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Non-Western Approaches to Statehood:

Cases of China and India

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Abstract

This thesis studies the variation of sovereignty in the international order by analysing how the general model of sovereignty is localised in the political practice of two major non-Western rising powers – China and India. I argue that their sovereignty should be understood as liquid despite the fact that these two countries are very often seen as strong defenders of 'conservative', 'absolutist' or 'Westphalian' sovereignty. The empirical core of the thesis investigates China's approach to sovereignty in relation to Hong Kong and Taiwan and India's approach to sovereignty in relation to Bhutan and Kashmir.

Based on theoretical eclecticism and pluralism, I develop a theoretical and analytical framework that accounts for constitution (construction) of the sovereignty of China and India but that also have potential for being applied more broadly. It is calibrated to elucidate that sovereignty is a liquid and fluid phenomenon. It is based on the debate between Hans Kelsen and Carl Schmitt and analytically enhanced by including the perspective of scaling (derived from Human Geography) and temporal positioning (inspired by International Relations debates on the role of time).

I propose three key argument. First, I show that each of the analysed states simultaneously pursues two different modes of sovereignty. Second, I document how easily sovereignty may incorporate various heteronomous logics, elements or practices and coexist with them. Third, I argue that we should move beyond the *clear-cut* inside/outside distinction because, as documented, sovereignty often operates without a neatly defined dividing line between the domestic and the international.

Abstrakt

Tato dizertace se věnuje variacím suverenity v mezinárodním řádu s pomocí analýzy toho, jak je obecný model suverenity lokalizován v politické praxi dvou významných nezápadních mocností – Číny a Indie. V práci argumentuji, že jejich suverenita by měla být chápána jako likvidní, přestože jsou tyto státy často považovány za zastánce „konzervativní", „absolutní" či „vestfálské" suverenity. Empirické jádro se zabývá čínským přístupem k Hongkongu a Tchaj-wanu a indickým přístupem k Bhútánu a Kašmíru.

Na základě teoretického pluralismu a eklekticismu vytvářím teoretický a analytický rámec, který objasňuje utváření suverenity Číny a Indie, ale který má také potenciál pro širší aplikaci. Tento rámec je nastaven k zachycení fluidnosti suverenity. Rámec je založen na debatě mezi C. Schmittem a H. Kelsenem a doplněn o perspektivu škálování (odvozena ze socioekonomické geografie) a temporální polohování (inspirována debatami v mezinárodních vztazích o významu času).

V práci předkládám tři hlavní argumenty. Zaprvé, ukazuji, že oba analyzované státy simultánně zastávají dva rozdílné módy suverenity. Zadruhé, dokládám, jak jednoduše suverenita může koexistovat s různými heteronomními logikami, prvky a praktikami. Zatřetí, argumentuji, že bychom měli opustit vnímání suverenity založené na *jednoznačné* distinkci mezi vnitřním a vnějším (inside/outside), jelikož, jak je ukázáno, suverenita často operuje bez jasně vymezené dělící linie mezi domácím a mezinárodním.

Declaration

1. I hereby declare that I have compiled this thesis using the listed literature and resources only.

2. I hereby declare that my thesis has not been used to gain any other academic title.

3. I fully agree to my work being used for study and scientific purposes.

In Prague on 3rd March 2019   Aleš Karmazin

Acknowledgement

This thesis is partly about relationality and interconnections in politics. Living up to the belief in usefulness of such a perspective, I must appreciate relationships that helped form this thesis.

First of all, I wish to thank my supervisor doc. Nik Hynek, Ph.D. for his guidance and faith in this project. Discussions with him were always deeply stimulating, sometimes challenging and often intellectually joyful. His academic influence permeates the whole thesis.

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I would like to dedicate this thesis to my wife Jana. You are the dearest relation.

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1. Introduction

This thesis studies the variation of sovereignty by analysing how the general model of sovereignty is localised in the political practice of two major non-Western rising powers: China (the People's Republic of China, PRC) and India (the Republic of India). It aims to investigate how the sovereignty of these states is constituted, which includes the question of how sovereignty works and becomes constituted in specific contexts and cases that fall outside the discourses and positions of the so-called conservative or absolutist sovereignty that is dominantly advocated by these two states on a global level. The core of this thesis explores specific contested cases and situates them *vis-à-vis* the broader approaches of China and India to sovereignty. I will specifically analyse four particular cases: China's approach to sovereignty in relation to Hong Kong and Taiwan and India's approach to sovereignty in relation to Bhutan and Kashmir. In doing so, I will illustrate that sovereignty is a flexible and plastic phenomenon which can be intertwined with principles, models or practices that are usually seen as divergent from or contradicting sovereignty. I argue that such a combination and the entanglements that ensue prove to be productive in a practical (political), but sometimes even conceptual (theoretical), sense. This is effectively illustrated by the two modes of sovereignty that I reveal in this thesis – China's zonal sovereignty and India's regio-sovereignty.

By exploring these recesses of sovereignty, I hope to contribute to this field of study, which has been one of the most fundamental principles of modern politics and the political order but which has also aroused a great deal of confusion. It has often been claimed that sovereignty belongs in the category of essentially contested concepts (e.g. Sarooshi 2004). However, Rob Walker (see Weber 1995: 2) in particular argues that sovereignty has essentially been uncontested. What Walker means is that while sovereignty has been widely analysed, its meaning and main features have very often been taken for granted (also Walker 1993). In contrast to both of these positions, Neil Walker (Walker 2008: 32) claims that 'the conceptual relevance of sovereignty is no longer apparent' precisely because of these disagreements and confusions, such as the aforementioned one on whether sovereignty is essentially contested or uncontested.

The question of how to make sense of sovereignty becomes even more pressing in the context of recent political changes, which could potentially impact sovereignty (Gammeltoft-Hansen – Adler-Nissen 2008). There are at least four of them: 1) the delegation of authority or powers to international organisations (Peterson 2002), 2) globalisation trends that interconnect states more and more closely (Cohen 2012; Sassen 2008), 3) the decolonisation and existence of formal (quasi-)states or failing

states (Bøås – Jennings 2007; Jackson 1993a) and 4) changes to international law and norms which make states more entangled (Forsythe 2012; Shan – Simons – Singh 2008). While I do not touch any of these issues directly, the key tenet of this thesis is to show how changes in sovereignty may happen and how to account for them.

A background theme interconnecting the following text in its entirety is the investigation of sovereignty and politics beyond Westphalia, which has three main interrelated aspects. Theoretically and analytically, I offer a perspective that deals with how sovereignty is constituted and highlights that sovereignty is a liquid phenomenon, being remarkably different from the widespread conception of Westphalian sovereignty. Rather than sovereignty as an ultimate closure determining how politics must be structured (cf. esp. Walker 2009) or analysing how (the Westphalian ideal of) sovereignty can be instrumentalised in political practice (Adler-Nissen – Gammeltoft-Hansen 2008a; Krasner 1999), the perspective of this text shows that sovereignty needs to be understood, in principle, as fluid. Analytically and empirically, I primarily focus on four specific cases, which are largely different from the Westphalian ideal of sovereignty. They stand out as highly distinctive ('problematic'), even if we recognise that sovereignty is liquid. The cases provide an excellent opportunity to learn more about sovereignty as such as well as about China and India. They are selected precisely because they present 'problematic' cases in which sovereignty appears to be specifically stretched, distorted and highly contested, both in actual practice and, especially, in its meaning. I argue that it is precisely through analysing such highly contested (practically and theoretically 'problematic') cases that we can learn much about sovereignty. While the political dynamics in these four cases is significant in itself, the cases also tell us more about China's and India's (approach to) sovereignty. Contextually, the thesis touches upon a pressing and policy-related issue concerning the rise of non-Western powers. While the issue is not addressed *per se*, we will have an opportunity to explore sovereignty as one of the most important principles in the politics of non-Western countries.

Sovereignty, China, India: Initial Remarks

Hinsley's famous and traditional definition of sovereignty reads '[t]he idea of sovereignty was the idea that there is final and absolute authority in the political community' (Hinsley 1986: 26). It is often accompanied by the definitional axiom that domestic authority is not subordinated to any external authority meaning that these domestic authorities can interact equally on the international level (cf. Bartelson 1995; Clark 1988; Pemberton 2008; Shinoda 2000). What is partly obscured by this definition is that sovereignty is a modern rather than a trans-historic phenomenon (e.g. Bartelson 1995; Pemberton 2008; Shinoda 2000), although there is no clear consensus

as to where exactly sovereignty originated. I partly indicate the discussions on historical origins in the second chapter, but it is sufficient to state at this point that the basic form of the sovereign state started to be created during Renaissance (Spruyt 1996) and was consolidated from the 17th to the 19th centuries (Bull – Watson 1984; Dunne – Reus-Smit 2017; Krasner 1999; Philpott 2001; Sørensen 1999; Teschke 2003).

It is important to bear in mind that the aforementioned definitional demarcation forms a generalised understanding of sovereignty, but it is just a tentative and approximate starting point for this thesis. I suggest that sovereignty is an institution and should be approached as such, which is in accordance with many academic works on sovereignty, especially those by the English School of International Relations (IR) (e.g. Bull 2002; Buzan 2004a; Linklater – Suganami 2006; Manning 1962). It is precisely due to its institutionalised character that sovereignty has been able to influence the very character of the international order over the centuries (e.g. Philpott 2001; Reus-Smit 1999; Sørensen 1999; Spruyt 1996). However, as I argue on the basis of my review of the academic approaches to sovereignty conducted in the second chapter, it is not analytically sufficient to study sovereignty only through institutional analysis because institutions always rely on or sometimes get outrun by social dynamics, and least in terms of practices (deeds) and discourses.

China and India are often seen as strong examples of states with conservative, absolute or Westphalian sovereignty, which is a conception largely corresponding with the previously mentioned definition and based on a clear distinction between the domestic and the international spheres as well as on a strong domestic position of sovereign authority. The claim is typical for literature on China (e.g. Choedon 2005; Contessi 2010; Dreyer 2008; Reilly – Gill 2000), but even India's position has often been portrayed in a similar way, for example, as 'Westphalia plus nonalignment' (Bajpai 2003: 242; similarly Ganguly 2001; Mohan – Gippner 2015). Though China and India do discursively defend Westphalian (conservative) sovereignty and often claim that it is indivisible or inviolable, they also possess a strong and rich cultural heritage that extends well beyond the modern Western notion of sovereignty. Moreover, it is intertwined with their history and the constitution of their modern states under the influence of (semi-)colonisation. In other words, they have been influenced by an imperial heritage through both the previous existence of their own empires as well as a collision with the British empire, and so they have often been described as empires or civilisations bound to the form of modern sovereign nation-states (Pye 1968; cf. Chatterjee 2012). Hence, there are indications that there is much more to the sovereign statehood of these two countries than meets the eye.

In turn, I challenge the idea that China and India could simply be understood as possessing Westphalian sovereignty. It is too simplifying to claim this, and it does not tell us any considerable amount about the sovereignty of the two countries. I show

that their sovereignty can be understood as liquid as well as there some important 'problematic' or 'imperfect' moments in their sovereignty. Exploring such cases, i.e., China's relationship to Hong Kong and Taiwan or India's relationship to Kashmir and Bhutan, will help demonstrate that China's and India's (approach to) sovereignty exhibits important continuities with the times of colonialism as well as with their own historical empires, especially in terms of the creative adjustments of sovereignty-related principles and a not-so-clear demarcation between the inside and the outside as two domains allegedly co-defining the very sense of sovereignty (Walker 1993). Hence, these particular (and problematic) cases tell us a lot about China and India as such.

