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Sovereignty, Internationalism, and the Chinese In-Between

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Sovereignty, Internationalism, and the Chinese In-Between

Matthew S. Erie

Abstract

This paper is premised on the idea that in order for such development projects as the UN Millennium Development Goals, and especially development in Asia, to take root in both the policies of national governments and in the national imaginary of the citizenry, there must be an existing viable notion of the “global community.” Arguing mainly from anthropological theory, but also drawing on political science, history, and legal studies, this paper considers the various institutional as well as the affective mechanisms that allow individuals to transcend allegiance to the nation-state to access transnational civil society. The case of the People’s Republic of China is analyzed to demonstrate the ways in which sovereignty, as cornerstone of Chinese nationalism and linchpin of the state system itself, is being challenged by various forces of economic, legal, political, and cultural globalization. The paper concludes that it is the changing ontological terrain of the concept of sovereignty which engenders a new calculus of political power.[†]

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Introduction

Writing in 1957, Edward Shils contended that contemporary society exhibited manifold personal attachments, whether civil, professional, or primordial, and that these bonds knitted society together. Shils further remarked that these attachments were characterized by immediate, familiar, and proximal relations. This paper takes as its point of departure a revision of Shils. Nearly a half-century after the publication of “Primordial, Personal, Sacred and Civil Ties,” we can see that in today’s increasingly shrinking world, what is now considered proximal or personal often originates half a world away. While globalization has intensified religious fundamentalism, ethnic strife, and wars, both holy and unholy, it has also increased contact and understanding across cultural divides. This latter phenomenon, the possibility for an international solidarity and particularly the ways in which the individual accesses the global community, are considered here from a multi-disciplinary perspective that incorporates social anthropology, political science, and legal studies.

The central premise of this argument is that for such development programs as the UN Millennium Goals¹ to take root in both the policies of national governments and in the national imaginary of its citizenry, there must be a pre-existing sense of a viable international community. The theorization of an international community proceeds through a consideration of the interplay between individual and social structure, specifically, the individual’s relationship to the nation-state as the foundational unit of the international system. A consideration of structural changes occurring at the level of the nation-state finds that it is the changing ontology of sovereignty itself which facilitates individual access to civil society and “the global.” Lastly, the paper turns to the most unlikely of places to examine a case study of emergent forms of sovereignty – the People’s Republic of China, a nation-state known for its non-participation in the international community. Nevertheless, the study of China shows that the diffusion of sovereignty engenders new spaces for individuals to access global civil society and provides the framework for a new calculus of political power.

¹ The UN Millennium Development Goals as stated in the Millennium Declaration (8 September 2000) focus on the “collective responsibility to uphold the principles of human dignity, equality and equity at the global level. The goals are: the eradication of extreme poverty and hunger, universal primary education gender equality, reduction of child mortality, improvement of maternal health, combating HIV/AIDS, malaria and other diseases, ensuring environmental sustainability, and developing global partnerships for development. The latter includes open trading and financial systems with a particular concentration on the special needs of developing countries (quota-free access for exports, debt relief or sustainable debt, youth programs, pharmaceutical partnerships, and improved access to information and communication technologies) (UN Millennium Declaration).

I. “We are the World”

To conceptualize the relationships between the individual person and larger social collectivities such as the nation and beyond, it is helpful to invoke Kenneth Waltz’s tripartite division of the individual, the nation-state, and the international system developed in his *Man, the State, and War* (1959). Waltz argues that second order images can be ignored and posits the systemic level as origin for the distribution of capabilities, the aggregations of distinct national powers such as the economic resources of subsidiaries of multinational corporations that are mobilized by states for various purposes (Caporaso 2000: 2). Although Waltz may have ultimately dismissed the level of the nation-state as primary actor in international relations and both producer and recipient of affective ties with individuals, nevertheless, the nation-state and its emotive corollaries of nationalism and patriotism has been a mainstay in the literature of political scientists and social historians. A cursory overview of some of the highlights of this literature shows that the question “why do people form attachments to their country?” has elicited, broadly speaking, a gradual agreement towards a constructivist perspective that see ties to the nation (“nationalism”) as a distinctly modern phenomenon which are generated by political elites (Geertz 1973; Gellner 1983; Hayes 1926; Hobsbawm 1992; Renan 1990; Weber 1994). It would seem, then, as for the attachment of the individual to the nation-state, that this is an affect of cultural construction often appropriated by political and intellectual elites.

