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Citizenship's Empire

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Abstract

However it may have originated, during the nineteenth and twentieth centuries, modern citizenship became an institution deployed for colonial and imperial campaigns to create governable (rather than merely subject) peoples. Many postcolonial nations and states inherited and then effectively instituted citizenship for governing – dividing, classifying, disciplining, regulating – peoples. We observe this development in previously colonized territories and frontiers carved up by colonial powers such as in the Americas, Africa, and Asia as well as those that were ostensibly never colonized and yet were subject to imperial interventions, such as the Ottoman and Chinese empires. Today, many seemingly intractable questions about territory, people, sovereignty, and political subjectivity that are played out in postcolonial, postoriental, or even ostensibly decolonized societies, inherit this empire and willingly or unwittingly serve its ends, unable to break the hold of its allure and seduction, if not domination. Working with this premise, this chapter draws on studies of extraterritoriality as a technology of government that enabled empires to literally make up people in both domestic and foreign territories. These studies are intended to illustrate the origins of the contemporary workings of citizenship and develop a thesis for further research.

Introduction

The birth of the nation-state and the age of nationalism are often traced back to a long century from the age of revolutions in the late eighteenth century until the beginning of the twentieth century. It is in this period that the world became increasingly divided into nation-states, each with its claims to a people, control over a territory, and sovereignty over that territory by its people.[1] Whatever transnational or international arrangements and institutions may have come into being since then, such as the United Nations or the European Union, they have been based on the people, territory, and sovereignty principle of the nation-state.[2] Even a regime such as human rights is

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based on the recognition of this principle with its affirmation of the right to nationality as a human right.[3] The overall assumption is that the era of the nation-state has now displaced the era of empires.[4] In fact, nation-states are often seen as emerging out of crumbling and dissolving empires. The irony is, however, it has also been in this era of the nation-state that new forms of imperialism have emerged and persisted into the present. Since the late nineteenth century, it is not only that the old empires such as the British and French have assumed new forms but also new empires such as the American and Chinese have appeared on the global stage.[5] So it is rather difficult to describe modern history as an age of nation-states displacing if not replacing an age of empires as, arguably, not only is there an overlap between these two ages but also a mutual dependence between empires and nation-states, and by extension, between imperialism and nationalism. To put it differently, the overlapping border regimes of dividing people into citizens, strangers, outsiders, and aliens describes our world much better than an image of the world as an order of contiguous nation-states.

This is increasingly the emerging view in more recent studies on empires and imperialism.[6] In their impressive survey *Empires in World History,* Burbank and Cooper provide an example of this approach.[7] They explicitly reject a narrative of 'replacement' or 'displacement' of empires by that of 'nation-states' and illustrate how various repertoires of rule were taken up and deployed to govern both subject peoples and citizens. Similarly, Kumar recently questions whether empires and nation-states should be seen as opposite developments rather than as forms of rule that overlap and co-exist.[8] The importance of this relationship between empire and nation-state, between imperialism and nationalism, can shed some light on the puzzling relationship between nationality and citizenship. What, if any, relationship can we establish between nationality as membership in a people and citizenship as membership in a state? I have this question in mind as I reconsider the relationship between imperialism and nationalism in this chapter.

My point of departure is *The Origins of Totalitarianism* published more than 60 years ago, where Hannah Arendt provided more than a hint when she suggested that 'in theory, there is an abyss between nationalism and imperialism; in practice, it can and has been bridged by tribal nationalism and outright racism'.[9] How did Arendt see a relationship between nationalism and imperialism mediated through tribalism and racism? There is enough evidence in *Origins* that Arendt thought that imperialism, especially of the kind that emerges in the late nineteenth century (she often uses 1874 as the marker year), and nationalism had more than a spurious relationship.[10] In fact, it is so crucial that it is possible to interpret her argument about the origins of totalitarianism as residing in this very relationship: that European empires did not simply transform into competing nation-states; rather nationalism was a new form of rule that enhanced, facilitated, and transformed imperialism. A proposition then can be formulated as follows. Empires, or perhaps more precisely, empire-states such as Britain, France,

and Germany actively encouraged nationalism both at home and abroad (though, as we shall see, differently) as a strategy of governing peoples with graded and differentiated statuses and actively encouraged the formation of postcolonial yet imperial nations – imperial in the sense that these newly formed nations remained within the orbit of imperial control and influence yet each aspiring to the people, territory, and sovereignty principle.

This is clearly an ambitious proposition, and it must be said that I am more teasing it out of *Origins* than suggesting that Arendt pursued it with any determination. My hope is that the more recent studies of empire and imperialism can be used to develop this proposition not only for a better understanding of her political insights but also to shed light on the relationship between nationalism and imperialism and nationality and citizenship. This chapter explores how nationalism may have functioned as a strategy of governing peoples through imperialism and the profound consequences this has for understanding modern citizenship as a technology of government. I elaborate further on this proposition in the section that follows, provide an empirical illustration from extraterritoriality laws in the subsequent section, and propose a thesis for further investigation in the concluding section.