While centring my investigation around these highly specific cases might still seem peculiar, I contend that the relevance of exploring such particularly exceptional (problematic, liminal, divergent) cases is high due to one further aspect. Cases of such nature are far from sporadic in international politics. Image 1 shows a map of such 'geopolitical anomalies' densely scattered all around the world. Hence, these cases should be understood as a systemic feature of the current international order whose presence is arguably conditioned by what I label the liquidity of sovereignty.

Another contribution of this thesis in relation to China and India should lie in its expansion upon and synthesising of different streams of literature. While a myriad of works on China and India have touched on the issue of sovereignty in one way or another, works on their sovereignty are far more limited (for China, see esp. Carlson 2005; Chen 2015; Shan 2008; Zhang 2008; for India, sources are even more scarce, see e.g. Jones 2009; Ocko – Gilmartin 2009). There is consequently room for improving our knowledge of this issue. To do so, I interconnect and build on very strong research traditions relating to China and India, including 1) historical works, 2) works on security management and regional (security) order, 3) works addressing internal institutional and administrative organisation, including the question of state (governance) capacity, 4) works assessing these two states' relationships to international norms (e.g., human rights) and 5) post-colonial works, especially in the case of India. Recently, Manjari Chatterjee Miller (2013) associated China and India with the practice of what she calls a post-imperial ideology, which prescribes the effort to maximise territorial sovereignty as one of its fundamental goals. While certainly related to sovereignty, she discusses the issue of sovereignty rather tangentially. In other words, this thesis can be understood as offering a complementary account of dealing with how China and India go about making sense of and managing such a fundamental goal.

As indicated, I focus primarily on cases that would typically be understood or were actually labelled as instances of problematic or imperfect sovereignty. Due to this fact, the next part introduces how the issue of imperfect sovereignty has been understood in IR literature, specifically in two fundamental works that have attempted to address

the issue from a general and systematic point of view. Limits of these accounts, which are built into their very perspectives, lead me to propose a new notion of liquid sovereignty as the very basis for further exploration of the concerned problematic cases.

Understanding Variations of Sovereignty: Approaching Problematic Sovereignty

In IR as well as in other academic disciplines, many have noticed that it is difficult to find the Westphalian ideal of sovereignty in real-world politics and, moreover, that there are numerous cases in which sovereignty varies or is distorted in various ways, thus substantially differing from the ideal. An assortment of names have been used for labelling such instances, including 'problematic' (Krasner 2001; Tutuianu 2014; cf. Ikenberry 2011a), 'imperfect' (Besson 2011; Gey 2002; Pocock 2001: 65; Shinoda 2000: 179), 'incomplete' (Cooley – Spruyt 2009; Judge 1988; Lee 2018) and others. While many of these works addressed problematic sovereignty in specific cases and contexts, there are two main accounts that aspire to explicate why there are variations (variances) of sovereignty is problematic in a general and systematic way. In a sense, they are based on opposite approaches of how to do that. Stephen Krasner's (1999) famous book, which has served as a benchmark for assessing sovereignty for two decades now, juxtaposes individual cases against a pre-defined set of criteria. Jens Bartelson (2014) presents sovereignty as a symbolic form, which has been one of the most original responses to Krasner. In contrast to Krasner's approach and according to Bartelson, the substance of sovereignty needs to be primarily found beyond the realm of actual political practice. Although both Krasner's and Bartelson's works are brilliant contributions in many respects, critically introducing both of them shall help define and calibrate my attitude toward the question of problematic sovereignty.

Stephen Krasner famously argues that sovereignty is organised hypocrisy because it has been 'frequently violated' (Krasner 1999: 9), which he shows through examining a high number of cases across four centuries. His account rests on distinguishing four categories of sovereignty (including Westphalian sovereignty).[1] Although Krasner does not explicitly acknowledge it, these categories are ideal types. They are derived from how they have been 'commonly used' (Krasner 1999: 3, 9, 10, 14, 24) and from Krasner's logical classification. By the term 'common usage', he means how sovereignty has been discussed by philosophers and scholars (Krasner 1999: 24). Yet rather than honing in on a deep philosophical analysis, Krasner mainly focuses on

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[1] This makes Krasner commensurable with other authors who dealt with the issue of 'problematic' sovereignty, especially Robert Jackson (1993a) and his views on quasi-states.

those features of scholars' thinking that makes them distinctive. Connected to that, he constructs two axes (international vs. domestic and authority vs. control) according to which sovereignty can be logically ordered.

Krasner explains that the deviations from sovereignty are due to the dominance of the logic of consequences (logic of interests) over the logic of appropriateness (logic of norms). As such, '[o]rganised hypocrisy is the normal state of affairs' (Krasner 1999: 9). Krasner then mathematically informs us that sovereignty is a function of power and may not necessarily be the key point of interest for us. While I agree with Krasner that interests and power are certainly important and that sovereignty has been violated *if* we define sovereignty in the same way as he did, I also want to show why it is important to seek new routes by which to get beyond his argument. There are two main types of reasons for this. Firstly, Krasner's argument is analytically imprecise in part; secondly, he insufficiently addresses what happens with sovereignty when (and after) it is violated.

First, when examining the systemic logic of the international order, I argue that Krasner overgeneralises his main claim. A few specific points should be highlighted in this regard. Krasner pays a great deal of attention to those cases in which sovereignty was violated, but he does not analyse the hundreds of cases in which sovereignty was upheld (cf. Goldsmith 2000). Related to this dilemma is the simple fact that no single social norm is completely abided by, which should be taken into account as well. Moreover, further logical and methodological murkiness appears in his approach, with Krasner mainly focusing on so-called Westphalian sovereignty defined in terms of the clear (and almost absolute) distinction between inside and outside. However, as Krasner himself notes, Westphalian sovereignty has been a rather conceptual (analytical) ideal, and it has not fully existed in political reality. Hence, as appositely pointed out by Suganami, it is no wonder that Krasner finds 'Westphalian sovereignty' regularly 'violated' (Suganami 2007: 512).

The latter point relates to a more fundamental obscurity in Krasner's approach because his reliance on an ideal type of research is not completely convincing. The ideal type is employed as a tool that is not supposed to fully fit empirical reality. However, Krasner arrives at his model of sovereignty as organised hypocrisy precisely by concluding that the ideal type of Westphalian sovereignty does not fit into real life happenings in international politics. As methodologists of ideal types note, ideal types should always be historically informed (Seabrooke 2007: 405). At this point, it strikes me that Krasner is actually using four types of sovereignty for the period starting in the 16th century and leading up to the 20th century. It seems problematic because the constitutive rules of sovereignty have changed over time (Fabry 2010; Gong 1984; Keene 2002; Philpott 2001; Reus-Smit 1999, 2001; Suganami 2007; Weber 1995). It is in this very sense that we can also claim that non-intervention (i.e., the main

characteristic of Krasner's demarcation of Westphalian sovereignty) has not always been a constitutive feature of sovereignty throughout history.[2]

Second, Krasner's analytical contribution is relatively limited in relation to how and why sovereignty has persisted despite what he sees as it being regular violated, which is a question he himself raises (cf. Goldsmith 2000). It is even more puzzling due his own insistence that international politics is still mainly about states (Krasner 2008). Two specific notes shall be made to elucidate this issue. The first one concerns how Krasner decides to rhetorically frame his argument and inquiry. In a sense, using the language of violation as the central frame hampers a genuine exploration of what happens to sovereignty, polity organisation and order after such 'violations'. It might be more useful to think of the question in a less negative and destructive way, which would turn our attention to whether sovereignty could somehow be restructured or reframed instead of simply stating that it was violated. The second comment relates to Krasner's theoretical and methodological approach. While it is understandable why he decides to use this method, it imposes some limitations on addressing the primary concern in question. Although Krasner explores a vast period of time, his account of sovereignty largely misses history, which, as I argue in the second chapter, is fundamental for understanding how sovereignty is (re-)constituted. As a result, Krasner's approach, relying on a structural-functionalist application of predefined categories throughout history, prevents him from truly accounting for what has been happening in historically and contextually specific cases.

Building on Ernst Cassirer's notion of symbolic forms (cf. Krois 1987), Bartelson argues that not only does sovereignty exist as a political practice and/or a concept, but it also is a symbolic form. In the latter case, sovereignty possesses a stabilised yet not objective meaning. Symbolic forms might be understood as specific structures which 'organize what otherwise would be a disorderly experience' (Bartelson 2014: 14). While they have a symbolic character, they simultaneously derive from and influence (social, political) practices. Each symbolic form must be objectified in the conceptual realm, but this objectivisation is preceded by practices while also subsequently influencing these practices. Symbolic forms are human constructs, but their conceptual, 'symbolic' image becomes largely independent of human practices or politics. To paraphrase Bartelson's (2014: 17) example, even if people decide to get rid of all objects with a triangular shape and cease manufacturing any new ones, the triangle will continue to exist in its symbolic form although it may have become irrelevant, practically speaking. In its symbolic form, sovereignty rests on a generalised and idealised notion that implies an inside/outside distinction, the presence of the highest and unrivalled domestic authority supported by its monopoly of force and

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[2] It may be noted that even some of the key classical theorists of absolute sovereignty like Bodin or Vattel conceded that interventions might legitimately happen (Suganami 2007: 513).

formally equal interactions between such sovereign authorities on the international level. Similar to Bartelson, other authors of different theoretical backgrounds, including Robert Jackson (2007), Neil Walker (2006) and Rob Walker (1993, 2009), have noted that sovereignty creates the fundamental frame of our political imagination based on such a generalised understanding.

Although I recognise the importance of such a generalised meaning, Bartelson's argument means that the actual (practical) developments of sovereignty would almost always be more or less different from the symbolic form. In other words, the theory of sovereignty as a symbolic form implies that a certain level of the imperfectness of 'real-world' sovereignty is, in fact, natural. An obvious question, which Bartelson fails to even aim to answer, is how to account for such differences. My theoretical and analytical framework focuses on how links and ties between the domestic and international loci are established and (ideally) monopolised but also re-constituted and changed, and it should provide a response to this dilemma. While my theoretical and analytical framework aims to de-essentialise sovereignty, I argue in accordance with Bartelson that it not possible to achieve this aim *in toto* due to the very basic and widespread preconceptions of a basic meaning of sovereignty.

While both Krasner's and Bartelson's perspectives are strikingly different, the lesson to be learned from critically discussing both of them is similar. Differences from the mainstream and established model of sovereignty are not exceptional, which means that the sovereignty of (almost) all states is more or less imperfect. Moreover, it might be theoretically and analytically productive to recognise that it is the usual state of things, and differences from a mainstream model of sovereignty may not necessarily bring along violations or destructive effects. This leads me to propose the notion of liquid sovereignty.

Liquid Sovereignty[3]

While I agree with those authors who pointed out that sovereignty is rarely absolute and that the Westphalian ideal is a myth due to a very high number of exceptional cases and various political fluidities (e.g. Anghie 2007; Benton 2009; Cooley – Spruyt 2009; Dunne – Reus-Smit 2017; Glanville 2013; Jackson 1993a; Keene 2002; Krasner 1999; Osiander 2001; Reus-Smit 2001; Sørensen 2004; Teschke 2003), I argue that we should accept such a state of things as normal. To clarify my position, I do not emphasise that deviations or violations are normal as Krasner did, but that political fluidities connected with sovereignty should not be understood as violations in the first place because they may reconstitute a character of the sovereignty of specific states.

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[3] I am indebted to Dr. Pavel Pšeja for suggesting this notion and for allowing me to use it.

