

Eretz Israel or Ersatz Israel? A Conceptual Critique of Zionist State Legitimacy

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ABSTRACT

Since the escalation of violence in Gaza after October 2023, public discourse has increasingly questioned the legitimacy of the State of Israel, both as a matter of historical fact and international law. This conceptual paper interrogates four claims that have historically underwritten the Zionist movement's assertion of legitimacy over historic Palestine: (1) the settler-colonial premise that Palestine was “a land without a people,” and the racialized logic of erasure and dehumanization that sustained it; (2) the invocation of a divine promise of the land, considered against the criteria of statehood and sovereignty recognized under modern international law; (3) Israel's conditional admission to the United Nations in 1949 under General Assembly Resolution 273, read together with Resolutions 181 and 194 and Security Council Resolution 242, against Israel's sustained record of non-compliance, culminating in the International Court of Justice's July 2024 advisory opinion; and (4) the state's claim to embody Jewish peoplehood and its invocation of Holocaust memory, set against its conduct in Gaza and against principles central to Jewish ethical tradition. Drawing on settler-colonial theory, international law, and critical scholarship on Holocaust memory politics, the paper argues that these four dimensions constitute a cumulative legitimacy deficit conceptualized here through the heuristic contrast between “Eretz Israel,” the imagined nation of Zionist ideology, and “Ersatz Israel,” its empirical record. The paper closes by distinguishing this critique of the state from claims of antisemitism, and by proposing the legitimacy-deficit framework as a basis for further comparative research in settler-colonial and Palestine studies.

Keywords: Zionism; settler colonialism; international law; Nakba; Gaza; genocide; state legitimacy; Holocaust memory

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INTRODUCTION

A widely circulated social media exchange in late 2023 captured, in miniature, a broader discursive shift. An Israeli commentator, mocking China for its association with counterfeit goods, was met with a retort from a Chinese social media user: that the entire nation of Israel was itself “fake.” The exchange is anecdotal, but it is illustrative. Since the escalation of Israel's military campaign in Gaza after October 2023, a growing body of public commentary, legal opinion, and scholarship has converged on a shared question: whether the State of Israel, as constituted and as conducted, possesses the legitimacy it claims for itself and is routinely accorded by its principal allies.

This paper takes up that question conceptually. It examines four claims that have historically anchored the Zionist movement's assertion of a legitimate right to statehood in historic Palestine: first, the demographic erasure implied in the slogan “a land without a people for a people without a land”; second, the theological claim of a divine promise of the land to the Jewish people; third, the terms of Israel's admission to the United Nations in 1949 and its subsequent record of compliance with the obligations attached to that admission; and fourth, the state's self-presentation as the national embodiment of the Jewish people and its instrumentalization of Holocaust memory. Each of these claims is examined in turn, drawing on settler-colonial theory, international law, and critical Holocaust and genocide studies.

The title's wordplay “Eretz Israel” (Hebrew: the Land of Israel), the Zionist movement's own term for the territory it claimed, set against “Ersatz Israel” (a substitute, an imitation) is used here not merely rhetorically but as a conceptual heuristic: a device for organizing the gap between the founding claims of the Zionist project and its documented historical and contemporary conduct. This gap is conceptualized in the discussion section as a cumulative legitimacy deficit, a framework the paper offers as a contribution to Palestine studies and to the broader literature on settler-colonial state formation.

The paper proceeds as an explicitly critical and normatively engaged conceptual analysis, consistent with this journal's stated aim of facilitating critical discussion of the challenges facing Palestinians and of contributing to evidence-based advocacy. It does not present new empirical data; rather, it synthesizes existing historical scholarship, international legal instruments, and

human rights reporting into a structured argument. The paper closes by addressing directly the frequent conflation of anti-Zionism with antisemitism, arguing that the two are analytically distinct.