Imperialism and Nationalism: Territory, People, Sovereignty

There are many variations of the nevertheless dominant thesis of the nation-state. But the common narrative that binds its threads together is – whether we choose 1648, 1776, or 1789 as its origins – that the nation-state gradually comes into being and eventually supplants if not displaces an age of empires by 1914. An extended yet contested version of this narrative would see 1989 as the definitive end of an age of empires and the triumph of the nation-state, especially the version presented as the Western type with the rule of law, democracy, and human rights as its linchpin.[11] The other skein that conjoins this narrative is two opposing movements: nationalism and imperialism. Out of the ruins of empires, first in Europe and America throughout the nineteenth century, and then across the world throughout the twentieth century, nationalism conquers imperialism, and the world is transformed into a world of about 200 nation-states.[12] This narrative prevails not only amongst the scholars of nations and nationalism but also amongst the most influential and astute scholars of empires and imperialism. Perhaps the most influential interpreter of imperialism, J. A. Hobson, for example, thought that 'nationalism is a plain highway to internationalism, and if it manifests divergence we may well suspect a perversion of its nature and its purpose. Such a perversion is imperialism'.[13] Hobson thought imperialism was a diversion if not a perversion from nationalism. For Schumpeter too, '[imperialism] does not coincide with nationalism and militarism, though it fuses with them by supporting them as it is supported by them'.[14] Both Hobson and Schumpeter argued that nationalism, though it may have found its sources in imperialism, heralded the disintegration of empires, the formation of territorially

bounded states, and the formation of peoples in each of them. For both, imperialism is a perversion of nationalism proper.

As I have already suggested, more recent scholarship has shown some weariness about a unidirectional and comprehensive transition from a world of empires to a world of nation-states. Even Eric Hobsbawm and Charles Tilly, who are otherwise proponents of such a narrative, showed some restraint in expressing it. Hobsbawm, for example, thought that 'in the twentieth century more empires have ended than in any other; we know this, even though it is by no means clear what we mean by this statement'.[15] For Hobsbawm, although we may think that the empires have disintegrated, their legacy lives on through institutions that postcolonial and postimperial nation-states have inherited. Tilly too thought that 'only during the last two centuries have consolidated states – coercion-wielding organizations governing directly and rather uniformly in a series of heterogeneous and clearly bounded territories – become the dominant state form, first in the European world, and then, by conquest and emulation, in the world as a whole'.[16] Yet, Tilly also warned that '[f]rom Herodotus to Montesquieu and beyond, poets, historians, and philosophers have recurrently produced one of our culture's standard literary forms: the dirge for a fallen empire. Reflection on imperial decline has world-historical resonance because it records for all to see the fallibility of seemingly unshakeable human enterprises'.[17] So this variation of the thesis of the triumph of nationalism is that empires, although ruined and disintegrated, continue to live on in their traces or legacies. Edward Said in *Culture and Imperialism* argued that imperialism is a legacy rather than a living present. After agreeing with the prominent interpreters of imperialism – he notes Luxemburg, Hobson, Lenin, Schumpeter, and Arendt amongst them – Said staked his contribution as 'the privileged role of culture in the modern imperial experience'.[18] He thought in terms of the shadow that classical imperialism casts in our age rather than of imperialism as a living presence, let alone something that has perhaps given rise to nationalism. Said accepted that the age of empire ended but wanted to draw attention to the 'cultural influence' that it has continued to exert.

Arendt was amongst the first and perhaps the only scholar of her generation who explicitly rejected a transition from imperialism to nationalism and saw the two connected with each other. Moreover, she saw this connection not as a contingent but rather a necessary one. As she put it, 'imperialism must be considered as the first stage of political rule of the bourgeoisie rather than as the last stage of capitalism'.[19] Her claims have scarcely been discussed seriously and require further, albeit brief, consideration here.[20]

Written several years before the publication of the *Origins,* Arendt published a series of articles in which she made the argument that rather than being opposites, imperialism is an instigator of the kind of nationalism that emerged in the late nineteenth and early twentieth centuries.[21] Clearly distinguishing 'empire' from 'imperialism' and 'expansion' from 'conquest',

Arendt argues that despite well-known differences between French and British imperialism – the former attempting to create an integrated empire with colonies and the latter attempting to rule at a distance – both forms came to more or less resemble each other.[22] Older empires (before the nineteenth century) conquered and ruled colonies, but the nineteenth-century imperialism was based on expansionism and, surprisingly, nationalism. The new concept of nation that emerged from the French Revolution at the end of the eighteenth century constituted the principle of the sovereignty of the people and by its active consent the legitimacy of its government. But with its expansionism it became rapidly and increasingly difficult to maintain the narrative of sovereignty with fledgling and sprawling territories and peoples. For Arendt, it was important to understand the logic of this expansionism before understanding the response to it. What was the origin of this expansionism? For Arendt, it was capitalism in the sense that it was the new surplus people and capital that the rapid growth of industrial production had engendered. Although Arendt does not use the phrase, it was over-accumulation of capital *and* of people (in the sense Marx used it) that led to imperialist expansionism. But, unlike Marx, Arendt did not think that this was an inevitable consequence of an inherent development in capitalism.[23] Rather, it was a consequence of a series of events and rationalities – often accidental and contingent – that resulted in a new logic of imperialism. To give an account of this logic, Arendt tracks back to the late eighteenth century and suggests that the bourgeoisie, as the class that resignified private property, became the driving force in the development of the nation. For Arendt, the bourgeoisie was not originally interested in politics as long as the state protected private property. But its gradual political emancipation from both aristocracy and royalty arose from its need to invest both surplus capital and 'surplus' people in overseas adventures. (Arendt names these as superfluous capital and superfluous people.) This need arose from an over-accumulation of capital that could no longer create markets for investment and the surplus people it created because of its unequal distribution of ownership. The crucial insight here is that, for Arendt, the bourgeoisie invested in the idea of the nation to protect its interests as it expanded beyond the borders that contained it.[24] Meanwhile, people also began emigrating outside Europe. Arendt says, 'the new fact of the imperialist era is that these two superfluous groups, the owners of superfluous capital and the owners of superfluous working power, joined hands and left the country together'.[25] The argument that Arendt considers original is that the political emancipation of the bourgeoisie coincided with its entry into politics, and this transformed the relationship between nationalism and imperialism from one of opposition to protection.