To better capture that, I propose the notion of liquid sovereignty that is able to account for variances of sovereignty in a more productive way. Setting out the perspective of sovereignty in this way provides us with some fundamental clues for investigating sovereignty (further developed in the third chapter). This perspective will indicate some important aspects about the character of sovereignty, whereupon once we realise them, it shall also help us define how to analytically approach sovereignty.

My term 'liquid sovereignty' is loosely inspired by Zygmut Bauman's (2000) notion of liquid modernity, which describes the social conditions of late modernity. Just as the 'liquid-modern' man whose position in life is never stabilised and who changes places, jobs or even spouses, liquid sovereignty implies that the organisational configuration of the sovereign state changes too. This outlook highlights the notion that sovereignty, in actual political practice, is not a still principle. Despite various and frequent imaginations, sovereignty does not pose the ultimate and final enclosure as to how politics must be located and structured (for a brilliant discussion related to that, cf. Walker 2009). On the contrary, politics flow through it and reshape it. As settings, principles or actions relating to and (co-)defining sovereign states may change, sovereignty may as well. We should not be surprised by this. As Shmuel Eisenstadt (1985) argues, heterodoxy can be found in any institutional order. The tradition of research dealing with multiple or entangled modernities (e.g. Dirlik 2006; Schmidt 2006; Spohn 2010), to which Eisenstadt also contributed, has made clear that political and institutional orders are usually based on the combination of diverse principles and on combining disparate rationalities and rationales.

In contrast to Bauman, who identifies liquid modernity with the late-modern era, I do not claim that liquid sovereignty is completely unique to late modernity, yet the influence of Bauman is nevertheless symptomatic. Just as he wanted to avoid describing social trends as post-modern, I also want to avoid approaching sovereignty in a radically post-modern (post-structural) way. To me, sovereignty is not just a floating signifier but an expression of organisational forms of modern states and politics. Although it is potentially changeable, sovereignty is also provisionally stabilised. Sovereignty still needs to relate to some basic preconditions, which – in a general sense – we may find in a symbolic form as described by Bartelson. Hence, for researching liquid sovereignty, it is key to follow up on how different elements (institutional elements, discourses, practices) flow through, situate and change the forms as well as shapes of sovereignty. It is also key to grasp how specific ties, bonds or links that define the sovereignty of a specific state may be changed, disrupted or recreated.

Therefore, rather than a clear-cut definition of liquid sovereignty, an analytical framework is needed. Nevertheless, in order to initially demarcate my perspective, I define sovereignty through its symbolic form as discussed by Bartelson; i.e., it is based

on the differentiation between the domestic and external environment and politics, the presence of the highest domestic authority supported and formally equal interactions between such sovereign authorities on the international level. However, alongside that, it needs to be recognised that ways of claiming and achieving all the definitional features are changeable. These ways rely on utilisations of institutions, discourses and practices through which a potential monopolisation of the symbolic form and its definitional features may be achieved in actual practice. Corresponding with the definition, I offer the analytical framework that is elaborated in the third chapter. Based on the debate between Hans Kelsen and Carl Schmitt, which serves for setting the theoretical discussion, sovereignty is portrayed as flexible, relational and dynamically evolving through establishing connections with two loci – a domestic centre of authority and an international society.

The Argument

In this thesis, I put forward three central arguments. Although all three of the points I make rest on the theoretical discussion and empirical findings this text is built on, the first one is empirically oriented and the second one leans more toward the theoretical side, whereas the third is the broadest and most theoretical. The first argument documents how both China and India have more than one mode of sovereignty.[4] Besides the dominant mode of sovereignty of China and India, which derives from the widespread discourse of the importance of sovereignty and its inviolability in both states and which resembles, yet not completely copies, the Westphalian ideal of sovereignty, there are additional overlooked modes present. I wish to call them zonal sovereignty in the case of China and regio-sovereignty in the case of India. The former establishes a zone adjacent to mainland China which is comprised of Hong Kong, Macau and Taiwan; these three polities co-exist with China under a highly flexible political framework allowing for sovereignty to be functionally shared and divided (cf. Ringmar 2012: esp. 13). The latter relates to India's organisation of sovereignty in the region of South Asia and involves the processes of extending their domestic capacities in terms of institutions, discourses and practices to the regional level; this projects the different reaches of India's sovereign authority by creating a space of sovereignty gradations both inside and outside of India. Both of these modes stem from the historical experiences these two states have had with colonialism and imperialism; more specifically, it stems from the effort to resist these histories but also from the implicit (perhaps unintentional) recrafting or mimicking of colonialist practices and

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[4] Modes of sovereignty are distinctive ways of positioning and managing sovereignty based on mutually connected configurations of institutions, discourses and practices.

models. By showing the possibility of more modes of sovereignty simultaneously coexisting, which has not been reflected in literature, this argument prefigures the plasticity and complexity of sovereignty, which are fully singled out here.

Secondly, the cases of China and India illustrate that sovereignty is a liquid phenomenon. Based on these examples, I argue that sovereignty can easily get entangled and coexist with (e.g., colonial-like) principles, models or practices that are usually seen as veering from or even contradicting sovereignty. What is seen by some as a violation of the traditional model of sovereignty is often connected to the creative remodelling of a polity's organisation. However, these specific cases of contested sovereignty are also imbued with a sense and perception of specificity or tentativeness, which – from the perspective of political actors – reconfirms the importance of sovereignty (understood in its generalised or symbolic meaning) as the ultimate political ideal. In other words, while sovereignty is liquid and creatively rendered in political practice, actors continue to express visions about the proper political authority and organisation as per the generalised understanding of sovereignty (sovereignty in its symbolic form).

Thirdly, I argue for moving beyond the either-or understanding of sovereignty. Contrary to the majority of academic IR literature, I show that sovereignty can practically work across, through and in between the inside/outside distinction, which has traditionally been thought to be constitutive for sovereignty, the modern state and the modern system of states (Walker 1993). In principle, this distinction separates the domestic and the international as two distinguishable and clear-cut planes of political space. As the notion of modern borders has been constructed on the basis of the Euclidean notion of lines with no width, a political subject must be either here or there, but not in between (Walker 2009). The modes of regio-sovereignty and zonal sovereignty serve as an illustration that can dissolve the clear-cut inside/outside distinction, thereby showing how sovereignty can be scattered and how it can be interconnected with different kinds of physical or symbolic spaces. Moreover, some authors have noted that modern states have become increasingly fragmented, internationalised or decentralised (see esp. Hameiri – Jones 2016). While this argument is mainly related to state actors and not sovereignty, this thesis similarly shows that modern nation states are not unitary nor coherent, and this is so even in relation to the founding principles of their polity structure, as it consists of contradictory or diverse models.

Politics and Sovereignty beyond the West?

Focusing on current developments in the non-Western world is important for understanding both history and the future (current, near-future, expected

developments). For centuries, especially during the Middle Ages, Europe was a rather unpleasant place to live. In contrast, many non-Western areas were thriving economically, socially and culturally (cf. Pomeranz 2001; Ringmar 2009). It is one of the big questions in IR as well as in other disciplines to investigate whether any residues of great non-Western civilisations have continued to influence the current political order and how the non-Western world was integrated into the Western-led global world (e.g. Bull – Watson 1984; Dunne – Reus-Smit 2017). Moreover, while the West became the newly dominant power in international affairs and gradually started to construct a European order around the idea of sovereignty, '[t]he extra-European order was based on the principle that sovereignty should be divided across national and territorial boundaries, creating hierarchical institutions through which colonial and imperial powers transmitted the supposed benefits of their civilisation to the rest of the world' (Keene 2002: xi). While this is not a historical work, these historical considerations propel the question of whether any of these specific aspects continue to be important for sovereignty in the current world.

Moreover, these considerations related to the past interplay with the present and the future. The 9/11 attacks and the world economic crisis starting in 2008 meant that neo-liberally inspired globalisation narratives largely lost their appeal (cf. Deudney – Ikenberry 2018; Duncombe – Dunne 2018; Jahn 2013; Kissinger 2014). As a result of the decreasing persuasiveness of a Western-led globalisation, two issues have begun to gain greater importance and attention – the rise of non-Western powers, sometimes labelled as the 'rise of the rest' (Zakaria 2009; cf. Buzan 2010; Buzan – Cox 2013; Fels – Kremer – Kronenberg 2012; Layne 2018), and sub-systemic, regional and sub-regional dynamics (cf. Acharya 2004; Ayoob 1999; Buzan – Zhang 2014; Fawn 2009; Hurrell 2008; Sbragia 2008; Solingen 1998; Warleigh-Lack – Van Langenhove 2010). Moreover, the non-Western and sub-global dimensions of international politics have started to be seen as key of potential blueprints for the future global order. Options ranging from new medievalism (e.g. Anderson 1996; Cerny 2009) or the multicentric global order with several great powers and their zones of influence (e.g. Buzan 2009) to the global subsidiarity of regional orders (e.g. Acharya 2011, 2014) now seem to be likely and quickly approaching scenarios for the future of the global order's arrangement. Although I mainly focus on sovereignty configurations, which have started to evolve prior to the recent global power shifts, the thesis should contribute to the understanding of the political order beyond the West as I investigate how China and India, as prominent rising powers, organise their relations with their 'dependencies' of a different kind.

While learning more about the non-Western experience is certainly beneficial and urgent, what 'being non-Western' means should be carefully addressed. The question of non-Western contributions to IR has arguably been most strongly raised by Amitav

Acharya and Barry Buzan (2010). Although their contribution is highly welcome, I argue that we should be more sensitive to how we demarcate and understand the non-Western world so that we can avoid essentialising the non-Western experience and positioning the West and non-West as distinctive opposites. A bottom-up sensitiveness to political entanglements of different temporalities, historical (dis-)continuities, rationales and normative and ideational aspects in the non-West is needed. Together with post-colonial authors (e.g. Acheraiou 2011; Bhabha 1984; Fanon 2001; Spivak 2006), we shall realise that 'being non-Western' – or non-Westernity – is a fundamentally amalgamated experience derived from centuries-long and more recent local traditions, the influence of colonialism and the imitation of the West as well as the struggle against it. Non-Westernity is based on blending all of these influences rather than on extracts of their traditional (would-be essential, definitional or constitutive) culture. Simply said, cultures 'do not hold still for their portraits' (Clifford 1986: 10).

   All of this is not to suggest that Acharya and Buzan were wrong, but merely that a more complex reading of the non-West would be beneficial. Capturing what non-Westernity means, even in the sense of specific instances, i.e., not-necessarily in the sense of an overarching category, is a complex issue that I believe Acharya and Buzan partly underestimate. By offering a type of study based on a strong inductive element and paying attention to the multi-directionality of social dynamics, I hope that this thesis can contribute to the reflection on the non-Westernity experience. More specifically, it should help elucidate how the experience of non-Westernity is transferred into the construction and arrangement of sovereignty. It also means that we will see how these two previous colonies, i.e., India as a formal colony and China as an informal semi-colony, that are simultaneously current rising power manage relations with their dependencies in the previously colonised space and the zone of their influence (cf. Gregory 2004).

Why to Examine China and India

China and India have been selected as they seem to be extremely fruitful cases for exploring and understanding the issue of sovereignty. Among other factors, it is due to the peculiar and simultaneous presence of two types of elements: first, a high emphasis on Westphalian sovereignty, which is typical for post-colonial countries (Chatterjee Miller 2013); second, the presence of a highly contested (problematic) sovereignty, which, as I further discuss in this thesis, derives from their colonial history, their experience with Western imperialism and the previous existence of their own empires. While the widespread and general (theoretical) preconception is that both these elements should correlate negatively as far as their presence in the (politics of)

individual countries is concerned, the cases of China and India provide us with a contrasting picture, i.e., the mutual coexistence of both. Representing cases which are deviant from the general theoretical preconception, they allow us to think through the concerned phenomenon (i.e., sovereignty) in new ways (Eckstein 1975; Gerring 2007; Lijphart 1975).

