western civilization” was an insane orgy of mass murder and devastation on an unprecedented scale, as the hallmark of this civilization, its miraculous technology and vast production, was used to turn portions of Europe into poisonous wastelands. (Franklin, Vietnam, 117–18)

As Bruce Franklin notes, the classic European notion of inherent civilization is fundamentally shattered by World War I, especially because the war was largely waged in Europe itself. As my discussion of pirate figures in Victorian literature has indicated, European discourses of civilization still depended on the assumption that Europeans and European space were inherently civilized. European discourses of civilization were not able to explain the war’s “insane orgy of mass murder and devastation” in any way that allowed Europeans to continue to insist on their inherent civilization. Indeed, it seemed that either Europe was civilized (in which case, World War I should not have occurred) or it had degraded into savagery (which would explain the war but was deemed an unacceptable notion). World War I thus occasioned the widespread formulation of alternative models of civilization in Europe that could restore the lost premise of inherent civilization. These discourses borrowed from the American frontier model, especially in their references to the constitutive importance of transformative revolution and the premise of national space as an in-between zone that was the site of a perpetual civilizing effort.

At the same time, new European discourses abandoned the centerpiece of all three existing civilizational models (essentialist, progressive, and frontier)—namely, the notion of origin in a state of nature. The frontier model could hold onto that notion by respatializing it in an explicitly American territorial context; Europeans could not reinvent the state of nature in a similar way because the original state of nature had been the product of European philosophy in the first place. Instead, the alternative concepts of civilization that emerged in Europe postulated that civilizational problems
of legitimacy were rooted in the concept of the nation-state itself, and that European-style civilization (that is, inherent civilization) could be regained only in the aftermath of the nation-state.

Regimes based on such a premise would come to be known as totalitarian regimes in the United States, a category that gradually came to replace that of the barbarian in US discourse of the twentieth century. Totalitarianism, in this emerging understanding, held that the massification of populations in twentieth-century Western nation-states required a new form of political organization that responded to, and was thus theoretically based on, the notion of atomized masses. Such masses were to be justly governed by a state that loosely combined Hobbes’s idea of the Leviathan with Rousseau’s idea of social progress. The totalitarian Leviathan, representative of all, was also endowed with a coherent will that corresponded directly to the collective will of the masses. The totalitarian state was to be a living and constantly self-purifying body, made up of all the humans within it. Because of the oneness of state and human, the totalitarian state always legitimately acted on behalf of “its” humans. The nation-state merely constituted a necessary larva for such a totalitarian Leviathan to rise from and to rule the masses. The Soviet Union, founded in 1922, was the first nation-state to be conceptualized as a mere transitional state that would establish a just, inherently civilized order in its own aftermath. The totalitarian regime did not, in this sense, represent its territory, nor did it represent its people; it represented a people and a territory of the future that, to legitimate the state’s existence in the present, had to be molded by the state in the first place (Peters, Torture, 127).

In this sense, totalitarianism can be described as an attempt to resolve the difficulties of European states in renewing a claim to inherent civilization. The totalitarian solution echoes the notion of a future legitimate order presupposed by the Augustinian anecdote but also assumes that the arrival of this legitimate order can be expedited. According to the totalitarian solution, if the future is to arrive soon, all aspects of the present have to be ended, and every failure of the future to arrive legitimizes increasingly aggressive efforts to end the present, all in the name of awakening the totalitarian Leviathan.

Americans were acutely aware of the ideological challenges posed by totalitarianism and sought to address them from within the frontier model of civilization, which presupposed that existing national institutions were the proper place for an anticipated full realization of civilization. As early as 1916, Randolph Bourne discussed the contradictory nature of the German culture that had produced the philosophical and cultural pillars of inherent civilization but that now constituted an antagonist in hostile and disruptive defiance of civilization. How, Bourne asked, was one to react to such a paradoxical status transformation, and how was one to conceptualize the
notion of civilization in response to it? The solution for the United States, he argued, was to be mindful of its own unique civilizational origin: “Our ideal we can only find in our still pioneer, still struggling American spirit. It will not be found in any purported defence of present ‘democracy,’ ‘civilization,’ ‘humanity.’ . . . It will have to be in terms of values which secure all the vital fruits of the German ideals, without the tragic costs. It must be just as daring, just as modern, just as realistic. It must set the same social ends, the realization of the individual through the beloved community” (quoted in Hegeman, Patterns, 60).