It is worth then dwelling a bit longer on what Arendt herself thought was an original argument. The emergence of nationalism was not only contemporary with imperialism: nationalism engendered imperialism with the

entry of bourgeoisie into the political scene. Empire in the historical sense of the term of creating an integrated government of subject peoples was almost impossible with this expansion since nationalism increasingly focused upon a sovereignty of people that could not be extended to subject peoples. Arendt emphatically says that providing citizenship to subject peoples was out of the question for both British and French imperial authorities, though the latter briefly experimented with it in Haiti. The question for imperialism was how to rationalize the essence of emerging citizenship in the nation with the status of subject peoples? It was this question that led to the invention of two new devices of imperialism: racism and bureaucracy, which, Arendt says, solved the inner contradiction between the body politic of the nation and its sprawling and fledgling territories. Calling both the owners of surplus capital and of labour alienated, Arendt says that in the colony both found themselves as new agents of nationalism. Having escaped the class struggle at home, they developed a new class consciousness as the bearers of their nations outside its borders. It was through them that 'expansion gave nationalism a new lease on life and therefore was accepted as an instrument of national politics'.[26] But what transpired in the colony at a distance from the centre was chauvinism, and it was this that bridged imperialism and nationalism. Arendt uses chauvinism to describe a heightened missionary nationalism in 'Imperialism, Nationalism, Chauvinism' but in the *Origins* she calls it 'tribal nationalism'.[27] Whether it is chauvinistic or tribal, the kind of nationalism that supported imperialism, or to put it differently, the kind of imperialism that needed nationalism, was rife with both race-thinking and bureaucracy. Between 1874 and 1914, rather than imperialism receding into history and nationalism triumphing, Arendt sees the emergence of a new form of rule that is neither nationalism nor imperialism and for which she does not have a name. Nevertheless, what is decisive for Arendt is that it is this form of rule that provides the logic of both the authoritarianism and totalitarianism that savaged the twentieth century.

I have provided here a condensed version of the argument where Arendt attempts to relate imperialism and nationalism especially at the turn of the twentieth century, and particularly between 1874 and 1914. The key point here is that her insistence on the emergence of race or the problem of governing subject races as a special problem and the rise of a new cadre of officers, what she calls bureaucracy, of imperial administration is a crucial insight that needs following through. Arendt's proposition that the political emancipation of the bourgeoisie and its territorial expansion gave rise to race and bureaucracy and this led to the development of a kind of nationalism – tribal nationalism or chauvinism – has profound and wide-ranging implications.[28] Here, I would rather leave the consequences that she draws from this logic aside and explore instead the effects of this argument on citizenship as a technology of government. Clearly, by using 'tribalism' and 'chauvinism' for describing the kind of nationalism that imperialism engendered, Arendt

was closer to the prevailing view expressed by Hobson and Schumpeter, who saw imperialism as a perversion of nationalism proper.[29] But an empirical illustration of how the invention of race and bureaucracy were precipitated by the political emancipation of bourgeoisie, which in turn resulted in what Burbank and Cooper call empire-state, highlights the relevance of her insights for understanding modern citizenship.[30] The form of rule that Arendt did not – and perhaps could not – name may well be best described as 'empire-state'.

Governing Subject Peoples: Extraterritoriality as a Technology of Government

The problem of governing subject peoples was articulated anew during the course of the nineteenth century in colonial political thought. As Said observed, imperial bureaucrats such as Balfour, Curzon, Cromer, and Rhodes '… could say what they said, in the way they did, because a still earlier tradition of Orientalism than the nineteenth-century one provided them with a vocabulary, imagery, rhetoric, and figures with which to say it. Yet Orientalism reinforced, and was reinforced by, the certain knowledge that Europe or the West literally commanded the vastly greater part of the earth's surface'.[31] By the early twentieth century, especially British and French imperial officers had become convinced that military imperialism had exhausted the possibilities of governing subject peoples at a distance; new legal and political 'methods' had to be invented to govern subject peoples, which practically meant disciplining colonial peoples to govern themselves. How it is that colonial political thought reached this moment is too complex to discuss here, but Lord Cromer's 1908 piece on 'the government of subject races' is still a poignant testament to the incipient logic of the empire-state.[32] As Jack Harrington has illustrated, such thoughts were already emerging decades earlier.[33] Yet, Cromer clearly illustrated this logic by separating imperial power that carried its force with violence (he calls this 'the sword') from governing subject peoples through disciplinary techniques. He expressed doubt as to whether colonial peoples under British imperial rule could be solely governed through violence and obedience. The time was coming when subject peoples or colonial peoples would gradually be introduced to methods of governing themselves through discipline, civility, and liberty. He was certain that '[t]he main justification of Imperialism is to be found in the use which is made of the Imperial power. If we make a good use of our power, we may face the future without fear that we shall be overtaken by the Nemesis which attended Roman misrule'.[34] But such power was applicable only if the subject races were disciplined enough to subject themselves to it. For Cromer, imperial power was '…a method which is thoroughly uncongenial to Oriental habits of thought. … Before Orientals can attain anything approaching to the British ideal of self-government they will have