Nationalism, then, is not an organic, natural, or primordial sentiment, but rather a cultural construct. Internationalism, the attachment to the global community, also emerges as a result of social production.² Individual identification with the international community can take two forms. The first occurs in terms of access to transnational forms of authority as nodes of international political power; this association occurs often when the nation-state itself has somehow infringed upon individual liberty and international authorities are perceived as superordinate adjudicators. The second form consists of the development of an actual community, a sense of cohesion or “we-ness” fostered by common goals and practices. This identification can take place vis-à-vis the nation-state (through, for instance, activist groups that seek to influence policy formation) or through involvement in activities that are not necessarily antithetical to states’ interests, and may be conducive to them, but which nevertheless transcend state territorial boundaries; international business communities and academic affiliations would be examples of this type. In

² As will be shown below, these are not mutually exclusive attachments.

sum, both forms of identification with the international community comprise “global civil society.”³

Theorization of internationalism must take into consideration both the actions and attitudes of individual subjects and their social, political, and economic contexts within which they are situated. Although there are many vehicles of individual association with global civil society, two will be considered here: one that is roughly “subjective” and another which is instrumental. First, anthropologists and social historians have noted that people cultivate “multiple identities” in regards to their association with larger social bodies. Hayes writes of the allowance of nationalism for other forms of fidelity. He asserts, “As a matter of fact, man’s gregariousness has assumed many forms other than national, and similarly his sense of loyalty, which springs from his gregariousness, has not been limited to national objects; it has been displayed in a bewildering multiplicity of ways (1926: 22-3). Loyalties to the nation and to the international level, then, are not characterized by a relationship of mutual exclusivity. Ethnographic examples are provided by Dipesh Chakrabarty who speaks of the “multiple subject” of Bengali modernity (2000: 147), Viranjini Munasinghe who underlines “the systematicity with which Caribbean people maintain multiplicity” (2001:135, 153), and Prasenjit Duara who writes of the Chinese subject that “instances of multiplicity, changeability, and ambiguity will be encountered in the representation of the self” (1995: 8). As these examples illustrate, human identity is invariably adaptable and the nation cannot monopolize human sentiment. Rather, as Duara suggests, “[n]ational identities are unstable....because all good nationalisms have a transnational vision - witness pan-Africanism, pan-Asianism, pan-Europeanism.....” (1995:13).

The second catalyst of individual access to the international community is law. Legal anthropologists have introduced the notion of legal pluralism as constitutive of modern societies. In her 1993 ethnography on Native Hawaiian human rights movements, Sally Engle Merry notes that three levels of law operate simultaneously: international human rights law, national law and local Kanaka Maoli law (1993: 28-30). Her ethnography is exemplary of the three main levels of law – local, national or municipal, and international – within which modern social practice (political or otherwise) is embedded. These multiple layers of law reflect multiple subjectivities. Put baldly, each level of law corresponds to a facet of the modern social being and relates to her participation, through both rights and obligations, in society – local, national, or international. International law falls into the two distinct categories of private and public interest international

³ Paul Wapner explains, “Global civil society as such is that slice of associational life which exists above the individual and below the state, but also across national boundaries” (1995: 312-13).

law. While private law regulates the behavior of corporate entities in transactions that involve multiple states, public international law or “the law of nations” is “a body of principles, customs, and rules recognized as effectively binding obligations by sovereign states and such other entities as have been granted international personality” (von Glahn 1992: 3). Although there is a complex of interrelations between corporate interests and those of individuals, particularly in reference to their participation in the international community vis-à-vis the nation-state, for purposes here, the focus will be on public interest international law and the ways in which individuals appropriate this law to access transnational arenas of authority and realize a global “imagined community.”