To be sure, there might be other cases with similar characteristics. However, as I tried to show above, focusing on non-Westernity might be fundamental for exploring the entanglements of different heterogenous aspects and elements in modern sovereignty due to the amalgamated character of non-Westernity because it blends different traditions, models and approaches. There are assuredly other non-Western countries which might have been explored, but considering some additional criteria helps us to select China and India, with such criteria being as follows: 1) a genuine, relatively distinctive and strongly developed cultural, philosophical and political tradition, 2) a close experience with Western colonialism, 3) the size and importance of the countries and 4) the projection of influence.

The first criterion is essential for labelling any country non-Western. While many countries fit the criterion, China's almost uninterrupted cultural development for about 5,000 years can only arguably be paralleled with Iran (which, however, lacks other criteria). India's nonuniform and variegated historical development offers a different example that, nevertheless, involves a very strong and cultural tradition. Moreover, this criterion forces us to exclude Russia as it went through a development intimately connected with the West for centuries as well as Australia because it was basically created as a Western state. Secondly, colonisation certainly adds to the non-Westerninty experience and should thus be considered too. Although China has never been formally colonised, it still experienced a century-long semi-colonisation that fundamentally changed China's way of political, social and economic modernisation. India's experience with Western colonialism and imperialism was not any less fundamental. Moreover, sometimes being referred to as the jewel in the crown of the British Empire, it was one of the biggest colonies in the world. While many non-Western countries have experienced Western colonialism, Japan and Iran almost completely, and relatively successfully, resisted the colonial expansion of the West.

The third and fourth criteria cause us to pay attention to whether states have the sufficient abilities and power to actually pursue or sustain new, distinctive or diverging models of political organisation and whether they exhibit tendencies to do so. Moreover, these aspects point us in the direction of those cases that should have the highest 'practical' (policy) relevance and the largest impact on international affairs. More specifically, the fourth criterion makes us consider whether countries tend to power-project their influence and control over other areas. Regarding the third criterion, China and India are the most prominent rising powers in the world as well as

its two most populous countries. Not considering Japan for the previously mentioned reason, China and India are thus the biggest non-Western economies that fit the criteria.[5] Fourthly, China's power projection is obvious and involves many sovereignty-related issues. While including India as a prime example in this category might seem a bit strange at first sight, India's effective dominance in South Asia and its efforts to act as *the* great power in the region justify it. Although Brazil is economically almost as big as India, its power projection of sovereignty is (regionally) limited by the presence of relatively strong adjacent countries.

Sub-cases in this thesis focus on the most contested cases tied to China's and India's sovereignty. Having this character, the liquidity of sovereignty should be apparent in these cases. This should facilitate exploring the proposed theoretical perspective and understanding what it brings. Although such sub-cases usually exhibit a noticeable level of actual political contestation, the spotlight is on contestation as far as the meanings, conceptions or organisational forms of sovereignty are concerned. In other words, I focus on the most 'problematic' cases in which the meanings and forms of sovereignty are highly stretched or distorted. An additional criterion for considering China's and India's relationships to their 'dependencies' (of different kinds).[6] While the fundamental logic of the sub-case selection process means that each sub-case will be principally different from the others, the additional criterion guarantees at least a basic common bottom line. While it leads me *not* to focus on, for example, politics in terms of international organisation, the issue of cyber-sovereignty and other potential questions, the criterion also helps solve further issues lacking in clarity regarding the sub-case selection.

While I initially considered the Indo-Nepali relationship as a potential sub-case because it exhibited or exhibits some signs of India's effort to influence the country, it is very difficult to justify Nepal being India's dependency despite strong mutual ties in many areas. Sri Lanka is a partly similar case. Sikkim would be an excellent example until the mid-1970s, but after its full integration into India, the relevance of the sub-case has decreased. When it comes to China, the main question for me was whether to include the South China Sea. However, its character is different from all other cases. While the question as to what extent islands in the South China Sea are getting integrated into China is important, it is not a dependency in the same sense as the other sub-cases because it lacks its own authority and population.[7] China's relationship

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[5] In 2018 or 2017 as well as in some previous years, as per GDP (nominal). Confirmed by data from various institutions, such as the World Bank, the United Nations and the IMF.

[6] The term signifies the relationships of China and India and their central sovereign authorities with other entities possessing their own political authority and polity frameworks while demarcations of the sovereignty of China or India and these entities are interconnected.

[7] In a sense, the South China Sea lacks all the traditional attributes of sovereignty because there is no established authority or population, and the question of territory is also highly problematic because many of the islands in the area are mere rocks.

to Macau could easily be selected according to the aforementioned criteria, but it is less politically relevant than Hong Kong and Taiwan. Moreover, Macau's relationship with mainland China is highly similar to Hong Kong's relationship to mainland China.

The Approach and the Research Strategy

The main direction of this research is to perform a parallel analysis of China and India and, more specifically, of two further specific case studies of contested sovereignty related to each of the two main cases (i.e., Hong Kong and Taiwan in relation to China; Kashmir and Bhutan in relation to India). A direct comparison is not chosen because the four specific cases that form the fundamental part of this thesis are different in many respects. The very fact that the cases are selected as the most contested makes them difficult to compare along some strictly pre-defined criteria; each has a different relationship to China or India, and different rationales, motivations and strategies appear in these cases; moreover, specific elements according to which one case is organised may be missing in another. Hence, this thesis relies on interpretative case studies guided by the theoretical and analytical framework that I introduce in the third chapter.

Two main cases (China, India) are selected to provide this thesis with a higher degree of variation as far as the discussed dynamics and developments of sovereignty are concerned. This step increases our confidence that key points, arguments and conclusions are not completely one-off issues, thereby indicating that they might have a broader relevance. Although there are important differences between the cases, choosing two cases of a roughly similar nature still allows one to at least partially compare them and improve our insights into them. Each of the two principal cases will include two further sub-cases since the intention is to analyse the variations of sovereignty, for which it is highly useful to pay attention to the nuances within one state. Again, two sub-cases rather than a single one will help us better understand the nuances related to the politics of one state. The step of including the sub-cases limits the options of adding further principle cases or sub-cases because it would diminish any room for properly conducting these (sub-)case studies.

The research strategy and logic are based on two corresponding fundamental values – a high degree of inductiveness and analytical openness. The inductive element does not mean that this thesis would follow pure empiricism since it relies on a theoretical framework; rather, it indicates that I start 'on the ground' by exploring specific cases and learning from them. This anti-ideal type approach requires a theoretical and analytic framework which would involve a considerable degree of openness. I hope to achieve that by situating the framework in a multi-directional fashion, i.e., not prefiguring one single route to how sovereignty is constituted, with

one single factor or variable as key or with one single direction between structure and agent. More specifically, the scaling perspective and the focus on temporal positioning, which are essential for constructing the analytical framework, fit these requirements fairly well. Proceeding in this way allows one to respond to the limits of the institutional analysis of the social order's constitution, which may stem from an over-reliance on structuralism or functionalism, as shown by Peter Wilson's (2012) English School auto-critique and by Patricia Owens (2016). Wilson's general argument is particularly inspirational. Similar to the English School's analysed 'diplomatics', rather than relying on a set of predefined international institutions, I try to follow a dynamic rendering of sovereignty with an emphasis on inductiveness in order to answer precisely how it gets constituted in the concerned cases.

Analytical openness and multi-directionality are framed within the meta-theoretical perspective, labelled integrative pluralism (Dunne – Hansen – Wight 2013; Mitchell 2002). This calls for integrating and combining different theoretical perspectives when research interests intersect and when these intersections can complement each other. Integrative pluralism almost leads to a multi-directional analysis by definition. It is also in this sense that I review existing accounts explaining the constitution of sovereignty in the second chapter and try to develop a theoretical framework in the third chapter, which is supposed to be inspired by, retain a sensitiveness to and communicate with key analytical and explanatory directions as introduced in the second chapter.

The core of this thesis explores these four specific sovereignty relationships and situates them *vis-à-vis* the broader approaches of China and India. As part of these relationships, I will pay attention to the moments of actual or suppressed resistance, which are important for understanding sovereignty. As claimed by Biersteker and Weber, sovereignty is 'a product of the actions of powerful agents and the resistances to those actions by those located at the margins of power' (Biersteker – Weber 1996a: 3). Hence, a part of what I will document are the manners of resistance to how China and India try to establish their sovereignty.

The Outline of the Thesis

In the second chapter, I review how sovereignty has been approached in IR and is related to academic disciplines. By offering a new typology on how to categorise perspectives on sovereignty, I also demarcate which perspectives are useful within the confines of this thesis. After that, I identify three key accounts which explain the constitution of sovereignty and which are centred around different social fabrics – institutions, discourses and practices. Moreover, each of these accounts propose a different manner for working with top-down and bottom-up dynamics and addresses how to connect agency with a broader political environment (order, structure). I

demonstrate that each of the accounts suffer from important weaknesses when explaining sovereignty. On the basis of reviewing the main relevant directions of sovereignty explanation, their key elements and weaknesses, it is possible to form a multi-directional theoretical framework in the third chapter integrating relevant theoretical aspects discussed in the second chapter. In other words, reviewing the main relevant theoretical directions shall help clearly and systematically demarcate a common ground on the basis of which a new theoretical perspective is formulated through integrating or developing the key identified elements.

The third chapter introduces the theoretical and analytical framework of the thesis. The framework incorporates institutions, discourses and practices as well as dynamics (connections) between actors and their broader environment in an open and multi-directional way. To put all these aspects together, I resituate this debate between Hans Kelsen and Carl Schmitt, which works in the same terrain as the key explanations of sovereignty constitution introduced in the previous chapter and is simultaneously able to subsume them under itself. The resituated debate leads me to introduce sovereignty as relational and dynamically evolving through the establishment of connections with two loci – a domestic centre of authority and an international society. The analytical framework derived from the debate is primarily centred on spatial and temporal axes, which are fundamental for capturing liquidity and the relationality of sovereignty. The spatial axis is approached through the debates and analytical perspectives on scaling that originate from (critical) geography, while the other axis looks at temporal positioning, which is operationalised with the help of IR debates on temporality.

The rest of this thesis is devoted to the analysis of sovereignty in the cases of China and India respectively. Each country is covered by three chapters that follow the same pattern. Firstly, a general chapter on the given country introduces the key characteristics and aspects of the given state's (approach to) sovereignty. In doing so, I introduce the mode of socialist sovereignty in the fourth chapter on China and the mode of ethical conservative sovereignty in the seventh chapter on India. While these two general chapters are not concerned with specific sub-cases *per se*, they pay attention to the broader processes in state-management projects within these two countries, which are important in relations to specific sub-cases. In other words, besides reviewing the most fundamental features of each state's sovereignty, the chapters also include a pre-selected focus on the general dynamics influencing the specific sub-cases. In this way, two further modes of sovereignty are identified. The fourth chapter on China introduces the mode of zonal sovereignty and the seventh chapter on India introduces the mode of regio-sovereignty. Both of them are regionally-limited modes for organising China's and India's sovereignty in their close neighbourhood. Each general chapter is followed by two chapters on the specific sub-

cases related to each country. They analyse how the sovereignty of China or India is constituted as part of the specific sovereignty relationships in each. As such, these chapters also provide further analyses of the zonal sovereignty and the regio-sovereignty modes respectively.