CONCEPTUAL FRAMEWORK

The analysis draws on three bodies of theory. The first is settler-colonial theory, particularly Patrick Wolfe's (2006) account of settler colonialism as a “logic of elimination” directed at the erasure, rather than the exploitation, of an indigenous population, and Lorenzo Veracini's (2010) distinction between settler-colonial and metropole-colonial forms of domination. This framework informs the analysis of the “land without a people” myth in Section 3.

The second is the body of international law governing statehood and sovereignty, including the customary criteria of statehood reflected in the 1933 Montevideo Convention (a permanent population, a defined territory, an effective government, and the capacity to enter into relations with other states), and the law of United Nations membership, including the conditions attached to a state's admission. This framework informs the analysis in Sections 4 and 5.

The third is critical scholarship on the politics of Holocaust memory, particularly Norman Finkelstein's (2000) contested but influential account of the instrumentalization of Holocaust remembrance for political ends, and Pankaj Mishra's (2025) more recent analysis of how Holocaust memory has shaped Western moral and political responses to the war in Gaza. This framework informs the analysis in Section 6. Together, these three bodies of theory allow the paper to move from a historical and legal critique of Israel's founding claims (Sections 3 and 4), through an analysis of its institutional standing and conduct as a UN member state (Section 5), to a critique of its claim to moral and religious representation (Section 6).

Erasure, Racialization, and the Logic of Elimination

The Zionist slogan “a land without a people for a people without a land” was, on the historical record, false. Historic Palestine was not an empty territory awaiting settlement. Nur Masalha's (2018) history of Palestine traces continuous use of the toponym “Palestin” to roughly 3,200 years ago, and its frequent administrative and popular use from approximately 450 BCE onward,

documenting a land with sustained habitation, identity, and plural culture from the Late Bronze Age to the modern era. By the time organized Zionist immigration to Palestine began in 1882, the territory supported an established Arab society majority Muslim, with Jewish and Christian communities with vibrant coastal towns, trade links to Europe, an agricultural economy, and historic cities.

The persistence of the erasure claim, notwithstanding this record, is itself of analytical interest. It has been voiced by senior Israeli political figures across decades, from Prime Minister Golda Meir's 1969 assertion that there was no such thing as Palestinians, to Finance Minister Bezalel Smotrich's 2023 declaration that no Palestinian people exists (Wikipedia, n.d.; The Times of Israel, 2023). Wolfe's (2006) concept of the settler-colonial "logic of elimination" offers a way of reading this persistence: erasure functions not as a factual claim to be corrected but as a structuring ideology of settlement, one that recurs precisely because it legitimizes the ongoing displacement of the indigenous population rather than because it withstands historical scrutiny.

A racialized logic underlies this erasure. Because indigenous Palestinians were not white Europeans, the settler-colonial imagination could cast them, in Wolfe's and Veracini's (2010) terms, as removable rather than as a people with a prior and continuing claim to the land. This logic has recurred in dehumanizing characterizations of Palestinians attributed at various points to Israeli officials and public figures, and it is reflected in the broader pattern of settler-colonial violence that accompanied and followed the 1948 Nakba, in which some 750,000 Palestinians were displaced. Zionism, notably, was not primarily a religious movement but a largely secular nationalist one; its co-optation of biblical language, discussed in Section 4, does not alter its structural character as a settler-colonial project sharing key features dispossession, racialized hierarchy, and demographic replacement with other instances of European colonial expansion.

This racialized colonial logic is traceable to the movement's own founding texts. Theodor Herzl, the principal architect of modern political Zionism and himself a secular, assimilated Viennese Jew, responded to the antisemitism he witnessed in Europe not by rejecting Europe's colonial-racial worldview but by appropriating it. In correspondence and writing associated with his 1896

pamphlet *The Jewish State*, Herzl proposed that a Jewish state in Palestine would serve European imperial interests by forming, in his words, part of “the wall against Asia” and “an outpost of civilisation against barbarism” (Herzl, 1896). That civilizational framing Europe as civilized, Asia (and, by extension, the Arab population of Palestine) as barbaric has continued to structure Israeli political discourse, including recent rhetoric by Prime Minister Benjamin Netanyahu. It also underlies what a substantial body of international legal and human rights scholarship now characterizes as a structure of apartheid governing Israel's relationship with Palestinians (Amnesty International, 2022; B'Tselem, n.d.; Al-Haq, n.d.; Human Rights Watch, 2024).