At the same time, legal anthropologists have been particularly keen to point out that law does not offer itself, olive branch-like, to any passerby.⁴ Law, perhaps more than any other aspect of society, encodes asymmetrical power relations and in so doing maintains the status quo (whether class domination, colonial or neocolonial supremacy, or even linguistic hegemony); in other words, the last thing law confers is equality. In many respects, international law is no different. While the elite class often manhandles national law, “elite” Western governments could be seen as orchestrating international law towards their interests. China, in particular, developed this argument in the mid-twentieth century. However, international law today is characterized by intense involvement by countries from both the West and the East, the North and the South, capitalist and socialist; the architects of modern international law run the political and cultural gamut, and as will be argued in more detail concerning China below, this argument no longer sustains itself.

While “multiple subjectivities” and law offer the individual means to access the global, there is also a structural component, largely outside the purview of the individual but which nevertheless greatly affects individual access to global civil society, that is occurring at the level of the nation-state. It is not just the individual who bypasses or leap-frogs the national level to the international; but it is the current moment of fragility at the national level which is perhaps the

⁴ The legal anthropological literature on law as a form of naturalized coercion is legion, whether produced by the Critical Legal Scholars or non-Marxist analyses of law. For a sampling of the literature, see: June Starr and Jane Collier (eds.), *History and Power in the Study of Law: New Directions in Legal Anthropology*. (Ithaca: Cornell University Press, 1989); Sally Falk Moore, *Law as Process* (Oxford: James Currey, 2000); Susan U. Philips, *Ideology and Language of Judges: How Judges Practice Law, Politics, and Courtroom Conflict* (New York: Oxford University Press, 1998); Laura Nader and Harry Todd (eds.) *The Disputing Process: Law in Ten Societies* (New York: Columbia University Press, 1978); John B. Haviland, “Mixtecs, Migrants, Multilingualism, and Murder,” *Working Papers and Proceedings of the Center for Psychosocial Studies*, no. 25 (Chicago: Center for Psychosocial Studies, 1989); and, Sally Engle Merry, *Getting Justice and Getting Even: Legal Consciousness Among Working Class Americans* (Chicago: University of Chicago Press, 1990).

main catalyst for individual access to the international community. Both anthropologists and political scientists have remarked on the “crisis,” “obsolescence,” or “demise” of the nation-state. While a thorough assessment of the many arguments for why this is so lies outside the scope of the present paper,⁵ suffice it to say that, generally, the “nation” and the “state” are more often antithetical than harmonious. The nation, through its “primordial” ties of language, ethnicity, and religion, works toward self-determination while the state subsists on civic homogeneity and security; often, the two do not perfectly overlay, one on top of the other. Both Appadurai and Michel-Rolph Trouillot propound the orthodox view when they write of the “disjuncture” between the nation and state.⁶ Rather than foreseeing the end of the nation-state (and the international system with it), the view endorsed here is that the nation-state will continue to be the primary actor in international relations. However, international relations in the twenty-first century is undoubtedly undergoing a gradual but significant shift in the holdings of political capital.

III. “Behead the King”

In a lecture on 14 January 1976, Michel Foucault spoke of the genealogy of intellectual history on Western law. He said that Western law has always been derived from the figure of the king. He argued that sovereignty (always denoting the king) has been a weapon circulated from one camp to another to limit or reinforce royal power but always in these terms: sovereignty means monarchy and the monarchy is the seat of law (1980a: 92-103). Elsewhere, he writes, “the representation of power has remained under the spell of [the sovereign] monarchy. In political thought and analysis, we still have not cut off the head of the king” (1980b: 88).