Bourne firmly rejects the notion that any nation-state, including the United States, can make any claim to inherent civilization or can legitimately defend itself on this basis. This does not mean that the nation-state is inherently uncivilized, as a totalitarian argument might suggest. It simply means that civilization must be understood in Turner’s sense—namely, as a movement of perpetual institutional actualization of foundational ideals that are indeed inherently civilized, and that must be considered universal as well as national values. The nation-state, understood as an in-between zone, is the proper place for such perpetual actualization because it delimits the “beloved community” that can strive to actualize these values in collective political practice.

This reading of the frontier model of civilization became especially widespread in the 1930s and underpins the importance of Turner’s thesis in American discourse of the twentieth century. As Susan Hegeman points out, the formulation of an “American Way of Life,” which appears for the first time in the 1930s, is used to render the mythic nationalist idea of America as a sturdy ideological framework that embraces and affirms the continuation of the democratic nation-state, in explicit contrast to “totalitarianism” (Patterns, 4 and 105–6). In 1939, Peter Drucker pointedly argued that “Western democracies have to realize that totalitarian [ideology] . . . can only be overcome by a . . . concept of a free and equal society” (Economic Man, 227).1

Civilization in this sense always already exists in nation-states, even though it exists only as a citable ideal, and the civilizing mission consists of the internally disruptive effort to recruit all members of the national community to participate in this mission. The call for “equal” inclusion in the democratic regime of the United States directly responds to the problem of massification. The notion of freedom has been conceptualized as the “individual and collective human development in terms of . . . the individual’s progressive liberation from a malignant regulatory regime and its incorporation into a benign one” (Slaughter, Human Rights Inc., 9).

Totalitarianism and the frontier model of civilization share the assumption that destruction and resurrection are foundational aspects of the civ-
ilizational future in the present, and they both rely on the existence of the nation-state as a spatially delineated site on which to formulate the future fate of civilization. Since neither assumes the nation-state to be a de facto civilized space, both models postulate that the nation-state constitutes the site for a civilizing movement in the spirit of certain specified values. These values are diametrically opposed to each other in the two models due to the implications of the foundational figures that each model identifies as its core civilizing reference: whereas the totalitarian state imagines a collectivist Leviathan of the future, the United States imagines an individualist frontiersman of the past. The implications of this difference are especially well described in the realm of the law.

The frontiersman represents a recognizable American spirit that may express itself in a variety of incarnations inside and outside national institutions, and it is this American spirit that becomes the “spirit of the law” (Waldron, “Torture,” 1748). It became an expression of civilized institutional conduct for the United States to grant each citizen a transparent, accountable rule of law that emphasized a reliable, reciprocal relationship between the people and the law. Rather than keeping its citizens in a state of perpetual existential insecurity, the United States claimed to offer a society that helped liberate each citizen to pursue individual happiness. The existence of civilization is increasingly deemed equivalent to the institutional inclusion of populations previously excluded from equal political and legal representation: “the true subject of democracy is not simply material well-being but the extension of the democratic process in the direction of perfecting itself” (Ellison, Territory, 110).