Image 1: Geopolitical Anomalies [8]

A Sample of Geopolitical Anomalies

= Multiple Anomalies
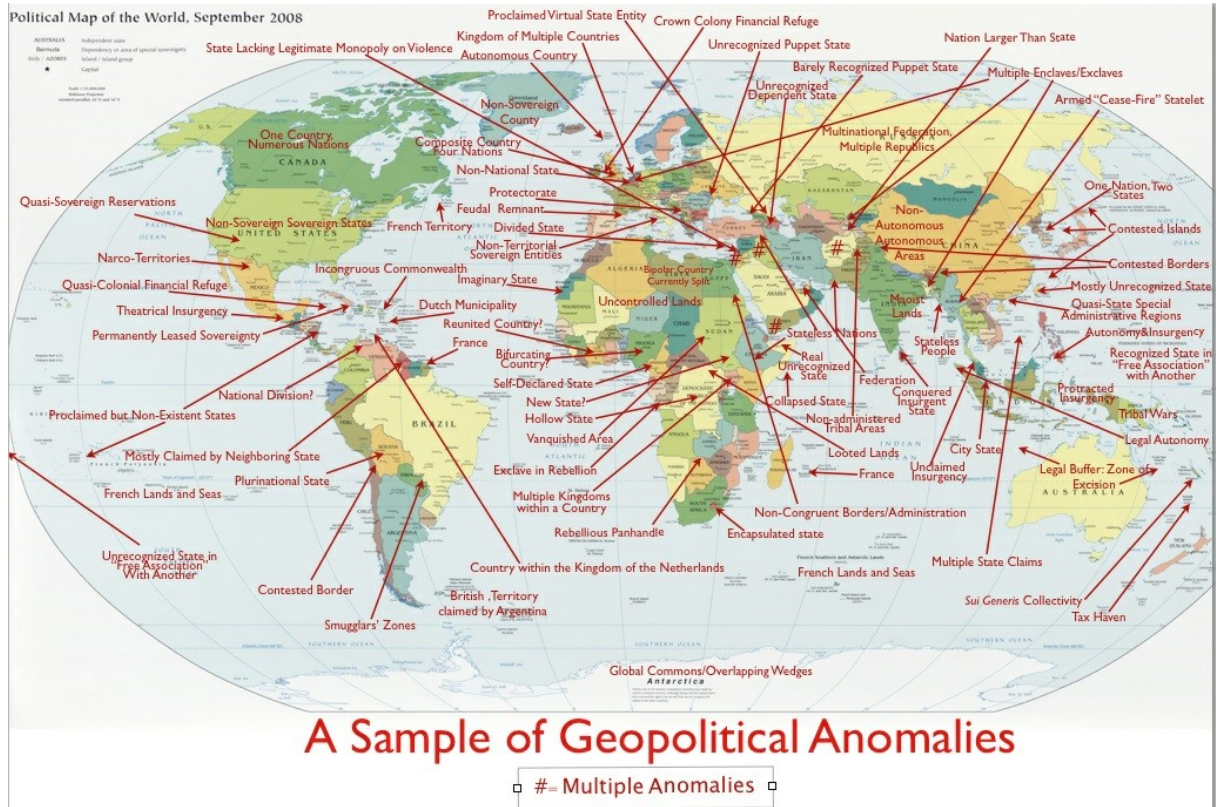
[8] (Lewis 2011)

2. Academic Accounts of Sovereignty: Approaches and Explanations

Introduction

This chapter provides an overview of the different ways in which sovereignty and the modern sovereign state can be approached. The distinction between sovereignty and the modern state informs the approach of this chapter as well as helps clarify the focus of this thesis. The state is understood here as an actor and an arena of political relations, while sovereignty is seen as an organisational principle for setting up the definitional features of the modern state. Hence, although sovereignty needs to be understood as different from the modern state, there is a close relationship between them since sovereignty is connected with and potentially influenced by what happens with the state and *vice versa*. Following this conceptual demarcation, the core part of this chapter includes a discussion on both the theoretical approaches to sovereignty and the modern state, especially in terms of whether these accounts of the modern state are able to communicate with and potentially influence sovereignty as an organising principle.

In this chapter, I introduce three main types of social fabrics (institutions, discourses and practices) as fundamental for explaining the constitution of sovereignty. Moreover, I highlight the fact that the dynamics (connections) between an actor and its broader environment are similarly crucial for the constitution of sovereignty. Hence, the chapter serves to delineate key theoretical trends and directions of explaining sovereignty constitution. It helps demarcate main contours of the research field and, thus, better calibrate the newly proposed theoretical framework which is introduced in the following chapter on the basis of integrating key findings of this chapter. Building on the key general directions and responding to their weaknesses allows to highlight a broader relevance of this thesis' theoretical approach despite the fact that its empirical core rests on four highly specific (contested) sub-cases.

First, I briefly discuss a variety of approaches to sovereignty and the ways in which we can categorise them. With the help of a new typology categorising these perspectives on sovereignty, I also demarcate which perspectives are useful for this thesis. I exclude those approaches that are not able to account for sovereignty as a historically conditioned, and hence changing, organisational principle from further discussion as they are not relevant for the purposes of this text. It is because those approaches define sovereignty as a constant and definite feature, which does not leave a lot of space for researching how sovereignty transforms. Second, I discuss the

three main explanations of sovereignty and the modern nation-state, which see these phenomena as historically constituted 'inventions' or 'products', in the main part of this chapter; namely, explanations through the environment and its characteristics, the accumulation of power as well as power relations and discursive constructs. By critically discussing them, I point to their main weaknesses as well as the ways in which they have inspired this thesis. Third, I briefly discuss works on specific instances of highly contested or untypical ('imperfect') sovereignty configurations.

Sovereignty: The Initial Delimitation of the Established Approaches to Sovereignty

Schematically, it is possible to distinguish four approaches to sovereignty from two analytical lines. The first line considers whether sovereignty is a historical phenomenon, i.e., whether we can trace its origins and development to a specific period (or periods) of history or whether sovereignty should be treated as an ahistorical phenomenon. The second line distinguishes whether sovereignty is primarily defined and characterised as a material or ideational phenomenon or, in other words, whether it is primarily through material or ideational conditions that sovereignty may exist and work. The combination of these four lines produces four ideal-typical positions (see Figure 1).

The position which posits materiality as a key factor and which is ahistorical could be labelled as a condition (A) because sovereignty is viewed here as the state of things that are present and that might or must precede other phenomena in order for these phenomena to potentially occur. Sticking with the ahistorical perception of sovereignty but acknowledging the ideational rather than the material aspects, we move on to what might be called a convention (B). The name is chosen because sovereignty, in this view, is a long-term and unchanging presence that emerges out of the act of a deliberate or unconscious creation, decision or agreement and persists after the (imagined) moment of creation. By perceiving sovereignty as the result of historical processes and material conditions, most usually via power struggles or competition, we can understand sovereignty as a product (C). Lastly, the position combining the historical development and the primacy of ideational factors can be labelled as an invention (D). While it is also a product of a specific kind, it might be more appropriate to choose the name 'invention' as it requires an input in the form of ideas and normativity. As such, it may be 'upgraded' or re-invented.

Figure 1: A Typology of Sovereignty Positions

		Material	**Ideational**
		The difference that ideas make (low vs. high)	
Ahistorical	The importance of historical conditions	**(A) CONDITION**	**(B) CONVENTION**
Historical		**(C) PRODUCT**	**(D) INVENTION**

Starting with quadrant (A), neo-realism could be understood as the key International Relations (IR) approach that cherishes ahistorical theorising with an emphasis on material conditions. While modern sovereign states are *the* key actors in international politics for all (neo-)realists, Waltz and others have devoted little energy to theorising sovereignty (Mearsheimer 2014; Walt 1990; Waltz 1979). Their account of the character of the state is instead provided indirectly. Mearsheimer (2014) deductively theorises key inceptives for defining the interests of the state (and great powers especially). Walt (1990) considers how states make decisions when facing threats. While emphasising the role of the structure and trying to detach his theory from commenting on policy-formations (Waltz 1996; cf. Molloy 2010), Waltz relies on micro-economics to demarcate his theory as related to the interaction between like-units while simultaneously ignoring aspects other than power through which states could be differentiated. Although some neo-realists recognise that states or at least their policies are changing (e.g. Walt 2006), the embeddedness of states in the international structure provides an image of modern sovereign states as sharing many characteristics with the so-called Westphalian sovereignty.

Realists are strong candidates for being placed in the same quadrant as neo-realists, but their view on sovereignty is more nuanced. In general, realists are more sensitive to historical developments and, in a sense, to the role of ideas. Differences in the realist camp occur along their view on the relationship between theory and practice. In contrast to idealists, realists initially claimed that (1) the universal laws of the world and history could be uncovered through the theorist's imagination, (2) practice necessarily precedes theory rather than the other way around and (3) ethics is a function of politics and not independent or superior to it (Carr 2001: 3–24, 91–96, 135–158; Machiavelli 1992). Following these axioms, realists could pay attention to the historical developments of the state and its changing characteristics (Carr 2001; Morgenthau 1946). However, once they started to calculate and outline the generally applicable laws of international politics, and hence moved away from the axioms they specified earlier, the state came to be seen as an (almost) naturally given unit. For example, in his second book, Morgenthau's previous historical sensitivity to the state's development is diminished by an emphasis on the importance of scientific laws and

defining key categories, esp. power, in a very objective manner (Morgenthau 2005: 4–16). Alongside that, the viability of these forms of sovereignty or state configuration, which differ from having a monopoly of power and exclusive territorial control over the state, is refuted with the claim that these forms are 'contrary to logic' and are seen as 'politically unfeasible' (Morgenthau 2005: 320); hence, they are viewed as more or less irrelevant.

Being even more 'scientific', Thomas Hobbes' (2012) theory of sovereignty, which derives from his geometry-like effort to set up principles of (political) life, moves to disregard any historical context of sovereignty almost altogether. Not only was Hobbes' view ahistorical, but it also took him much closer to position (B), or sovereignty as convention. It is extremely ahistorical because it rests on the idea that principles of political relations can be derived from a previous *hypothetical* agreement with the imaginative function in order to specify the (best) political order. At the same time, Hobbes has a strong ideational element because the persuasiveness of the hypothetical agreement is conditioned on the idea or rationale of such an agreement for a contemporary audience. Not all social contract authors are clear about the connection to the state either. However, Hobbes, Rousseau and Rawls (1971, 2001) provide a hint that their work is aimed at establishing the fundamental framework of the modern (nation) state. It might be contentious whether to categorise this tradition as ideational because the reasoning supporting a social contract often rest on rationalist calculations of benefits. However, the fact that the social contract combines the normative aspect with pure speculation that is able to involve positions ranging from the Kantian deontology of Rawls to the radical democracy of Rousseau – both of which defy the benefit-derived reasoning – justifies their inclusion in the ideational axis to me.