Theological Claim and the Limits of International Legal Title

A second claim underwriting Zionist legitimacy is theological: that the land was promised to the Jewish people by divine covenant more than three thousand years ago. As a matter of religious conviction, this claim lies outside the terms of rational-empirical adjudication that this paper otherwise applies. What is analytically significant, however, is the instrumental relationship between the movement's leadership and this claim. Many of the founding figures of Zionism Herzl, Chaim Weizmann, David Ben-Gurion, and Ze'ev Jabotinsky among them were not religiously observant. Ilan Pappé (2017), in *Ten Myths About Israel*, records that an early socialist Zionist described the Bible as providing “the myth for our right over the land,” and observes that, in effect, those who did not believe in God nonetheless invoked His promise of Palestine. The theological claim thus functioned less as religious conviction than as a legitimating resource for a secular nationalist project one whose costs were borne by an indigenous population that did not share, and had no reason to be bound by, that theological framework.

Whatever weight a biblical narrative carries within a community of belief, it does not constitute legal title to sovereignty under modern international law. Contemporary statehood is conventionally assessed against criteria such as those reflected in the 1933 Montevideo Convention a permanent population, a defined territory, an effective government, and capacity to enter into relations with other states together with the principles of self-determination, sovereign equality, and the prohibition on the acquisition of territory by force. None of these criteria references ancient religious entitlement. Were antiquity of connection alone sufficient to found a

present-day claim to exclusive sovereignty, the resulting proliferation of competing ancestral claims would destabilize the territorial basis of the modern state system as such. The theological claim, in short, cannot substitute for the legal and political criteria by which statehood and territorial title are actually adjudicated in the contemporary international order.

Conditional Admission to the United Nations and the Persistence of Non-Compliance

A third claim to legitimacy rests on Israel's status as a duly admitted member of the United Nations. Israel declared statehood in May 1948 and was admitted to UN membership a year later, under General Assembly Resolution 273 (III) of 11 May 1949 (United Nations General Assembly, 1949). That resolution recalls two prior resolutions whose terms Israel's admission was understood to acknowledge: Resolution 181 (II) of November 1947, the partition plan allocating approximately 56 percent of Mandate Palestine to a proposed Jewish state and 43 percent to a proposed Arab state (United Nations General Assembly, 1947); and Resolution 194 (III) of December 1948, which recognized the right of Palestinian refugees many expelled by Zionist forces or displaced during the 1947–49 war to return to their homes, and the right to compensation for those who chose not to return (United Nations General Assembly, 1948). Assurances of cooperation with these resolutions were material to securing the support required for Israel's admission; without them, admission would plausibly have faced greater difficulty.

Israel's subsequent conduct diverged sharply from these terms. Even before statehood was declared, Zionist militias undertook a campaign of expulsion that produced the displacement of roughly 750,000 Palestinians by 1949 the Nakba. Through this campaign, Israel expanded beyond the 56 percent allocated under Resolution 181 to control approximately 78 percent of Mandate Palestine, leaving the remaining 22 percent (the West Bank and Gaza) under Jordanian and Egyptian administration. In the decades since, Israel has pursued settlement expansion, annexation, administrative fragmentation, and movement restrictions that have systematically obstructed the emergence of a viable Palestinian state within even that reduced territory a pattern the UN Office of the High Commissioner for Human Rights and the European Union describe as having markedly accelerated in recent years (Office of the United Nations High Commissioner for Human Rights,

2025, 2026a; European Commission / European Union External Action Service, 2025). Israel has likewise not implemented Resolution 194's provisions on refugee return and compensation.