Such an expansion of institutional participation on the basis of equal legal treatment, which has been demanded by various civil rights movements, can be seen as a civilizing premise only when contrasted with totalitarianism. Hannah Arendt, whose work is central to US understandings of totalitarianism, emphasizes “that legal stability and a totalitarian movement [can] not be reconciled” (Eichmann, 186; see also 176) because of totalitarianism’s inherent orientation toward the future. Arendt generally foregrounds the importance of movement and fluidity for totalitarian regimes, which forbids any legal protection for the status quo and thus reinforces the idea that a totalitarian state is a larva of the Leviathan, destined to be outgrown. She suggests that in totalitarian regimes, the entire population is always suspected of potential (that is, future) rather than actual crimes against the rise of the Leviathan, and that any person charged with such a crime can bring to his or her defense only “a number of factual details which naturally [lack] the consistency of the fictitious, logical, possible crime” (Totalitarianism, 427; see also 430).
These differences between totalitarianism and frontier civilization are a matter of degree rather than of kind, as scholars have regularly pointed out. For instance, Jeffrey Goldfarb remarks that in states that rely on institutions as well as the primacy of interpretive ideology, the difference between atomized subject and liberated individual seems somewhat artificial (Cynical Society, 32–39). However, Jeremy Waldron argues that different normative interpretations of comparable phenomena do in fact make a substantive difference for the law because interpretive traditions, rather than the phenomena themselves, serve as the bases for political and legal customs and standardized procedures. Central cultural interpretations of human communities such as frontier civilizations and totalitarian states, Waldron suggests, inform an entire network of legislative, judicial, and administrative decisions that respond to the underlying ideological logic represented by the relevant foundational figure (the frontiersman of the past or the Leviathan of the future) and make it possible to experience the underlying civilizational logic in a wide variety of situations and cases (“Torture,” 1721–26). The ideological spirit of the law in the United States and totalitarianism could be constructed as diametrically opposed on the basis of their foundational figures.

The frontier model and the totalitarian model share the core assumption that civilization is something that must be continuously implemented in the nation-state. Because the sovereign use of its monopoly on force is directly informed by the model of civilization involved, the question of which model is chosen for the nation-state is, almost by default, translated into a discourse of legitimacy. The frontier model, which presupposes a fluid diversity of life and the stable equality of rights, is read in the United States as the most legitimate interpretation of a general human civilizing mission. Much of this legitimacy is derived from the contrast with the illegitimacy of the totalitarian model, which presupposes stable homogeneity of life and a fluid, situation-specific law.

It is not surprising that the frontier model’s interpretation of the nation-state itself became associated with the notion of legitimate statehood in the United States, which explains the great importance of the US use of totalitarianism as a way to characterize nation-states with a different outlook (Jung, Nürnberger Prozesse, 135; Minow, “Introduction,” 7–9). International bodies such as the League of Nations, founded as a result of World War I, likewise approached the idea of international criminal law using specifically American premises (Jung, Nürnberger Prozesse, 92–96). In this sense, the importance of different interpretations of international law by the United States and the Soviet Union during the Cold War were already foreshadowed during the period between the world wars (Nijman, Legal Personality, 257).
The League of Nations as an international body that followed the frontier model of civilization also prepared the grounds for a massive interpretive shift of hostis humani generis as a legal fiction after World War II. The League’s most important contribution to this shift is its radical and influential rereading of piracy, which completely disassociates hostis humani generis from the crime of piracy and thus confirms the constellation’s importance for other purposes — namely, to negotiate the notion of legitimate violence within nations, rather than in territories whose sovereign status was still undetermined.

The crime of piracy was historically derived from the space of the sea, and in the period between the world wars — when the legal status of territorial sovereignty was strengthened everywhere, including in the postcolonial realm (Falkowski, *Indian Law*, 39) — legal scholars and lawmakers contended that piracy could occur only on the high seas. Defining maritime piracy under these circumstances was reduced to a geographical problem: did a given assault happen in or out of territorial waters? Only outside of territorial waters — and when it satisfied other severe limitations (Menefee, “Piracy,” 59–61; Murphy, “UNCLOS,” 163–65) — could an assault be defined as an act of piracy. The first definition of piracy as such a geographical crime is commonly associated with the League of Nations’ Committee of Experts for the Progressive Codification of International Law’s *Draft Provisions for the Suppression of Piracy* of 1932 (Bingham et al., “Draft Provisions”), known as the Harvard Draft Convention on Piracy. This document served as the basis for one of the first international laws adopted by the League of Nations, and then for the United Nations Convention on the Law of the Sea (UNCLOS) of 1982 with very little modification, which testifies to an extremely stable international legal perspective on piracy between the 1920s and the 1980s. Martin Murphy explains this amazing continuity by the prevalence of “two consistent assumptions that run through the consideration of piracy in the twentieth century: That it was an old problem — a problem out of history — that had largely disappeared; . . . [and t]hat the sovereign rights of states always and everywhere had precedence over the measures to prevent and suppress it” (“UNCLOS,” 158).