One of the tasks Foucault set out for himself was to dislodge the sovereign king as fixture of law and by extension delimit law itself as a form of hegemony. Through his critique which aims at theorists of law, he sought to offer an alternative to law as the exclusive means of coercion in

⁵ A representative list of such titles includes: Gidon Gottlieb, *Nation Against State* (New York: Council on Foreign Relations Press, 1993); Gurutz Jauregui Bereciartu, *Decline of the Nation-State*, trans. William A. Douglass (Reno: University of Nevada Press, 1994); Michael Keating, *Nations against the State* (New York: St. Martins Press, Inc., 1996); and, Richard A. Matthew, *Dichotomy of Power: Nation versus State in World Politics*, (Lanham: Lexington Books, 2002).

⁶ Appadurai explains

The relationship between states and nations is everywhere an embattled one. It is possible to say that in many societies the nation and the state have become one another's projects. That is, while nations (or more properly groups with ideas about nationhood) seek to capture or co-opt states and state power, states simultaneously seek to capture and monopolize ideas about nationhood...state and nation are at each other's throats, and they hyphen that links them is now less an icon of conjuncture than an *index of disjuncture*. [1996: 39, emphasis added]

Trouillot similarly writes of the “disjuncture between state and nation” in *Haiti, State Against Nation: The Origins and Legacy of Duvalierism* (New York: Monthly Review Press, 1990), 26.

the world of affairs. One of the ways in which he does this is by developing a line of argument for the microtechnologies of discipline, a non-legal form of domination that exists beyond the reach of the state (1990b: 90). While Foucault's argument has proved fruitful in varied ways, there is the danger of throwing the baby out with the bath water. It is helpful to re-examine the notion of sovereignty, as Foucault suggests, and the manner in which the idea has been inextricably wedded to the person of the king as sole dispenser of law. Still, it would be worthwhile to look at unhinging the relation between law and king itself through the lens of contemporary international relations. An analysis of the changes in the concept of sovereignty from the point at which it enters political discourse to its current status demonstrates that the king, if not already awaiting the deathblow, is now walking towards the gallows amid a throng of restless subjects.

The central problematic in looking at the concept of sovereignty is that state sovereignty and the international system are mutually constitutive. They were born at the same time. The traditional date is 1648 when the European powers convened to end the Thirty Years War with the signing of the Peace of Westphalia which inaugurated the modern state system. Although international law and the principle of the balance of power were important, state sovereignty was the critical characteristic of the new order. The concept of sovereignty that was invoked by the creators of the Westphalian system stems from the work of the French scholar Jean Bodin who in 1586 presented the first systematic treatment of the idea in his *De Republica* ("Concerning Public Affairs") (Schuman 1969: 67); Bodin claimed that the king should be able to make laws at will (Engster 2001: 48). As sovereignty has come down to the modern state system today, its concretized meaning has two constitutive elements: de facto and de jure autonomy. The first requirement is that the government claiming sovereignty possess internal supremacy and external independence or de facto autonomy. The second element of de jure independence means that the state-to-be has complete control over its own legal competence and be legally separate from other states. Often, the state can have one of these requirements without the other (Fowler and Bunck 1995: 36-50).

In its original formulation, in principle and practice, sovereignty was static, monolithic, and nonnegotiable. Where then is there analytical space within the concept for interpretation or contestation? Indeed, R. B. J. Walker writes, "[s]overeignty...is a puzzle that works because it has become so unpuzzling; so unspeakably boring; so essentially uncontested except among small coteries of scribes in dusty places" (1995: 27). There are several dusty scribes who would disagree with Walker, but more importantly, there are players on the stage of international

relations – leaders of indigenous movements, ethnic separatists, minority groups demanding self-determination, regimes defending their domestic affairs, emergent regional governments, and international organizations of every orientation – who are invoking this concept of sovereignty in new and unprecedented ways. Sovereignty is at the heart of today's global turbulence.