Israel's occupation of the remaining Palestinian territories following the 1967 war compounds this record of non-compliance. UN Security Council Resolution 242 (1967) affirmed “the inadmissibility of the acquisition of territory by war” and called for the withdrawal of Israeli forces from territories occupied in that conflict. With the exception of the Sinai Peninsula, returned to Egypt in 1982, Israel has maintained its presence in the territories occupied in 1967. In July 2024, the International Court of Justice issued an advisory opinion addressing the legal consequences of Israel's policies and practices in the Occupied Palestinian Territory (International Court of Justice, 2024), following which the UN General Assembly demanded that Israel end its “unlawful presence” in the territory and withdraw its forces (United Nations News, 2024).

Resolution 273 further recorded Israel's declaration that it “unreservedly accepts the obligations of the United Nations Charter and undertakes to honour them from the day when it becomes a Member of the United Nations.” Israel's subsequent record including the targeting of negotiating counterparts, military action taken during active diplomatic processes, and repeated departures from agreed ceasefires sits uneasily against that undertaking. Taken together, the terms of Israel's admission and its record of compliance with them constitute the third dimension of the legitimacy deficit this paper identifies: a membership secured on conditions that have not, on the available record, been honoured.

Holocaust Memory, Representation, and Jewish Ethical Tradition

The fourth claim examined here is Israel's self-presentation as the national embodiment of the Jewish people, and the closely related contention that criticism of Zionism and of the Israeli state is equivalent to antisemitism. Engaging this claim requires distinguishing between Jewish people and Jewish tradition, on the one hand, and the political claims of a particular state, on the other a distinction this paper treats as analytically essential rather than as a rhetorical evasion.

The Nazi genocide of European Jews occupies a distinct place in twentieth-century history and in the development of international law, having been central to the emergence of genocide as a

recognized international crime under the 1948 Genocide Convention. That centrality, however, exists alongside the historical fact that other peoples across the Americas, Africa, Asia, and Oceania experienced colonial dispossession, massacre, and, in numerous cases, extermination, without comparable legal, political, or moral recognition. Norman Finkelstein's (2000) contested but widely discussed account of what he terms “the Holocaust industry” argues that Zionist institutions and Israeli state advocates have deployed the memory of the Nazi genocide for political ends; Pankaj Mishra's (2025) *The World After Gaza* similarly examines how the moral authority attached to Holocaust memory has shaped, and at times constrained, Western responses to Israel's conduct in Gaza. Both arguments remain contested within Holocaust and Israel studies scholarship, but their shared claim that the memory of Jewish suffering has been mobilized as a discursive resource that forecloses scrutiny of the Israeli state's own conduct is directly relevant to this paper's argument.

Taking Israel's claim to Jewish representation on its own terms, the paper asks whether that claim can be reconciled with core commitments of Jewish ethical tradition: prohibitions on murder and theft; the injunction against oppressing the stranger, rooted in Exodus 23:9's appeal to the collective memory of having been strangers in Egypt; the doctrine of human dignity grounded in the creation of every person “in the image of God” (Genesis 1:26–27); and the repeated scriptural injunction to care for the poor, the orphan, and the oppressed (Deuteronomy 10:18, 24:17–22; Isaiah 1:17). Measured against these commitments, the state's conduct in Gaza presents what this paper characterizes as a profound disjuncture. UN human rights bodies, international humanitarian organizations, and genocide scholars have documented sustained, large-scale civilian and child casualties in Gaza; Israel is separately before the International Court of Justice in proceedings alleging violations of the Genocide Convention. The UN Independent International Commission of Inquiry's 23 June 2026 report found that children were deliberately targeted, identifying this as among the elements establishing genocidal intent (Office of the United Nations High Commissioner for Human Rights / UN Independent International Commission of Inquiry, 2026b). UN Special Rapporteur Francesca Albanese has similarly reported on the use of torture and other conduct assessed as constitutive of genocide (Albanese, 2026).