At the same time that piracy — a normative challenge to civilization at the margins of inherently civilized and inherently legitimate empire — was delinked from any space other than the sea in its narrowest definition, national space was substantiated as an in-between zone that could be a new site in which to determine what was legitimate violence. The central interpretive break in the use of the legal fiction of hostis humani generis was enabled by the frontier model: a constellation conventionally used to construct an existential conflict between races emerged as the means of constructing an
equally stark dichotomy between institutions that order a society in the legalist spirit of civilization, and lawless institutions that subject the citizen or human being to illegitimate violence (see Sarat, “Robert Cover,” 260).

It is with all this in mind that I read the genre of hard-boiled detective fiction, which emerged as a mainstream genre in the 1920s and radically formulated the American city as an in-between space. In this genre, the city is a site of claustrophobic, all-encompassing lawlessness reminiscent of the Hobbesian state of nature (Cynthia Hamilton, *Detective Fiction*, 129–30). It is the unaccountable world of shadows, rather than the open landscape, that eludes and defies taming by civilization. Urban space is constructed as a specifically institutional in-between zone insofar as the proper use of institutions is never self-evident but always threatened and precarious.

I use Dashiell Hammett’s novel *Red Harvest* (1929; hereafter abbreviated in the citations as RH) as an example of the growing trend of investigating legitimate violence in the national context. This canonic classic of hard-boiled detective fiction may serve as a transitional text in the construction of national space as an in-between zone. The novel is a transitional because it does not yet argue that the entire national space is such a zone. As soon as the nameless Continental Op has traveled from San Francisco to Poisonville (RH, 4), he is spatially moved from civilization to the wilderness that actualizes a traditional *hostis humani generis* constellation, familiar from the American historical novel. The industrialized American city of Poisonville—a functional yet nightmarish site of oppressive thug rule in the aftermath of World War I (RH, 8–10)—is imagined in the tradition of pirate nests or outlaw refuges on the American frontier. Still, the city’s more specific characterization in the novel anticipates assumptions about the nation-state as an in-between zone that will become dominant later in the twentieth century.

Until the point of the Continental Op’s intervention (he is based in the San Francisco office of the Continental Detective Agency), the city’s history related in the novel is one of ever-increasing oppression and corruption (RH, 3–4 and 8–10) that is represented by a band of thugs who were originally invited to the city as strikebreakers (RH, 9). The *hostis humani generis* constellation is comparatively straightforward throughout *Red Harvest*. Unchecked greed has turned Poisonville into a highly infectious state of nature (RH, 115, 119, 154–59, and 215). The regime established by the thugs evokes prevailing characterizations of totalitarian regimes. Poisonville suffers from a general atmosphere of oppression, in which all central peacekeeping offices are held by thugs, and the murder of a journalist who sought to reveal this state of oppression serves as the catalyst of the story.

Essentialist distinctions are made between the totalitarian rule of criminal thugs and their associates and the rule of law that characterizes the
American nation as a whole, and between the unaccountable violence of the shadows and the violence of those who will eventually have to make their actions public and be accountable for them (RH, 82–83, 89, 136, 138, and 215). In this sense, only uncompromising, unbiased, disinterested, and temporally limited violent intervention from outside is able to end the thugs’ rule over the city. In the end, the Op’s intervention and the ensuing military lockdown of the city reinstall the monopoly of force in the proper hands, Poisonville is restored to its original name of Personville, and the Op has to legitimate his own actions through the proper channels (RH, 216). Still, the city does not cease to be an in-between zone, as is shown by the character of Elihu Willsson, the Op’s client who brought the Op—and the thugs—to the city in the first place.