Contemporary developments in international relations have opened up a new “problem-space” to use David Scott's phrase; in other words, the questions the promulgators of the Westphalian Peace were trying to answer no longer apply. There are now conditions and circumstances which have challenged the Westphalian concept of sovereignty, the identification of king with law against which Foucault theorizes, and which have activated new vectors for the individual to access the international community. The concept of sovereignty is responding to these new demands in the wake of the emergence of civil and uncivil society. There are, broadly speaking, five types of challenges which are shifting the terrain of sovereignty and diffusing it out from the juridico-political centers of state capitals towards the margins. The first challenge is a direct political one; this comprises military confrontations. There are now non-state actors such as terrorist groups, international gangs, and religious fundamentalists who obviously do not answer to time-honored forms of international relations: diplomacy, obedience to international law, and recognition of sovereignty. The second challenge is economic. Globalization, international finance institutions, and tax-evading multi-national corporations all frustrate obedience to traditional territorial boundaries of economic exchange. The third challenge is socio-cultural. Ethnic, religious, and linguistic groups are asserting self-determination and territorial separation in the name of sovereignty. Fourth, new information technologies such as the internet offer an intellectual challenge that thwarts state control of information flows. The final challenge is “standards-based;” China exemplifies this with their adoption of Western financial and economic procedures to modernize production (Montgomery 2002: 8-14).

In recent years, political scientists (Biersteker and Weber 1996; Caporaso 2000; Fowler and Bunk; Heiberg 1994; Jarvis and Paolini 1995; Lugo 1996; Mattli 2000; MacCormick 1999; Philpott 1996) have pointed to a critical change in sovereignty from the establishment of the international state system in 1648 to the present reality of globalization. A critical question then becomes how do the changes to sovereignty affect international law, or perhaps equally instructive, how does the evolution of international law effect the alterations to sovereignty?

As any textbook of international law will instruct, public interest international law does not act directly on the individual, after all, it was designed to work between political entities and not their citizens (Wolf 2002: 14). At the same time, these textbooks will state that the traditional distinction between “subject” and “object” of international law is breaking down.⁷ Only when a party is recognized as a subject is it accorded legal “personality” or “the capacity to act under law.” World War II and the Nuremberg Tribunal marked the first time humans were treated as subjects under international law. While this event defined humans as having duties under international law, it has been argued that individuals likewise have rights under international law via the 1948 Universal Declaration of Human Rights and Genocide Convention (Chopra 1994: 49). Individuals’ attainment of personality under international law as well as other entities such as international government organizations (IGOs) is “causing a revision of the historic concept of sovereignty” (Wolf 2002: 42) from a state-centered view to “an international law of homocentricity” (Chen 2000: 79). Legal scholars have commented upon the establishment of arenas of transnational authority. The UN and other IGOs provide a range of diplomatic, parliamentary-diplomatic, parliamentary, adjudicative, and executive arenas; there is additionally a comparative network founded by nongovernmental organizations (NGOs). While “the individual still depends largely on a protecting state for access to other transnational arenas...access by individuals and groups of persons to transnational arenas of authority has appeared recently to be increasing.” Notably, although hardly an easy process, individuals may bring reports of human rights abuses, even against their own government, to the UN Commission on Human Rights. The European Commission of Human Rights has enjoyed more success and advances have been observed as well with the Inter-American Commission on Human Rights (Chen 2000: 100-4).