to undergo very numerous transmigrations of political thought'.[35] How were these transmigrations of political thought to be accomplished? For Cromer, the principle was that '… whilst the sword should be always ready for use, it should be kept in reserve for great emergencies, and that we should endeavour to find, in the contentment of the subject race, a more worthy and, it may be hoped, a stronger bond of union between the rulers and the ruled'.[36] These methods included fiscal, commercial, and administrative monitoring, oversight, and the negotiating of concessions and privileges. They applied not only to subject peoples in colonized territories, such as India, Egypt, or Sudan, but also to previously not colonized territories such as Ottoman, Japanese, and Chinese empires. In other words, the new techniques of governing subject peoples – enabled by racial categorization and expansion of the scope of bureaucratic management – also expanded the number of people who could be put under imperial influence. To effect imperialism did not require colonialism or even militarism; populations could be subjected to imperial rule at a distance through new imperial technologies of governing subject peoples.

Amongst such technologies of government for achieving imperialism without colonialism was extraterritoriality, which began as the privileges of imperial sojourners, travellers, merchants, and settlers in foreign polities and then turned into an intricate set of complex legal arrangements by which rights were organized for imperial subjects coming into contact with foreign territories. Western empires such as the British, French, and Dutch, but also the Russian and later the American, secured considerable rights for their own 'subjects', protecting them from the local laws in the foreign territories in which they found themselves. As empires previously not colonized, the Chinese, Ottoman, and Japanese empires were the most prominent polities that encountered extraterritoriality. Legal and social historians have studied these cases.[37] But more recently, extraterritoriality has been studied in the context of broader movements of imperialism and orientalism.[38] In her study on extraterritoriality in Uruguay in the nineteenth century, Laura Benton observes that 'the formal nature of extraterritoriality and its longer history (and later demise) in the Ottoman Empire and China may suggest that it was an altogether different phenomenon from the informal influences in Latin America and the collective legal strategies of foreigners there'.[39] Benton does suggest that the comparative legal status of foreigners in political discourse is important as it provides an insight into the making of the state in both Asian and American experiences of colonialism. Yet, Benton does not draw out possible consequences for this for the relation between empire and nation. I would like to suggest that the legal status of foreigners could shed light on the relationship between imperialism and nationalism that Arendt had observed. In other words, extraterritoriality as a technology of governing subjects connects imperialism and nationalism.

To elaborate this idea, I will illustrate how extraterritoriality was used by various European empires to influence both Ottoman and Chinese populations resident within their territories. There are instructive parallels as well as differences between how Ottoman and Chinese populations were subjected to imperial rule through extraterritoriality. But before that, let me attempt a preliminary definition of extraterritoriality. It is a technology of government that was extensively used by European empires from the eighteenth to twentieth centuries with increasing sophistication, whereby they put their own subjects living in other places under their own jurisdiction. This is an inadequate description since it does not do justice to its complexity. While extraterritoriality began with protecting merchants, diplomats, and other travellers, it increasingly became a governing technology whereby subjects living under different jurisdictions were claimed to 'belong' to European empires by language, religion, ethnicity, and culture and thus placed under their protection. So what began as mercantile and diplomatic protection gradually evolved into a technology of governing subject peoples that can be described with Ian Hacking's phrase 'making up people'.[40] European empires literally began making up subject peoples in other territories and jurisdictions by claiming them as their own as a way of expanding their spheres of influence. Of course, these claims were never one way, as they involved subject peoples in other territories responding to this interpellation by performing a subjectivity of belonging to European empires and enacting new forms of nationalism. It is this latter development of extraterritoriality that is of interest for shedding light on the relationship between nationalism and imperialism and the birth of the empire-state.

For the Ottoman Empire, the earliest extraterritorial privileges are known under the term 'capitulations' since most of these privileges were originally considered as concessions won by European imperial powers for their merchants and sojourners residing or travelling within Ottoman territories.[41] But the term 'capitulation' also conceals a more complicated history and imposes a later perspective on these privileges from the late nineteenth century when many thought that these capitulations were amongst the causes of the decline of the empire. However, these privileges go back to the mid-sixteenth century, and their granting could not at the time have been considered merely as capitulations. Privileges to foreigners under imperial jurisdiction were first granted to French subjects and then extended to British, Dutch, and eventually American and German subjects. As Quataert says, a capitulation meant that all subjects of a foreign king or subjects of republics would remain under the laws of their government once the privilege had been granted.[42] Throughout the sixteenth and seventeen centuries, Ottoman authorities granted such privileges with charters known as *ahdnames*.[43] Such charters set out the privileges granted, their scope, and limits and implementation. As Boogert shows, these charters created a network of legal documents which all together constituted an overall framework of privileges as