Similarly to realism, liberalism has connections to more quadrants of my scheme. It certainly shares links to social contract theory through people like Locke or Rawls. However, at the risk of oversimplification, liberalism may be primarily connected with quadrant (C) – sovereignty as product. Liberals have not focused on theorising the emergence of the modern state; despite this, they are quite sensitive to the historical context of state development, which is predicated by their focus on international and transnational cooperation (e.g. Doyle 2005; Keohane 2012) as well as their interest in non-state actors and the changing relations between the state and non-state actors as seen in the debate about sovereignty and globalisation (cf. Jones 2013; Shan – Simons – Singh 2008), which is most usually assessed through the examination of various kinds (economic, legal, institutional) of interdependence (Goldstein – Kahler – Keohane – Slaughter 2000). However, the greatest disadvantage these liberal approaches bring to the table is that their contribution to the theorisation of the relationship of sovereignty, as a phenomenon related to but distinct from its modern form, remains

relatively minimal. In other words, they do not closely account for sovereignty as an organisational feature and rather take it as an axiom of modern politics.
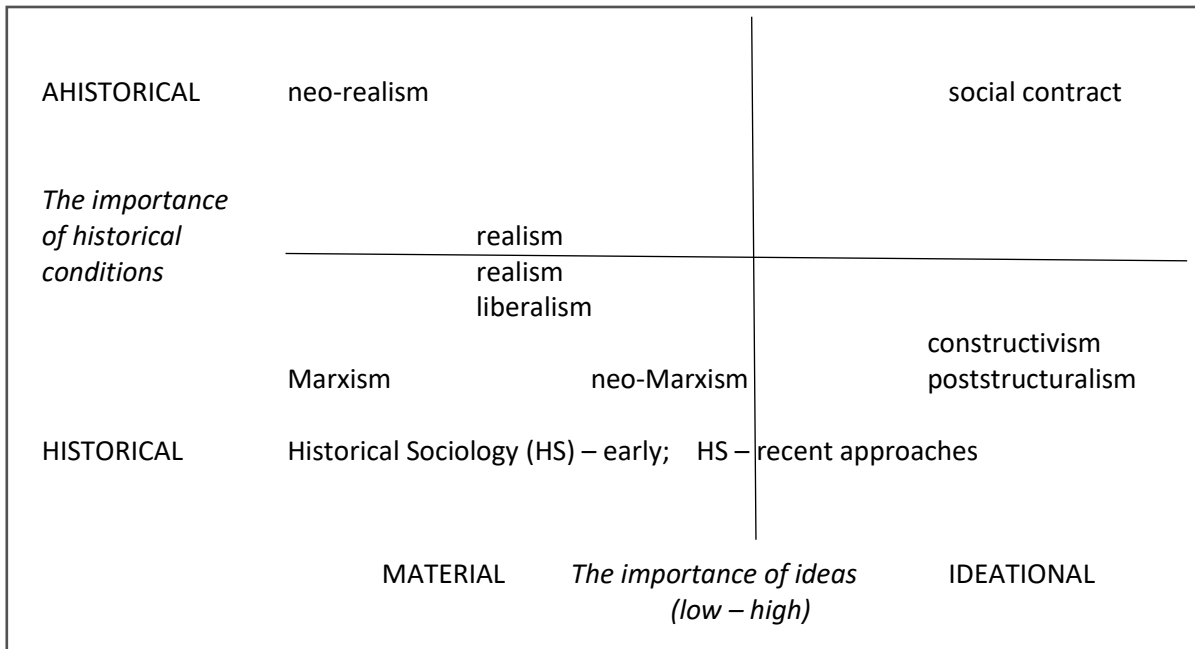
The other two theoretical approaches that can be placed in quadrant (C) are inter-related because many Marxist authors contributed to Historical Sociology. Moreover, newer variants of both of these approaches spill over into quadrant (D). The first two generations of Historical Sociologists emphasised material factors over ideational ones, which especially led the neo-Weberians Michael Mann and Charles Tilly, but also others (Mann 1986, 1993; Strayer 1973; Tilly 1975, 1992), to examine the rise of the nation state as a product of struggle and the accumulation of power. However, following Weber, they recognised the ideational or ideological factors as influencing the state-formation process (Mann 1986; see also Skocpol 2008). While very closely interconnected with state making, these authors recognised sovereignty as a specific feature resulting from the accumulation of power, the seizing of authority and the capacity to conduct foreign policy with like-units (cf. Carroll 2009: 556).

Later developments in Historical Sociology went on to fully unfold cultural and ideational analyses of various general phenomena (e.g. Delanty 1995; Goff 1982; Habermas 1992) at an intersection with IR (Hobden 1998; Hobden – Hobson 2010) and specifically in works that researched the state (Adams – Clemens – Orloff 2005a; Rose – Miller 1992; Steinmetz 1999; Walton 1993). Similarly, Marxists have not been united in what role they assign to ideational factors. The original Marxists and the first branch of neo-Marxists, including Wallerstein (1999: 57–75), Jessop (1982, 1990) and Poulantzas (1978), fit into category (C) quite neatly as they rely on objectivist ontology and epistemology. However, the strand of neo-Marxism that includes, above all, Gramsci (2000) or Althusser (2014) incorporates objectivist ontology and constructivist epistemology, which means that their view on the state is in between sovereignty as a product and sovereignty as an invention. In other words, while the sovereign state and its importance are derived from capitalist relations, class interests and strategies or class struggles, the domination of and over the state rests on ideological factors and devices.

Quadrant (D), which considers sovereignty as an invention, is mostly occupied by constructivist approaches. However, the English School of IR, which originated as a historically and culturally informed version of IR realism – or a *via media* between realism and idealism but now shares many tenets with constructivism (Buzan 2004b; Linklater – Suganami 2006; Reus–Smit 2002; Reus-Smit 2009; Suganami 2001) – or various branches of sociology, partly including the above mentioned Historical Sociology or Marxist sociological works, could be added to quadrant (D) as well. In general, these approaches examine sovereignty as invented and re-invented through discourses, norms or institutions (cf. Biersteker – Weber 1996b). Due to the fact that all of these approaches consider sovereignty or the sovereign state as phenomena

inevitably having a history and the potential for change, whether the specific theorist's focus is on the (changes in) political practice of sovereignty (Jackson 1993a; Reus-Smit 1999; Weber 1995) or is rather on intellectual history (Bartelson 1995; Shinoda 2000; cf. Walker 1993).

Figure 2: Theoretical Approaches and Sovereignty Positions

AHISTORICAL	neo-realism		social contract
The importance of historical conditions	realism		
	realism liberalism		constructivism poststructuralism
	Marxism	neo-Marxism	
HISTORICAL	Historical Sociology (HS) – early;	HS – recent approaches	
	MATERIAL	*The importance of ideas (low – high)*	IDEATIONAL

Constitution of Sovereignty

In the rest of the chapter, I examine three general streams which are often utilised to explain the constitution of sovereignty, namely 1) the role of the international environment (order) and its features, 2) the accumulation of power resulting from the actions of actors and their relations and 3) discursive constructs (formations and practices). Their selection and inclusion rests on two conditions that express a relatively simple claim – that sovereignty should not be thought to exist 'out there' by itself. First, they must be able to address sovereignty as a principle or model organising political order. As I shall not stay in the realm of pure ideas, I embrace those approaches that see sovereignty as a principle derived from actual political practices and occurrences. Second, I will also consider approaches concerned with the formation of the state *if* they allow it to connect with sovereignty as an organising principle. Ahistorical approaches will be of little use because they cannot fully account for how and why the character of states change. While approaches falling under the category of sovereignty as an invention will be key due to their correspondence with the first condition, approaches considering sovereignty (or the state) as a product are useful for their contribution to and strengthening exploration of the second condition. However,

to be useful in this regard, the approaches from quadrant (C) must be able to connect with quadrant (D). For this reason, I especially consider Historical Sociology and the Marxist approaches that are able to interconnect the material and ideational in the processes of state (trans)formation.

My aim in this part is to explore some views on how sovereignty is constituted and what creates its fundamental components. Before I address this theoretical and conceptual question, let me very briefly review a more historically oriented matter, i.e., when exactly the modern or sovereign state was created (for the first time). It illustrates how much this simple question is contested, further underlining the need for a careful theoretical discussion on the constitution of sovereignty. Paradoxically, the only thing that we can be sure about in this historical debate is that the Peace of Westphalia did not create the modern sovereign (or Westphalian) state.

Spruyt (1996) argues that the process leading to the eventual selection of the modern state as the main actor started in Renaissance Europe around the 14th century. Ruggie (1993) highlights the importance of the same period, although it is for a very different reason: a change in visual representation allowed the restructuring of how people think about the world. Others (esp. Osiander 2001; Teschke 2003) have devoted a great deal of energy to debunking the Westphalian myth by showing that the characteristics most usually associated with the Westphalian state did not emerge in the immediate aftermath of the conclusion of the Peace of Westphalia. This is confirmed by various – rather conventional – accounts which are, however, more historically sensitive (Philpott 2001; Sørensen 1999). Still, in accordance with this perspective, we find more specific arguments. Nexon (2009) contends that during the 16th and 17th centuries, the composite political communities in which religious networks played an important role were present in Europe. Branch (2013) claims that the territoriality contained in the sovereign state was created during the process of colonial encounters, when the need to precisely demarcate territories had been fully formed, Thomson (1996) argues that it took until the 19th century to eliminate violent non-state actors and hence fulfil the Weberian ideal of the monopoly of violence, whereas a similar conclusion is brought into play by the historically oriented wing of the English School (e.g. Watson 1992). Works in historical sociology and some other fields (Sassen 2008) cover extensive periods of time stretching across a few centuries to show the gradual political creation and evolution of the modern state.

International Order and Its Characteristics

This stream of explanation posits that the sovereignty of the modern state and its characteristics derive from a broader environment or order. As such, it especially incorporates literature on environmental fitness as well as the international society as

discussed by the English School, the world society as discussed by the Stanford School and international structures as discussed in holistic constructivism literature. Although there is an assortment of differences between these genres, what they have in common is a view that sovereignty or the sovereign state is an institution that is fundamentally impacted by the international order.

The key difference between these domains of literature can be found in what role they ascribe to the the international environment (structure) in relation to the domestic (i.e., lower) level as well as to institutions as key elements of the international order. The strong and independent role of the environment and the dependent role of institutions are characteristic of the environmental fitness explanation, which was most notably represented by Spruyt (1994, 1996). Spruyt put forward his theory of institutional selections on the basis of a social evolutionary theory which has been getting more popular in the social sciences and IR (David 1994; Hallpike 1988; Nelson – Winter 1985; Tang 2010, 2011; Tang – Long 2012). This theoretical approach analogically resembles biological evolutionary theories. In both of them, environmental pressures are key forces impacting actors. In a very similar sense, even institutions are under pressure and must fit into or adjust to the environment in order to survive since they are in competition with other institutions (David 1994; Tang 2011). The very same argument is used by Spruyt (1994, 1996) when answering why the modern territorial state came to be the dominant institutional form in international politics. Its dominance is due to its outperformance in comparison to other alternatives, such as city leagues and city-states in the areas related to economy (e.g., extracting taxes) and waging war.

While the form and character of institutions is obviously important, they are not real agents of history, and Spruyt's key force is actually the rational choice theory underpinning environmental pressures, whereby international trade is seen as the key independent variable. In other words, some institutions must fit into the environment better than other institutional competitors. Spruyt subscribes to a non-linear view of evolutionary changes which involves various influences, including the biological notion of a punctuated equilibrium (Eldredge – Gould 1972). According to this idea, the majority of species are not actually developing most of the time. Following the refusal of gradual development, Spruyt adheres to the vision of relatively clean evolutionary ruptures (see also Bátora – Hynek 2014: 22) and argues that '[w]hatever forms survive are not explained by reference to the types preceding the exogenous shock but by reference to the new environment and the now simultaneously existing forms which emerged after the shock' (Spruyt 1996: 24).