Progress in the ability of individual actors or individuals representing groups to gain legal personality and access to international forms of adjudication is the most convincing evidence for the transformations to sovereignty. Although individuals cannot to a degree detach themselves from the social and historical contingencies within which they are embedded, the ontological fluidity of the concept of sovereignty coupled with the forms of international law rendered accessible to them, offer individuals new nodes of political and juridical capital to position themselves in novel ways vis-à-vis the nation-state, the international arena, and other non-state actors. While nation-states will continue to play the pivotal role in international affairs for the

⁷ Subjects are those parties (i.e., states) that receive full rights and exercise of duties and obligations under the law of nations. Objects are those things (e.g., property, resources, people) which are placed under the jurisdiction of the state.

foreseeable future, states' monopoly of sovereignty is no more, and law, once associated exclusively to the figure of the monarch, now operates to transfigure the once-subject of the king into the "subject" of international law.

III. The Chinese In-Between

It would seem an odd place to look for transformations in state sovereignty and the potential for citizens to mobilize international law for self-interest for the country has notoriously coveted its sovereignty while denying access of its citizenry to transnational adjudicative bodies, but China is perhaps the most difficult test for the hypothesis that emergent forms of sovereignty facilitate individual attachments to global civil society and it is exactly the most difficult test case which best calibrates any hypothesis. China has long been cited in the literature for its "Middle Kingdom syndrome" or "hypersensitivity to sovereignty" largely because the country, perhaps more than any other, has married nationalism and sovereignty. China presents such a critical case study because it finds itself in the twenty-first century poised between active participation in the international community, on the one hand, and continued enunciation and defense of its sovereignty, on the other. In Waltz's tripartite division, the nation-state level of China presents a most formidable barrier to individual involvement in the international community; as access to forms of legal pluralism is denied the Chinese citizen and national minority so it seems their ability to foster multiple subjectivity would also appear blocked. A consideration of China's historical experience with international law, its own intellectual traditions of sovereignty and nationalism, and its current position in the world community will demonstrate that the nation-state's decreasing ability to regulate the influence of globalization on the life of the Chinese citizens suggests openings for their identification with global civil society.

The experiences of non-Western countries in adopting the model of the nation-state dictated to them by the signers of the Peace of Westphalia and their colonizer descendants have been similar to the degree that they were all instances of the forceful imposition of a social construct and political unit that was foreign. China's colonial experience greatly impacted the country's interpretation of sovereignty. China was never colonized outright by a Western power, but beginning with the Opium War of 1840 to 1842 and its loss to Great Britain, China began to cede territory to various colonial powers. In its initial confrontations with the West, China, under the Qing dynasty of the Manchu, continued to envisage itself as "the Middle Kingdom," the cultural center of the known world where order was established not through laws but through the moral suasion of the Emperor. The first encounters with the West did not immediately disabuse

the Chinese of their Sinocentric cosmology. Because the British did not consider the Qing empire a sovereign state and a member of the international system, they did not cede to China the rights of a sovereign state and so, by force, established extraterritorial rights in China. The Treaty of Nanjing which concluded the Opium War was the first of the “unequal treaties” which denied China sovereign status and conferred legal immunity to British subjects living in China. From this brief summary of China’s first encounter with the West, a few observations can be made. First, to the Chinese, the notion of sovereignty was alien; there was only the Emperor, political autonomy for non-Chinese was not a consideration. Second, the Western concept and valorization of law likewise had no cultural analogue for the Chinese. Third, the Chinese conceived of the European presence (and extraterritorial concessions) not as a threat but as a means of containing their (inferior) culture, a means of self-segregation.

It would not be for another two to three decades after the Opium War that China realized the danger posed by the Europeans; it was only when the Chinese first began studying international law that they understood the implications of sovereignty and it was this realization that fomented Chinese nationalism. This was China’s “century of humiliation” but also the beginning of a new era in Chinese history.⁸ By looking at the work of one of the chief reformers in particular it will be shown that the notion of sovereignty was both assimilated into existing Chinese intellectual traditions and became the ideological platform for charting a new course for Chinese foreign relations.