governing subject peoples.[44] Such charters also created a category of persons known as *müste'min* – privileged sojourners and residents of the Ottoman empire. Such privileges became quite extensive and, in addition to French subjects, British and Dutch also acquired privileges. What started as mercantile and tax privileges increasingly became a more complicated system of claiming subjects at a distance or making up people.[45] Moreover, and more importantly, during the eighteenth century, *müste'min* privileges became intertwined with the privileges of *zimmis*, non-Muslim subjects of empire. Through legal certificates known as *berats,* non-Muslim subjects of empire began acquiring *müste'min* privileges, thus blurring privileges and rights. Such rights for *zimmis* included tax exemptions from the state and jurisdiction exemption from Ottoman courts, practically creating a new category of legal persons who were Ottoman subjects yet enjoyed British, French, or Dutch rights within Ottoman Empire.[46] The so-called *millet,* according to which various 'religious' groups were given privileges within the empire, originates from these *ahdname* privileges, especially with the emergence of the new legal category of persons that crossed between *müste'min* and *zimmis*. The concept of *millet,* which means 'nation' was a nineteenth-century invention to describe the relationship between religious groups, Jews and Christians, and Ottoman law. By the nineteenth century imperial authorities – European as well as American and Russian – increasingly created these categories of subjects with rights within the Ottoman Empire. This effectively generated 'communities of loyalty' and 'spheres of influence' on the one hand and on the other a pressure on Ottoman authorities to define subjecthood increasingly along religious grounds to distinguish the new category of persons with rights from other categories of Ottoman subjects. Arguably, the rise of nationalism within the empire in the nineteenth century had to do less with so-called inherent stirrings and more with the creation of this legal category of persons with rights as protection under British, French, and Russian imperialism. European, American, and Russian imperial authorities certainly played a major role in creating nationalism by interpellating subjects as their own: on the one hand, secessionist movements were encouraged by enabling the creation of a new person with rights and, on the other hand, pressure was created on Ottoman authorities to define Ottoman sovereignty and nationalism.[47]

   The technology of governing subject peoples through extraterritoriality unfolded rather differently in China, though with remarkably similar consequences. First, European empires began deploying extraterritoriality in China much later than in the Ottoman Empire. It was essentially a nineteenth- and twentieth-century development. We cannot observe a similar transformation of a privileges system from mercantile, taxation, and jurisdiction privileges into a religious protection of groups. Second, most extraterritorial privileges were negotiated through treaties rather than a complex system of charters as in the Ottoman Empire. But the consequences were comparable in that

'conflict over extraterritoriality was also central to the formation of Chinese nationalism and demands for full state sovereignty'.[48] Similarly, extraterritoriality in China involved producing and protecting rights for foreigners and laws and courts associated with them. As Scully observes, 'between 1844 and 1900, over eighteen countries acquired extraterritorial privileges in China; in addition, Britain, France, and the U.S., extended these legal immunities to protégés or subjects from their respective colonies and protectorates'.[49] Clearly, more than a few empire-states found extraterritoriality a useful technology of government to claim subjects at a distance.

What is exactly at stake with extraterritoriality as it gradually evolved into a technology of making up people? I discern two significant processes that require empirical investigations to substantiate. First, what I called making up people at a distance (by drawing on Hacking) interpellated subjects whose loyalties, affinities, and interests became aligned with the empire-state. This process was much more complex than Arendt's observation about surplus people and capital migrating from the incipient empire-states and settling in colonies. It certainly included that. But it also involved governing previously never colonized societies such as the Ottoman and Chinese and creating subject peoples in them. This resulted in the invention of minorities in these polities – people who had not been subjectified as minorities and whose differences from dominant governing peoples were lived through various other arrangements. The appropriation or interpellation of peoples in other societies as their 'own' – British, French, German, or Dutch – transformed them into minorities whose rights empire-states undertook to protect. The technology of governing subject peoples through extraterritoriality meant making them up in this quite literal sense of creating people who identified with empire-states. It also meant extending the sovereignty of the empire-state across other territories and societies without colonizing them in the historical sense of that development.

The second consequence of making up people at a distance or in other societies is the creation of majorities and minorities as antagonistic social groups. If we consider the first consequence of making up people as creating a set of minorities, the obverse effect was the increasing pressure on previously dominant social groups – often quite heterogeneous and permeable, such as 'Ottomans' or 'Chinese' – in societies subjected to empire-state influence that began organizing themselves along homogenous and impermeable forms to coalesce into a nationality. The invention of 'Turk' or 'Han' as homogenous majorities and the inscribing of them with national characteristics such as a specific religion, culture, and even physical characteristics is the obverse effect of creating minorities.

What needs to be explored is whether the combined effects of these two processes was the recoding of citizenship as nationality. In both empire-states and their subject-states, with their division of peoples into majorities and minorities, citizenship – understood as membership in an empire-state

or subject-state – became densely coded with the characteristics of the dominant majority, or its 'nationality'.

Citizenship's Empire

> To the memory of the British Empire in India which conferred subject-hood on us but withheld citizenship; to which yet every one of us threw out the challenge: '*Civis Britannicus Sum*' because all that was good and living within us was made, shaped, and quickened by the same British Rule.[50]