If the protagonists Natty Bumppo and Henry March could be described as a legitimate representative of civilization and a ruthless pirata in James Fenimore Cooper’s *The Deerslayer*, Hammett’s *Red Harvest* features a corresponding relationship between the Continental Op and his client. The Op is a privateer-like character who represents a legitimate institution that implicitly allows him to waive regulations for the sake of efficiency (RH, 85, 117–18). His client, Elihu Willsson, is an “old pirate” (RH, 151) who is deeply tainted by, yet also ambiguously removed from, the regime of thug rule. The characterization of Willsson directly draws on classic representations of the piratical rich in the British tradition, but the character is not described by analogy to forces outside of the nation-state. Willsson belongs to this city. He has initiated and legitimated both the thugs’ and the Op’s presence in the city, and acts ambiguously toward both of them throughout the novel. Before, during, and after the removal of both thugs and Op (the praedo and the representative of civilization), Willsson embodies the city and serves as its central gatekeeper (RH, 9, 84, 151, 202–3). By the end of the novel, when the Op’s successful intervention and his defeat of thug rule is followed by a change in who holds the monopoly on force (RH, 216), Willsson remains unchanged in his position. His enduring presence indicates that the city will continue to serve as a perpetual in-between zone, within which the normative struggle between thug and Op will continue indefinitely.

Indeed, the most important consequence of the pirata’s stabilization of city space as an indefinite in-between zone is that it renders the violence between the representative of civilization and the praedo perpetual. *Red Harvest* suggests that the representative of civilization (the Continental Op, representing the rule of law) and the praedo (the thugs, representing their own illegitimate rule) are interlocked not as successive continuations of each other, as Turner had imagined them, but as antagonists whose confrontation within city space will always remain existential. Theirs is the clash of interpretive regimes
over the use of the monopoly on force, which determines whether or not national institutions can actualize their civilizing potential. For this reason, the limitation of the in-between zone to the city space of Poisonville makes sense, as it renders the rest of the United States a site of civilization that the Op, as well as the American military, can meaningfully represent without having to further specify the source of their superior legitimacy.

In contrast, Hammett explicitly characterizes the thugs as oppressive, abusive, and false keepers of the peace. For instance, the Poisonville police force concentrates on fighting the personal opponents of its chief in a warlike manner (RH, 120) and routinely resorts to torturing prisoners (RH, 99). In the course of the novel, the story of a police officer called MacSwain is related: “He had been a pretty good guy, straight as ace-deuce-trey-four-five, till he got on the force. Then he went the way of the rest of them. His wife stood as much of it as she could and then left him” (RH, 89). MacSwain is transformed beyond recognition by a system that encourages and promotes, rather than condemns and punishes, inhumane oppression. His example shows that the thug rule of Poisonville anticipates the central moral and legal question that would later be raised in the political and legal context of macrocrimes and crimes against humanity: “Indeed, can behaviors, even the most outrageous ones, be considered criminal at all if they are the expressions of a state of society out of joint, a state of society which has only made these acts possible: deeds, in other words, that are not characterized by ‘deviance’ but by adaption, conformity, and a ‘normalcy’ that can be called adequate for the situation, and that dictates the behavior of many?” (Jäger, “Makroverbrechen,” 331; my translation).

Hammett answers this question in the affirmative. He suggests that such a rule can be ended and that the implicated criminals must be punished. The civilization that is anticipated by the transformation of Poisonville into Personville can retrospectively legitimate the existential clash between American civilization and totalitarian oppression within the in-between zone. At the same time, Hammett allows for an important qualification to this answer. The implications of the thugs’ and the Op’s violent presence are diametrically opposed, the main difference being that the Op voluntarily leaves in the end, while it requires a string of assassinations and a military lockdown of the entire city to get rid of the thugs. Still, the thugs have been brought to Poisonville in virtually the same way as the Op. By emphasizing the similarities between the thugs and the Op, Hammett implies the possibility of a future similarity between the thugs and the soldiers who perform the military lockdown. As long as Willsson remains in the city, it is by no means clear whether the city will remain on the civilizing track toward Personville or lapse back into being Poisonville.
Let us pause for a moment and consider the distinction Giorgio Agamben makes between constitutive and constituted violence (Homo Sacer, 42–47). Agamben argues that constitutive violence corresponds with foundational violence as it has been understood in this book, while constituted violence is institutionalized violence that refers back to foundational violence only to gain legitimacy. In other words, frontier civilization originates in constitutive violence (birth) and softens into constituted violence (maturity). Agamben suggests that in the specific context of totalitarianism, constituted violence does not exist—instead, constitutive violence is rendered perpetual (ibid., 47). If civilization is inherently characterized by disruption, communities such as Poisonville under thug rule are totalitarian because the thugs’ original disruption has been installed as a permanent state of oppression. Like the Native Americans who were imagined to exist in a perpetual state of nature in the wilderness, so do the totalitarian thugs rule with their unpredictable use of institutional structures.