There are three interconnected types of criticism by which one can confront Spruyt's model. Firstly, he puts a very strong emphasis on the role of the international environment and, as a consequence, creates a highly deterministic theory based on

efficiency and efficacy, which makes his theory produce a perspective of relatively clean systemic ruptures in international history. While some forces (institutions) are seen as fundamental for structuring this international environment (international trade), it is contentions whether other institutions can mitigate the selective (eliminating) process or restructure the very logic of the environment. Second, as indicated above, Spruyt's theory brings about a non-linear vision of temporality where systemic ruptures create starting points for a new system and its institutions, while what happened before is effectively non-relevant for the current system. Thirdly, even if we accept that the modern state was established during the selective processes in the Renaissance, which has been shown above as highly contested, it is extremely problematic to accept that sovereignty has remained static after being established by a systemic rupture.

Arguably, the modern territorial state has continued to be the *key* institutional form in international politics, or at very least it has not disappeared and still plays a very fundamental role. However, at the same time, its characteristics have been changing, and international actors have emerged as other types of actors that co-define international affairs (cf. Jones 2013; Philpott 2001). These are developments which Spruyt's theoretical model can hardly explain, mainly due to the lack of the social (ideas, norms, etc.) in his theory. Moreover, he fails to acknowledge that some of the actors in Medieval times, e.g., the Holy See or the Sovereign Military Order of Malta, have continued to exist up until today (Bátora – Hynek 2014). Even more importantly, his theory does not account for the possibility that the histories of political development, including for example domination. subjugation or compromising the very principles of the modern sovereign state during the period of colonialism *continue* to substantially influence political developments even after their break with the previous system (e.g., after decolonisation); this has been vividly illustrated by the literature on post-colonialism (Acheraiou 2011; Bhabha 1994; Chatterjee 1986, 1993, 2012; Gregory 2004).

The Stanford School of Sociological Institutionalism (Boli – Thomas 1999; Meyer 2010; Meyer – Boli – Thomas – Ramirez 1997; Strang 1990) shares this emphasis on unidirectional, top-down processes. The emphasis on the top-down process in both approaches is largely derived from the notion of isomorphic change and mimicry that was famously elaborated upon by DiMaggio and Powell (1983). They analyse different isomorphic processes that make institutions and organisations look and function in a very similar way. However, the Stanford School and Spruyt differ is their understandings of the role of institutions. In contrast to Spruyt, the Stanford School explains institutional isomorphism in the world through a logic endogenous to institutions, namely the existence of cultural (institutional) models. In a nutshell, the Stanford School argues that there is world society (or world polity) functioning as a

reservoir of cultural (normative, institutional) models that spans across the globe. Through such a process, the world is becoming more and more alike, which the Stanford School authors systematically showed in areas ranging from the character of the modern state and governance to education, health and business (Meyer 2000; Meyer – Ramirez – Soysal 1992).

Unlike Spruyt, the Stanford School does not rely on rational choice theory. Their answer to the paradox of why social organisation across the world tends to become more and more isomorphic despite the differences of local needs lies in the process of mimicking. Rather than seeing the role of the international environment as strategic, they point to its constitutive effects. Modern nation states are perceived as increasingly similar units in a plethora of disparate ways. In accordance with their theoretical axioms, the modern state cannot be seen as purely autonomous or rational because it relies on an impetus from the world society. One of the key reasons why countries accept the model of the modern nation state is that it increases international legitimacy (Meyer et al. 1997). At the same time, however, the state should not be understood as a unitarily delimited phenomenon because the Stanford School emphasises the existence of a plethora of models (scripts, norms) which are mutually decoupled and, hence, possibly in conflict with each other. In a similar way, the state might be constituted through norms, e.g., exclusive territoriality and respect for human rights, that might be mutually conflicting as well. The Stanford School's emphasis on decoupling will prove productive in the latter parts of this thesis and in the construction of my theoretical approach to sovereignty based on the creation of relations (connections) with models, institutions, discourses or practices.

While the Stanford School cherishes the notion of institutional decoupling, its approach, to a very significant degree, is deprived of conflicts between the local or national level and the global one. This is given by their theoretical choice for the ontological primacy of the structure (world society). The Stanford School has problems in convincingly explaining how a world society is created when the bottom-up influences are largely ignored (Buhari-Gulmez 2010; Finnemore 1996). They answer this issue by emphasising that the world society derives from Western cultural traditions whose global extension is facilitated by globalisation (Boli – Thomas 1999; Meyer 2000). Related to this, the Stanford School ignores the fact that actors could rely on cultural models derived from sources other than those located at the international level (world society), which is a pressing and problematic issue, especially as they conceptualise world society as constituted by modern Western cultural traditions. Hence, the dominance of the structure (environment, world society) becomes almost totalising. This view brings about the notion of temporality, which, unlike in Spruyt, is relatively linear and gradually evolving, but it similarly totalises the world into one form.

Risking a certain degree of simplification, holistic constructivism and the English School of IR can be introduced together. Both of these theoretical streams aspire to interconnect the international structure (or the international society, in the language of the English School) with what happens at the sub-systemic level, and they point to the mutual constitution of both. Historically preceding the rise of constructivism, the English School (Bull 2002; Bull – Watson 1984; Manning 1962; Wight 1960, 1994) emerged during the Cold War to argue that international politics should be conceptualised as an anarchical society rather than an anarchical system. For the English School, international society reflected the idea that international affairs are socially similar to domestic life. Based on this, they argue that there are certain bundles of deep-seated rules that structure the regulation of power politics but also the constitution of actors and practices in international politics. They call these deep-seated rules the primary institutions from which other more specific ones derive. The most famous list of primary institutions is provided by Hedley Bull (2002), who mentioned sovereignty, diplomacy, international law, the balance of power and great power management. Although this list can be criticised from various points of view (cf. e.g. Wilson 2012) or can be supplemented by other institutions like global capitalism or environmental protection (Buzan 2004b), the basic idea that there are certain fundamental institutions which are relatively stable but not unchanging and which constitute and regulate international politics still holds true for the English School scholars (Buzan 2004b; Linklater – Suganami 2006).

Although scholars within the English School tradition do not agree as to what extent primary institutions and specific actors are mutually constitutive of each other, there has always been a tendency to regard the international structure (international society) as more important and to overlook what happens inside states. Holistic constructivism (Kratochwil 1986, 1993; Nexon 2009; Reus-Smit 1999; Ruggie 1983, 1993) indirectly reacted to this while trying to bridge the gap between the domestic and the international levels. Taking into account the ideational, but also their interplay with the material, factors and being attentive to both constitutive and regulative norms and rules of international order, both the English School and holistic constructivism are very capable of theoretically and empirically accounting for the fundamental historical transformations and shifts in terms of the character of sovereignty.

For example, Ruggie (1993) argues that the modern territorial state could emerge due to the invention of single point perspective (cf. Branch 2013). Reus-Smit (1999) traces how the character of sovereignty (or more precisely, the fundamental normative structures by which the state is legitimated) changes over time. Kratochwil (1986) focuses on how the changes in the systems of boundaries were constitutive for the modern state, while the English School analyses sovereignty in relation to the

changing character of diplomacy, international law or human rights (Bull 2002; Vincent 1974, 1987). This short overview points to both the advantages and the disadvantages of this scholarship because by showing that various aspects of the modern sovereign state can be examined through a constructivist lens (cf. Biersteker – Weber 1996b). However, it obscures and avoids the question of what the core of sovereignty is. While Spruyt adopted a minimalist definition of the modern state when associating it with the territoriality and dominance of the domestic authority inside the state and the Stanford School approached sovereignty as composed of bundles of norms, the approach of constructivism is more flexible but also more dispersed.

At the same time, however, holistic constructivists lack the attention to local or localised differences which (can potentially) appear within the international structure. In other words, although these authors are not as deterministic as Spruyt, their presentation of clean systemic ruptures (esp. Ruggie 1993) can be criticised for the very same reasons that Spruyt's works. Building upon the scholarship of discourse theory, the turn towards practices and cognitive as well as neuroscientific approaches, Erik Ringmar's (2012, 2016) recent works both criticise and advance constructivist theorising on the relationship between what he calls the world stage and actors. Although presenting one of the most sophisticated and original critiques and coming up with a dynamic perspective, there is a very similar issue in his works and those of holistic constructivists in that they relate the relationship between the local and the international. As Ringmar (2016: 101) claims, actors must be present and act at the world stage to become (international, world) actors. However, he does not examine the possibility that there are more stages, with each of them possibly constructing actors differently. In other words, the crucial issue in this literature is that these authors do not account for the constructions that diverge from the dominant international structure. The unanswered question is whether and how local or localised constructions can co-exist with the international structure and how it is possible explicate such a co-existence. Similar to the previous streams of structural explanations, this position leads these authors to produce a unified temporality, which is most apparent in the English School's narrative of the gradual expansion of international society and the disappearance of alternatives and differences (Bull – Watson 1984; Gong 1984; Watson 1992).

Both the English School and holistic constructivism at least partly react to this problem. The regional turn in the English School (Ayoob 1999; Buzan – Zhang 2014; Hurrell 2008; Karmazin – Costa-Buranelli – Zhang – Merke 2014) puts forward a multi-layered conception of international order, but the exact relationship between the global, regional, sub-regional and domestic levels have been explored mainly empirically and have hence remained rather undertheorised. Utilising the concept of networks Nexon (2009) shows that international norms and institutions might be used

in transhistorical dynastic-empire building. Hence, he proves that certain principles might be transferred from one system to another. Reus-Smit (1999) offers a similar argument; however, his work still relies on the image of grand systemic shifts in which some principles of a previous order might be transferred to a newer one, but the newer order is deemed to replace the previous one and redefine the fundamental character of international politics.

These mitigations of structural determinism will be taken into account in the next chapter when I construct my own theoretical approach. However, to fully acknowledge how the sovereignty of a certain polity might be constituted as specifically local, we also need to discuss the notion of agency in more detail than these approaches allow. The following two sections will do just this.

Accumulation of Power, Actions and Actors

This stream of explanation of the constitution of sovereignty posits that sovereignty results from the accumulation of power and the intersections of actors, their strategies and actions. To a large extent, this explanation hinges on a bottom-up perspective because the accumulation of power also involves achieving control in relation to local actors. In this intersection of actors, practices (deeds) and power, the international structure might play a complementary role, but the focus is on the domestic, societal or state (national) aspects. This perspective is thus mainly represented by historical sociology. However, the systemic (structural) approaches – especially of Immanuel Wallerstein but also of André Gunder Frank, Barry Gills and others whose main explanatory variable is the distribution of material (economic) wealth – do not fit the focus on the constitution of sovereignty.

Historical Sociology is often divided into three waves or generations (Adams – Clemens – Orloff 2005b; cf. Smith 1992). The first wave includes works published up until approximately 1965, the second wave starts from the late 1960s and the third wave starts, roughly speaking, from the 1990s. Analysing various processes that are often grouped under the label 'modernisation', the first wave was very much focused on how Europe became modern. Doing so, they largely disregarded the 'temporally bound logics of particular social and cultural configurations' (Adams – Clemens – Orloff 2005b: 4). While states are analysed in one way or another, it is in a rather ahistorical manner that does not allow a lot of space for approaching sovereignty as an invention or a product. The second wave becomes more interesting for our discussion due to its focus on state making, which is one of the pillars of this wave's scholarship (Mann 1986, 1993; Tilly 1975). Aside from the other topics it addresses, the third wave continues to cultivate research on the state, yet from a different, more culturally oriented perspective.