The dedication by Nirad Chaudhuri in his *Autobiography* four years after India achieved its independence as a sovereign nation-state captures the brilliant ambiguity of citizenship's empire. Whether this dedication was misunderstood is perhaps beside the point.[51] Its ambiguity points to my argument in this chapter: while empire's rule may have ended, citizenship's empire persists since that rule had already produced the citizen capable of ruling itself. This was in many ways also the point of liberal imperialism: the point was not to rule but to govern subjects insofar as they become capable of governing themselves. How that rule was established differed depending on whether it was deterritorialized (as was the case in postcolonial nation-states), reterritorialized (as was the case in numerous Euro-American colonies that remained dependent), or extraterritorialized (as was the case in the Chinese and Ottoman empires). What Ottoman and Chinese experiences with extraterritoriality illustrate is that governing subject peoples did not only involve subjugating indigenous peoples in colonized territories such as India but also creating categories of people subject to citizenship laws at a distance. The more recent studies on 'imperial citizens' as those who have been constituted as subjects of empire (especially the French and British empires) have shed some light on 'imperial subjects'.[52] These have focused on how people became imperial citizens once European empires occupied and colonized a territory.[53] Harrington, for example, illustrates how, as a result of French invasion and conquest, British subjects in Algeria lost the privileges they enjoyed under Ottoman rule and were bound by the law as it pertained among European nations.[54] But there has been scarcely any discussion of the creation of subjects of imperial government at a distance and its consequences for the invention of modern citizenship since the end of the Second World War – the ostensible end point of imperialism. We can legitimately ask what role did extraterritoriality play in the creation of modern citizenship? It was Barry Hindess who argued that governing internal subjects ought to be linked to governing distant subjects.[55] He said: '[A]lthough citizenship is most commonly regarded as a matter of relations between individuals and the state to which they belong – that is, of relations that are internal to the state in question – it is also one of

the markers used by states in their attempts to regulate the movement of people across borders. These two aspects of citizenship are usually treated separately but there is much to be said for bringing them together.'[56] For Hindess, 'the imperialism of Western states and the development of citizenship within them had the effect of dividing the world into distinct kinds of populations: the citizen populations of Western states; noncitizen populations governed by these states; and populations of states that were neither subject to direct rule nor recognized as full members of the states' system'.[57] Although we now believe that this system of imperial citizenship has come to an end, Hindess argues, 'for all the striking differences between the order of European imperialism and our contemporary global order, there is an equally striking continuity between them'.[58] Yet, rather than seeing a continuity between empires and states, the thesis I would like to propose for further investigation is a different break than that which we have come to expect: rather than seeing the emergence of nation-states, we can discern the transformation of empires into empire-states that extended their sovereignties by making up people in other territories and societies. Postcolonial independence in previously colonized states and societies was perhaps entirely consistent with the formation of the empire-state. Perhaps even the postcolonial state as a subject state was an effect of the empire-state. It is in this sense that I believe the origins of the relationship between imperialism and nationalism and technologies of government such as extraterritoriality can shed considerable light on the formation of the modern empire-state and subject-state relations. The complex border regimes of dividing people into citizens, subjects, and aliens regardless of where they reside describes our contemporary situation much better than an image of the world as contiguous and symmetrical order of nation-states, each with its own people, territory, and sovereignty. It is also in this sense that I believe citizenship's empire persists through governing these relations between empire-states and subject-states.

That I reached this conclusion at the end of a project on citizenship after orientalism is both obvious and surprising at once. It is obvious because I originally followed the steps of Max Weber who, more consistently and explicitly than any scholar, not only thought that citizenship was a unique Western institution but that it was also the linchpin of modernity and capitalism. For Weber, citizenship enabled the performance of a 'pure and simple' identity that was above and beyond any other affiliation or belonging.[59] Citizenship meant to conduct oneself as a rights-bearing subject with no obligations other than those that are connected to those rights that one bears as an abstract (pure and simple) subject. Was Weber right in thinking that citizenship was a uniquely occidental (as he termed it) institution? This question appears at first rather a benign if not a banal question. But the more I dwelt on the question and tried to understand what Weber may have meant by this distinction and what importance he may have attached

to it in the context of his broader comparative historical sociology, the more I became concerned with a latent assumption of his thought. We can call this assumption orientalism in the sense of assuming that there was indeed a fundamental distinction between occidental (European) and oriental (Chinese, Indian, and Islamic) political subjectivities and identities. As the chapters of this book attest, citizenship after orientalism means to interrogate the assumption that the West or Euro-American societies can usurp the image of rights-claiming or rights-bearing subjects as citizens. That Weber's orientalism was unfolding at the height of a new era of Euro-American empire was quite obvious to Edward Said if not in *Orientalism* (1979) at least in *Culture and Imperialism* (1994).[60] To establish the links between the workings of the complex institution of citizenship by which people are divided, disciplined, and governed and how empire-states and nation-states have been formed in our present is an obvious task of political theory.

Yet, what is less obvious, and hence perhaps more surprising, is to observe how political theory continues to consider citizenship as a phenomenon of the nation-state rather than the empire-state and provides contained and isolated images of its workings. Perhaps this is why struggles over citizenship are still understood in contained and isolated political forms rather than across comparative or cross-sectional transpositions that better articulate how they are experienced.

Notes

1 W. Brown, *Walled States, Waning Sovereignty* (New York: Zone, 2010).
2 A. Linklater, *Critical Theory and World Politics: Citizenship, Sovereignty and Humanity* (London: Routledge, 2007).
3 K. Nash, "Dangerous Rights: Of Citizens and Humans," in *Rights in Context: Law and Justice in Late Modern Society*, ed. R. Banakar (Farnham, UK: Ashgate, 2010).
4 There is, of course, a massive literature on the periods of empires and nation-states, but the two books by E.J. Hobsbawm illustrate the problem well where he ends the age of empires in 1914 yet he begins the age of nation-states in 1780. E.J. Hobsbawm, *The Age of Empire, 1875–1914* (New York: Vintage, 1987); E.J. Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality*, 2nd ed. (Cambridge, UK: Cambridge University Press, 1990).
5 J. Burbank and F. Cooper, *Empires in World History: Power and the Politics of Difference* (Princeton, N.J.: Princeton University Press, 2010); J. Darwin, *Unfinished Empire: The Global Expansion of Britain* (London: Allen Lane, 2012); C. Douzinas, *Human Rights and Empire: The Political Philosophy of Cosmopolitanism* (London: Routledge-Cavendish, 2007).
6 The interest in empires and imperialism has been called variously as the 'imperial turn' or the 'turn to empire'. See A. M. Burton, ed., *After the Imperial Turn: Thinking with and through the Nation* (Durham, NJ: Duke University Press, 2003); J. Pitts, *A Turn to Empire: The Rise of Imperial Liberalism in Britain and France* (Princeton, NJ: Princeton University Press, 2005).
7 Burbank and Cooper, *Empires in World History: Power and the Politics of Difference*.