Liang Qichao (1873-1929) had a significant impact on Chinese notions of itself as a distinctly Chinese sovereign nation-state. Liang was “the first major Chinese intellectual to formulate in some detail a theory of the State” (Ogden 1974a: 60). What is remarkable about Liang’s theory of the sovereign state, however, is that because it was formulated in response to what he perceived was a corrupt Qing government, it was in many ways the anti-state or in Western terms a “civil society” that sought to maintain local autonomy, and bring society into the modernization project. Liang invoked the idea of *fengjian* (“feudalism”) as existing beyond the existing government. He combined this local rule with notions of Western law to check irregularities of rule (Duara 1995: 153-5). Ogden finds three concepts as crucial to Liang’s state: one, “the state as separate and independent person” that has its own juristic personality;

⁸ Although his analysis in “Two Types of Nationalism” suffers from several gross oversimplifications, John Plamenatz was essentially correct in asserting that Chinese nationalism was largely a response to a novel sensation of inferiority. See: John Plamenatz, “Two Types of Nationalism,” In *Nationalism*, Eugene Kamenka, ed (Canberra: Australia National University, 1973), 33. He did overstate, however, the reliance of the Chinese reformers on purely imitation as a means of adapting to their new international neighbors.

two, the state was “sovereign” (Liang seemed to share the idea with the British that the Chinese themselves were not ready for “popular sovereignty” and so he explicitly placed sovereignty in the state, above the people); and three, the state as independent in itself in terms of administrative ability over the people (1974a: 61-2). In these elements, one can see that Liang was attempting to satisfy the de facto and de jure qualifications of Western sovereignty and at the same time tie these notions to nationalist unity. Subsequent nationalist thinkers from Sun Yatsen, the founder of the provisional government of the Republic in 1911, to Mao Zedong, the leader of the Communist revolution and chairman beginning in 1954, selectively adopted Liang’s insistence on the unity of the Chinese nation in their own formulations of the Chinese state; a constant feature throughout the various permutations of the Chinese nation-state – China as a Republic, China as a Nationalist government, or China as a Communist state – all stress sovereign China.

That sovereignty is the key component of Chinese nationalism is still evident today. On issues relating to both territorial integrity, whether the Hong Kong Special Autonomous Region, Taiwan, Xinjiang, or Tibet to name the most well-known examples, as well as concerns of self-determination, namely, in the autonomous regions of ethnic minorities or *shaoshu minzu*, sovereignty remains foremost on China’s domestic and foreign agenda. The stance China takes today on these issues is rooted in its colonial experience and intellectual response of such thinkers as Liang Qichao whose views of the state, the world system, and China’s place in it still retain currency in the national imaginary of China. True, these original formulations have been filtered and greatly revised by the introduction of Marxism-Leninism and Mao’s interpretation of Marx, as well as Deng Xiaoping’s “socialism with Chinese characteristics,” and finally, Jiang Zemin’s ideological contribution of the “three represents” (Meisner 1999: *passim*); however, sovereignty, as interpreted by Chinese first nationalists, has remained the nucleus of China’s policy.

Since Deng Xiaoping inaugurated the “open door policy” in 1978, China has had to maintain its sovereignty – in both rhetoric and in practice – despite inevitable integration with the world community. The crucial question is whether or not sovereignty in China is experiencing the sort of ontological shift exhibited by other nation-states and what sort of ramification, if any, this has for the Chinese citizenry. From many angles – foreign policy, world trade, electronic information and mass media – China is currently undergoing many of the classic challenges to state sovereignty. An overview of only a few select challenges reveals that China is not immune to the transformations that are occurring within the international state system. The most notable