This, consequentially, introduces a gray area in the application of the constellation, because a specific form of political order can be characterized as a quasi state of nature. Perpetual disruption of the in-between zone can occur in the service of either democracy or totalitarianism—introducing a latent essentialism to both notions, which allows for the existence of an almost classic European representative of civilization (such as the Op), who proclaims that democracy is “us, by definition” whenever a praedo as a representative of totalitarianism is identified.

However, since both totalitarianism and democracy, following the understanding of the frontier model of civilization, are defined by the perpetual violent disruption of order, the only way to distinguish them is to measure how violence transforms space. Totalitarianism is identified as foundational violence that refuses to give way to a process of softening, and violence that maintains itself—rather than allows itself to be surpassed—emerges as a praedonic usage of the in-between zone. It is because of the importance of maintaining a specific meaning for violence in space that oppression becomes such an important hallmark for totalitarianism.

It is therefore important that the monopoly on force is in the hands of a regime that allows the meaning of violence to change, as well as its agents and targets to shift.

Only when the monopoly on force is in such proper hands can the frontier model emerge as a description of the internal structure of the in-between zone. Because perpetual disruption implies the perpetual risk of totalitarianism, the monopoly on force that occasions this internal civilizing process has to maintain an institutional structure that limits the scale of disruption; order can be disrupted only in certain ways and not in others. The ability to
transform only in certain ways can and must be reproduced wherever the meaning of space is under violent negotiation. Totalitarianism emerges as the predatory, oppressive alternative to the genesis of civilization—an alternative that not only civilization but also the in-between zone has to be protected from. At this point, we can see how the frontier model of civilization, while internally a new concept, uses the distinction between constitutive and constituted violence to substantiate an element of inherent civilization in the nation (which can then be contrasted with the inherent illegitimacy of totalitarian uses of national institutions).

To summarize, totalitarianism in *Red Harvest*, rendered illegitimate by its oppressive rule over faceless andunnarrated (that is, innocent) townspeople, does not constitute a violent birth that is preceded by a softening process, but neither does the civilizing intervention of the Op that is followed by military lockdown. Rather than representing an intertwined foundational moment, the struggle narrated in *Red Harvest* evokes diametrically opposed orders that are irreducible to each other. During such a perpetual standoff in spatially unspecified in-between zones, the completion of the essentialist struggle becomes the necessary condition for frontier development. As Lucia Folena concludes, this construction fundamentally depoliticizes the notion of violence itself because violence is necessary to allow either interpretive regime to introduce its own notion of civilization in the first place (“Figures,” 228). Violence itself is not, in this sense, legitimate or illegitimate—it is rendered neutral because only the use of violence helps distinguish, retrospectively, between a spark of frontier civilization and a first instance of totalitarian oppression, and thus between an entire regime of legitimacy and one of illegitimacy.

The frontier model requires that a claim to represent civilization be backed up by the internal meaning of violence as transformative of space, and as the beginning of a softening process. Only from within such a softening process can the meaning of constitutive violence be determined. Only then can one speak, as Ronald Reagan does in his much later remark about the Sandinista regime in Nicaragua, of democracy as an “original purpose of the revolution,” which can be “restored” violently (“Remarks”).

To summarize, the institutional landscape of the nation in Hammett is not qualitatively different from the wilderness in Turner when it comes to the ways in which the hostis humani generis constellation is used. This is possible because the wilderness in Turner is also more generally described as “the bondages of the past,” whose revolutionary removal is realized by the frontier. “Each frontier did indeed furnish a new field of opportunity, a gate of escape from the bondage of the past,” Turner writes, “and freshness, and confidence, and scorn of older society, impatience of its restraints and
its ideas, and indifference to its lessons, have accompanied the frontier” (“Frontier,” 62). In this sense, as mentioned above, a state of oppression as Hammett imagines it can be characterized as equivalent to the forest that may legitimately occasion a revival of the frontier in national space, and the wilderness can be redefined as an oppressive “older society” characterized by “bondage” and “restraints.” In the next chapter, I discuss the theoretical conditions that underlie such a use of the frontier model.