8   K. Kumar, "Nation-States as Empires, Empires as Nation-States: Two Principles, One Practice?," *Theory and Society* 39, 2 (2010).

9   H. Arendt, *The Origins of Totalitarianism*, 2nd ed. (New York: Harcourt Brace Jovanovich, 1973), 153.

10   E.F. Isin, "Citizens without Nations," *Environment and Planning D: Society and Space* 30, 1 (2012).

11   Hobsbawm, *Nations and Nationalism since 1780: Programme, Myth, Reality*; F. Fukuyama, *The End of History and the Last Man* (New York: Free Press, 1992); Hobsbawm, *The Age of Empire, 1875–1914*; M. Mann, *The Sources of Social Power: Rise of Classes and Nation States, 1760–1914* (Cambridge, UK: Cambridge University Press, 1993).

12   In fact, the phrase 'from the ruins of empires' is amongst the most commonly used phrases to describe this transformation from empires to nation-states. P. Mishra, *From the Ruins of Empire: The Revolt against the West and the Remaking of Asia* (London: Allen Lane, 2012).

13   J.A. Hobson, *Imperialism: A Study*, 3rd ed. (London: Allen & Unwin, 1938), 9.

14   J.A. Schumpeter, *Imperialism: Social Classes (Two Essays)*, trans. H. Norden (Cleveland: Meridian, 1951), 97.

15   E.J. Hobsbawm, "The End of Empires," in *After Empire: Multiethnic Societies and Nation-Building: The Soviet Union and Russian, Ottoman, and Habsburg Empires*, eds. K. Barkey and M. Von Hagen (Boulder, CO: Westview Press, 1997), 12.

16   C. Tilly, "How Empires End," ibid., eds. K. Barkey and M. Von Hagen (Boulder, CO: Westview Press, 1997), 1.

17   Ibid.

18   E.W. Said, *Culture and Imperialism* (New York: Vintage, 1994), 5.

19   H. Arendt, "Expansion and the Philosophy of Power," *The Sewanee Review* 54, 4 (1946): 608.

20   Arendt, *The Origins of Totalitarianism*, 153.

21   H. Arendt, "Imperialism, Nationalism, Chauvinism," *The Review of Politics* 7, 4 (1945); H. Arendt, "The Imperialist Character," *The Review of Politics* 12, 3 (1950); H. Arendt, "Totalitarian Imperialism: Reflections on the Hungarian Revolution," *The Journal of Politics* 20, 1 (1958); Arendt, "Expansion and the Philosophy of Power."

22   My summary of Arendt's argument here is based on the following: Arendt, "The Imperialist Character"; Arendt, "Totalitarian Imperialism: Reflections on the Hungarian Revolution"; Arendt, "Expansion and the Philosophy of Power."

23   M. Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought* (Cambridge, UK: Cambridge University Press, 1992), 75–9.

24   Three decades later, Michel Foucault practically developed the same argument but especially illustrated how the bourgeoisie, rather than constituting itself as a class in fact constituted itself as *the* nation. I examine the resonances between Arendt and Foucault on the emergence of the bourgeoisie as the nation in Isin, "Citizens without Nations."

25   Arendt, "Imperialism, Nationalism, Chauvinism," 452–3.

26   Ibid., 457.

27   Arendt, *The Origins of Totalitarianism*, 153.

28   As some commentators on Arendt have remarked, many of her assertions in the *Origins* are rather opaque, or perhaps she did not bother either to develop them further or took them for granted. Margaret Canovan, for example, remarks that 'Arendt did not make great efforts to communicate her ideas. As she once

explained in an interview, the motive behind her work was her own desire to understand, and writing was part of the process of understanding. … This unusual sense of detachment from her readers was part of her more general detachment from academic debate, that "majestic indifference" to the standard academic literature on her subject on which Sheldon Wolin commented when reviewing her last book.' M. Canovan, *Hannah Arendt: A Reinterpretation of Her Political Thought* (Cambridge, UK: Cambridge University Press, 1992), 12–13.

29 It is true that *Origins* is practically considered a relic from the past rather than a contribution to political theory, political sociology, or historical sociology with a genealogical approach. But I agree with King and Stone's suggestion that Arendt's empirical work in *Origins* is too stimulating and original to dismiss or to read from the point of view of her later work. See R. King and D. Stone, eds., *Hannah Arendt and the Uses of History: Imperialism, Nation, Race, and Genocide* (New York: Berghahn Books, 2007).

30 Burbank and Cooper, *Empires in World History: Power and the Politics of Difference*.

31 E.W. Said, *Orientalism* (New York: Vintage, 1979), 41.

32 Lord Cromer, "The Government of Subject Races," *The Edinburgh Review* 207, 423 (1908): 1–27. See a similar argument, L. de Saussure, "Psychologie De La Colonisation Française Dans Ses Rapports Avec Les Sociétés Indigènes," in *Imperialism*, ed. P. D. Curtin (New York: Harper & Row, 1972).