sign of China's acquiescence to the new realities of sovereignty is its participation in IGOs such as the UN and the World Trade Organization (WTO). Since joining the UN in 1971, China has always used its veto in the Security Council to block attempts at humanitarian intervention in other states, citing the primacy of sovereignty. Recently, the Security Council is making more use of its powers under Chapter VII of the UN Charter which authorizes use of force to restore peace and overrides Article 2(7) of the Charter which provides that the organization shall not interfere in "matters which are essentially within the domestic jurisdiction of any State" (Fox 1997: 117-119). Allen Carlson has examined the People's Republic of China's (PRC) involvement in humanitarian intervention and concludes, "a subtle, yet significant, shift in the Chinese stance on sovereignty and intervention took place during the last fifteen years" (2003: 2). Remarkably, in the events leading up to the Iraq War, in November 2002, China voted for Resolution 1441 allowing the inspection of weapons of mass destruction in Iraq in a move that contradicted the PRC's previous stance (Medeiros and Taylor 2003). China still remains recalcitrant on any discussion involving intervention within its own borders, but the government's evolving relationship with the UN points to great openness in its conception of sovereignty and adoption of international legal norms. While China may challenge Western interpretation of international law, through its involvement in multi-lateral treaty making in the past three decades, it no longer recognizes international law as "Western" or "Americanized"; the Chinese perceive it as a truly global system.

Likewise, China's landmark entry into the WTO in 2001 signals another dimension of China's integration with the world community. WTO membership will encourage new exchanges, in technology, capital, and personnel, between the PRC and foreign investors. Since 1970, almost \$500 billion in foreign direct investment (FDI) has entered China which makes it the world's fifth largest recipient of FDI and it is expected to catapult to number two by 2004 (Hale and Hale 2003). China's turn to market-dependent mechanisms to regulate its economy relaxes government control; in this respect, the post-socialist government of the PRC differs greatly to the socialist government of the 1960s and 1970s and implies a loosening of governmental regulation of individual activity in the public sphere.

These wider structural changes – political, economic, and social – are the background against which the Chinese citizens are gaining greater access to the international community. The growth of the international human rights regime and transnational activist groups is an encouraging sign in the effort to increase access of the Chinese people and ethnic minorities to international law. Sonia Cardenas has shown that while Asia is the only region that does not

have a human rights treaty or commission, more Asian nations are implementing national human rights agencies and state agencies for overseeing protection of human rights. While these are established often only to appease international onlookers, Cardenas contends that these national commissions are actually more influential and effective than the governments originally intended and that they now present a challenge to state sovereignty (2002: 70). Lung Chu-Chen notes that victims of human rights abuses often seek redress in national or municipal courts, if international arenas are denied to them (2000:104). David Zweig has written about how villagers in Guangxi Province have made use of the new Administrative Litigation Law, with its elections for village leaders, introduction of contract law, and increased role for courts in solving villager-cadre conflicts (2000: 121). This paper finds that more research needs to be done on avenues for Chinese citizens' access to both national and international arenas of dispute resolution which will allow new theorization of the formation of individual ties to the international community.

Conclusion

As has been demonstrated at the level of the nation-state, a "national imaginary" emerges through common social, political, and economic practices aided by print literature. If increased migration flows, contact between professionals, academics, students, and activists, and proliferation and popularization of mass electronic media is now performing a similar role at the level of the international, then it is quite possible to begin theorizing a "global imaginary." The current global turbulence of ethnic wars, neo-imperialism, forced migrations, religious fundamentalism, and terrorism cannot be attributed to the failure of the nation-state and the antagonism suspended between the two terms "nation" and "state" by a only an inadequate hyphen; it is instead the transformations occurring within the concept of sovereignty itself, as the currency of international relations and litmus test of political capital that begins to explain changes in the world order, its uncertainty and violence. While the nation-state will continue to act as primary subject under international law and central actor in international relations, the changes attendant to sovereignty as well as individuals' capacity to form multiple associations to local, national, and international communities suggest that even in nation-states as historically "hypersensitive to sovereignty" as China, individuals are creating bonds beyond the national level. It is with the multiplicity of nodes of power located in non-state actors and civil society in mind that individuals can begin conceiving of a global imagined community.

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