The occupation's normalization of land seizure and settlement expansion land from which indigenous Palestinians were displaced now settled by persons with no prior connection to it, while the displaced and their descendants remain refugees sits in tension with the prohibitions on theft and covetousness noted above. Gaza's protracted blockade, described by international observers as producing conditions of open-air confinement, and the use of starvation as a method of warfare and a form of collective punishment against civilians documented at the highest levels of acute food insecurity by the Integrated Food Security Phase Classification and by UN agencies (IPC, 2025; UNICEF, 2025) similarly sit in tension with the injunctions to protect human dignity and to care for the vulnerable. UN reporting places the number of children killed by Israeli forces in Gaza over roughly two and a half years at more than 21,000, a figure that does not capture deaths from starvation, untreated wounds, disease, and the collapse of health infrastructure (United Nations in Palestine, 2026). This record continued, on the available reporting, even after the October 2025 ceasefire.

The conceptual claim advanced here is not that Israel's conduct reflects on Jewish people or Jewish tradition as such the paper explicitly rejects that inference but that a state claiming national and moral representation of a people cannot straightforwardly sustain that claim while its conduct departs so substantially from the ethical commitments central to that people's own tradition. This is the fourth and final dimension of the legitimacy deficit examined in this paper: a gap between the state's claim to represent Jewish ethical inheritance and its conduct, a gap that is analytically distinct from, and does not license, hostility toward Jews as a people.

DISCUSSION: Toward a Legitimacy-Deficit Framework

The four dimensions examined above demographic erasure and racialized dehumanization, the theological-versus-legal basis of territorial claim, conditional UN admission against a record of non-compliance, and the disjuncture between claimed representation and documented conduct are analytically distinct but cumulative. Each addresses a different register of legitimacy: historical-factual, legal-theological, institutional-diplomatic, and moral-representational, respectively. Their convergence is what this paper conceptualizes as Israel's legitimacy deficit: not a single defect capable of resolution through a discrete policy change, but a structural gap between the Zionist

movement's founding self-conception Eretz Israel and the state's empirical historical and contemporary record Ersatz Israel.

This framework offers a point of comparison with the broader settler-colonial studies literature on other settler states (for example, the United States, Australia, and South Africa under apartheid), where similar gaps between founding legitimating narratives and documented conduct toward indigenous populations have been analyzed using comparable conceptual tools. It also intersects with, but is distinct from, existing genocide-studies and international-law scholarship on Israel/Palestine, which the paper draws on rather than duplicates. As a conceptual rather than empirical contribution, the paper's limitations should be noted: it synthesizes existing historical, legal, and documentary sources rather than presenting new primary data, and several of the empirical claims drawn from press and advocacy sources would benefit, in further research, from triangulation against additional primary documentation. The paper's normative starting point that the described conduct constitutes a legitimacy deficit is also explicitly stated rather than concealed, consistent with the critical and advocacy-oriented scope of this journal.

CONCLUSION

This paper has examined four claims historically advanced in support of the legitimacy of the Zionist state: demographic erasure, theological entitlement, UN membership in good standing, and national-moral representation of the Jewish people. In each case, the historical, legal, and documentary record examined here reveals a substantial gap between the claim and the conduct. The paper has conceptualized this cumulative gap as a legitimacy deficit, captured heuristically in the contrast between Eretz Israel, the imagined and claimed nation, and Ersatz Israel, its empirical record.

This is a critique of a state and of the ideology that founded and continues to structure it, not of a people or a faith. Jewish ethical tradition, as this paper has argued, supplies grounds for this critique rather than grounds against it. Distinguishing clearly between anti-Zionism and antisemitism is therefore not incidental to this paper's argument but central to it. Future research might extend the legitimacy-deficit framework comparatively to other settler-colonial contexts, or

test its individual dimensions particularly the institutional-compliance dimension examined in Section 5 against a more systematic dataset of UN resolutions and state responses over time.

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