33 J. Harrington, *Sir John Malcolm and the Creation of British India* (Basingstoke: Palgrave Macmillan, 2010). Referring to the early nineteenth century, he argues that 'Sir Henry Lawrence … presented the strategic problem of governing British India in language that could easily have been drawn from' an even an earlier era, Malcolm's *Political History* or his *Government of India*. He quotes Lawrence saying, 'The land . . . has for nearly a thousand years been held by the sword' and that 'the time may yet come when we shall find our best safeguard in the hearts of a grateful people – but that time has not yet come, nor is there a near prospect of its advent. The sword, whether in the hand or in the scabbard, has yet some work to do' (169).

34 Lord Cromer, "The Government of Subject Races," 2.

35 Ibid., 13–14.

36 Ibid., 27.

37 M.H.B. van den, *The Capitulations and the Ottoman Legal System: Qadis, Consuls and Beraths in the 18th Century* (Leiden: Brill, 2005); P. K. Cassel, *Grounds of Judgment: Extraterritoriality and Imperial Power in Nineteenth-Century China and Japan* (Oxford: Oxford University Press, 2012); T. Kayaoğlu, *Legal Imperialism: Sovereignty and Extraterritoriality in Japan, the Ottoman Empire, and China* (Cambridge, UK: Cambridge University Press, 2010); G. W. Keeton, *The Development of Extraterritoriality in China* (London: Longmans & Co., 1928); S. S. Liu, *Extraterritoriality: Its Rise and Its Decline* (New York: Columbia University Press, 1925).

38 T. Ruskola, *Legal Orientalism: China, the United States, and Modern Law* (Cambridge, MA: Harvard University Press, 2013); E.P. Scully, *Bargaining with the State from Afar: American Citizenship in Treaty Port China, 1844–1942* (New York: Columbia University Press, 2001); L. A. Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900* (Cambridge, UK: Cambridge University Press, 2002).

39 Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900*, 251.

40 I. Hacking, "Making up People," in *Reconstructing Individualism*, eds. T.C. Heller, M. Sosna, and D. E. Wellberg (Stanford, CT: Stanford University Press, 1986).

41 J.B. Angell, "The Turkish Capitulations," *The American Historical Review* 6, 2 (1901); V.L. Menage, "The English Capitulation of 1580: A Review Article," *International Journal of Middle East Studies* 12, 3 (1980).

42 D. Quataert, *The Ottoman Empire, 1700–1922*, 2nd ed. (Cambridge, UK: Cambridge University Press, 2005), 79.

43 M. H. van den Boogert, *Capitulations and the Ottoman Legal System*, 27–9.

44 Ibid., 29.

45 Quataert says, 'In the sixteenth century, only small numbers of merchants obtained these legal and tax immunities. By the eighteenth century, however, large numbers of foreigners within the empire advantageously did business thanks to these tax exempting privileges', Quataert, *The Ottoman Empire, 1700–1922*, 79.

46 Ibid., 78–9; van den Boogert, *Capitulations and the Ottoman Legal System*, 54–5.

47 This is how Benton outlines the process: 'One of the most interesting elements of this complex political manoeuvring involved the alliances between Western powers and non-Muslim Ottoman subjects. France claimed a special relationship with Roman Catholics within the empire, and Russia with the much more numerous Orthodox Christians. Britain experimented with sponsorship and protection of Ottoman Jews, even viewing favourably the settlement of Jews in Palestine. The interventions encompassed support for political revolts (of the Serbs and Greeks, for example) and pressures on the courts in individual legal cases' Benton, *Law and Colonial Cultures: Legal Regimes in World History, 1400–1900*, 245.

48 Ibid., 249.

49 Scully, *Bargaining with the State from Afar: American Citizenship in Treaty Port China, 1844–1942*, 6.

50 N.C. Chaudhuri, *The Autobiography of an Unknown Indian* (London: Macmillan, 1951), vi.

51 See T. Koditschek, *Liberalism, Imperialism and the Historical Imagination: Nineteenth Century Visions of Great Britain* (Cambridge, UK: Cambridge University Press, 2011), 341–5.

52 S. Banerjee, *Becoming Imperial Citizens: Indians in the Late-Victorian Empire* (Durham, NC: Duke University Press, 2010); D. Gorman, *Imperial Citizenship: Empire and the Question of Belonging* (Manchester, UK: Manchester University Press, 2006).

53 J. Harrington, "Orientalism, Political Subjectivity and the Birth of Citizenship between 1780 and 1830," *Citizenship Studies* 16 (2012).

54 Harrington develops this argument in his contribution to this volume.

55 B. Hindess, "Citizenship and Empire," in *Sovereign Bodies: Citizens, Migrants, and States in the Postcolonial World*, eds. T.B. Hansen and F. Stepputat (Princeton, NJ: Princeton University Press, 2005); B. Hindess, "Divide and Rule: The International Character of Modern Citizenship," *European Journal of Social Theory* 1, 1 (1998).

56 Hindess, "Citizenship and Empire," 243.

57 Ibid., 246.

58 Ibid., 256.

59 M. Weber, *The Religion of India*, eds. H.H. Gerth and D. Martindale (New York: Free Press, 1917), 103.

60 Said, *Culture and Imperialism*, 154; Said, *Orientalism*, 259.

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