Historical Sociological research on the state, i.e., research which appears mainly in the second and third wave, can be described through specific centres of gravity: namely, military-fiscal, the autonomy of the state and the cultural centre of gravity (Carroll 2009). The military-fiscal centre of gravity (perhaps most clearly articulated by Tilly 1992; but also Mann 1986, 1993; Tilly 1975) is based on the logic of conquest and domination. Military confrontation with local but also international actors is deemed to be crucial for state formation. Waging wars is connected with extracting taxes and, more generally, with the fiscal side of politics. During the process of state formation (and almost necessarily of war making), the state might align with some social classes. While the main emphasis is put on achieving control and domination within what is to become the domestic space, the ability to exercise foreign policy and establish relations with other states is a complementary component which makes the state sovereign. As highlighted by Carrol (2009: 556), Tilly views the process of state formation in a more or less linear temporal order: '[the] organisation of armed forces, taxation, policing, the control of food supply, and the formation of technical personnel' (Tilly 1975: 6).

The centre of gravity emphasising the autonomy of the state can be articulated as a second research direction (Carroll 2009). However, it can also be seen as closely related with the previous centre of gravity since it discusses the same issues, such as war and taxation or the relations between the state and society (social classes) (Adams – Clemens – Orloff 2005b; Poggi 2003). While the military-fiscal centre has been dominated by neo-Weberians, neo-Marxists have contributed to the debate on the state's autonomy. In the Marxist camp, the debate between Ralph Miliband (1970, 1972) and Nicos Poulantzas (1969) led to an argument on whether the state is an instrument in the hands of the capitalist class (Miliband's position), or whether it has an (limited) agency of its own (Poulantzas' position). Weberians like Theda Skocpol sided with Poulantzas' view (Orloff 2005). While the debate has not been definitively solved, it stimulated a development of the relational theory of the state introduced by Poulantzas (1978) and Bob Jessop (1982, 1990) later on. According to them, the state should be understood as an intersection of relations between various actors, their strategies and efforts to control power. This view partly resonates with Michael Mann, who puts forward the notion that rather than being completely unitary, states are 'constituted of multiple overlapping and intersecting sociospatial networks of power' (Mann 1986: 1). The view of Poulantzas and especially Jessop, however, is more radical as they argued that the state would not be seen as a stable unit that has distinctive definitional features on its own.

Poulantzas' and Jessop's theoretical advancements mitigate two problems that can be seen in the neo-Weberian analyses of the second wave. As argued by Stephen Hobden and by John Hobson (Hobden 1998, 2002; Hobson 2002a, 2002b), neo-

Weberians (esp. Collins 1986; Skocpol 1979; Tilly 1992) paradoxically adopt a view of the international system that is very similar to that of IR realism, and they consequently cherish the state as the container of power, divided from other self-continuing state units. Poulantzas and Jessop deprive the state of such unified agency. Moreover, their emphasis on continual domestic restructuring and struggle challenge the well-established temporalities of domestic progress and the cyclical international recurrence of wars, which are related to realist-like perspectives of the state and the international system.

Nevertheless, neo-Weberians and, in part, the Marixst authors that have been mentioned up until now can be criticised for reducing the notion of the social. Their emphasis on 'doing' (power competition and struggles) leads them to analytically undervalue the role of 'meaning' and 'knowing'. It is paradoxical because Max Weber's conceptualisation of action clearly unites both doing and meaning (Carroll 2009: 576; Weber 1975). This has been corrected by neo-Marxist authors like Antonio Gramsci and Luis Althusser. According to Althusser, a view connecting meaning and doing can be found in Karl Marx's philosophy (Althusser 2014: 103–139). In this sense, both Gramsci and Althusser focus on the relationship between the state and society as well as how domination is maintained through ideology-endowed state institutions and practices. Another and even broader direction that intends to make up for this lack of the social is connected with the rise of what could be referred to as the third wave of Historical Sociology (Adams – Clemens – Orloff 2005b), or the cultural centre of gravity (Carroll 2009).

Consisting of various different branches of research, the third 'cultural' wave is the broadest of the three and can hardly be summarised here completely. The Stanford School of Sociology was introduced above, and its approaches hinge on discourse analysis, which very often stands at the intersection of various academic disciplines. This will be introduced below. From what has just been stated, it should be clear that the third wave is relatively fragmented, but the common element that can be found in their definition is that action is the interconnection between meaning and doing. However, one of the most paradoxical outcomes of this wave is that the analysis of the state is taken 'back out' (Curtis 1995).

While the second wave concentrates on the very core of what is supposed to define and constitute the state (or state sovereignty), the third wave substitutes it with a focus on other issues, ranging from governance and governmentality to welfare policies and the impact of technology (cf. e.g. Adams – Clemens – Orloff 2005a; Battani – Hall – Neitz 2003; Dean 1994; Poggi 2003; Scott 1999; Steinmetz 1999). In doing so, this wave mitigates the weaknesses that are present in the previous wave in the form of an explanatory overreliance on the accumulation of power and the creation of a power hierarchy among local actors within geographically segmented areas (i.e., the

accumulation of power and the consolidation within the parochial) and in the form of the limited understanding of the social. It is done so by elucidating the links to a broader social epistemology. However, the examination of sovereignty as an organisational feature has remained beyond the main focus of the third wave.

While the majority of these works do not or cannot relate their findings originating in the analyses of specific issue areas back to the topic of state sovereignty, some attempt to do so (e.g. Ahlqvist 2013; Scott 1999; partly Branch 2013; Hameiri – Jones 2016). It is not possible to find a common conclusion among these studies, but two general points can be made. First, interconnecting meaning and doing is crucial because it allows us to draw a connection between specific practices and broader conceptions and principles, and *vice versa* (cf. Owens 2016). Second, the rationales of state formation, or rather state management, may impinge the very idea of sovereignty and the way in which it is institutionalised or practiced. While these points may sound too vague or self-evident, the above review of the relevant works within Historical Sociology proves the opposite. By following these two points, these studies aim at avoiding an overemphasis on the accumulation of power, interests or relations as well as parochial dynamics at the expense of connecting these with the principles of a political order. It will serve as inspiration for this thesis.

Discursive Constructs: Formations and Practices

The third stream of literature explains the constitution of sovereignty by pointing out its discursive invention. The argument that sovereignty is contingent upon its discursive usage (Onuf 1991) has gained a foothold in the social sciences and IR that approximately began in the 1980s. When examining discursive constructs as another stream of explanation, it might be in order to schematically and analytically divide the two dimensions of the work of discourses: discursive formations and discursive practices. Discursive practices can be connected with the dynamic discursive exchange and the use of discourses by actors in political struggles and for political legitimation. Discursive formations are those discourses which have been stabilised, which are effective at a broader level and which underline or govern a certain area of political life. Obviously, both dimensions are interconnected. Discursive formations need to be stabilised through discursive practices whereas practices can in turn be based on formations. As such, discursive accounts have the potential to interconnect the micro-dynamics of actors' political conduct with the broader structures. As such, this line of reasoning shares affinities with the two previous ones, but there are also differences between them. Quite obviously, the main 'carriers' of sovereignty are discourses rather than anything else. Moreover, the discursive accounts do not necessarily focus

on the accumulation of power as a necessary condition for preserving sovereignty, and although discursive formations resemble international structures, they are – schematically speaking – more interconnected with micro-dynamics.

At the risk of oversimplification, it is possible to say that there is a certain degree of hesitation among authors working within this area of literature when it comes to researching the 'discursive formation' aspect of sovereignty. One of the reasons is that these authors claim that such formations are only provisional and tentative. Among others, Rob Walker (1993) and Richard Ashley (1984, 1987, 1988) focus on deconstructing a discursive formation and the role of sovereignty within IR as an academic discipline. However, this critical investigation on how sovereignty is accounted for in the realm of IR or other disciplines largely falls outside the interest of this thesis (cf. also Bartelson 1995; Shinoda 2000). Hence, arguably the most authoritative and persuasive study of discursive formations and sovereignty is Reus-Smit's work (2001), in which he treats sovereignty and human rights as two normative elements of a single discourse in the modern nation state. While his previous book (Reus-Smit 1999) focused on the institutional structure of the international order, this piece examines the character of the discursive formations that inform us about the meaning of sovereignty rather than the organisation of the international order in the first place.

Operating in between discursive formations and discursive practices, Weber (1995) examines how (humanitarian) intervention is defended with a reference to re-establishing the proper and functional centre of domestic sovereignty. Her analysis helps show us that sovereignty discourse can be used to rationalise actions which are usually seen as a contradiction to the logic of modern sovereignty (interventions in domestic affairs). Various Foucauldian studies on governmentality similarly interconnect discursive practices and formations (e.g. Dean 1994, 2009; Neumann – Sending 2010), while some of them might even lean toward the micro-dynamic side (e.g. Inda 2005; Nagl 2013). However, as indicated in the previous part, it is contentious whether these studies should be considered as relevant for explicating sovereignty (cf. Bartelson 2014: 68–97) as, following Foucault's distinction between sovereignty on the one hand and governance and governmentality on the other (Foucault 2001), they often intentionally bypass the notion of sovereignty. Many other studies which will not be introduced in more detail focus on the discursive practice of sovereignty by examining discursive contestations over its character or the discursive demarcation of sovereignty in relation to other phenomena.

While this stream of thought aspires to provide a nominalist (anti-essentialist) examination of sovereignty, Bartelson (2006, 2008, 2014) brilliantly observes that 'many of the above authors ended up reaffirming sovereignty as an inescapable condition of the modern political order' (Bartelson 2014: 60). Although they are reluctant to precisely define sovereignty, they still need to resort to '[assuming] that some of its meanings remain stable enough for their object of analysis to remain the same across the span of their inquiries' (Bartelson 2014). This leads them to examine discursive constructions of (exclusive) territoriality or the role of discourses in control of a population (cf. Biersteker – Weber 1996b), which corresponds with the definitional features of the standard accounts of sovereignty (Hinsley 1986; James 1986; cf. Glanville 2013). To a large extent, they end up vindicating the importance of such standard accounts. It is then a question of whether these authors succeed in capturing the various sovereignty specifics, including those connected with cases of highly contested ('imperfect', 'problematic') sovereignty and how sensitive they actually are towards interconnecting typically sovereign features with other elements stemming from different types of social systems (e.g., imperial or colonial elements).

Yet, engaging with this stream of literature is still fruitful. First, a few authors have pointed out that we may focus on which contexts, under what conditions and in which forms sovereignty appears in international politics (Adler-Nissen – Gammeltoft-Hansen 2008a; Walker 2006; Werner – de Wilde 2001). By raising this simple question, they produce fertile soil for future research. Second, by dynamically interconnecting agents and structures, the micro and macro level – the domestic and the international – discursive analyses of sovereignty can mediate between different layers of the political order. Third, by exposing contestations and analysing how meanings diffuse, they can help us realise that different temporalities might be at play and, as such, rebut the alleged position of sovereignty as transcendent.

Imperfect Sovereignty

The key purpose of this part is to explore how the three broad explanations of sovereignty constitution deal with highly contested ('imperfect') cases of sovereignty. Some of the works taking imperfect sovereignty into consideration can be found within the three broad streams, although they usually contain an element of criticism in terms of their maternal (sub-)fields. Others operate across these three broad explanations or largely outside of them. Focusing on specific 'problematic' cases, they indicate that the interconnection of more factors and directions of explanation is

necessary for being able to explicate such highly contested cases, which is the fundamental principle followed in the next chapter. Moreover, while I show that academic literature has highlighted various aspects of imperfect sovereignty, the possibility that one state could have more than one mode of sovereignty that is used for organising its own statehood has been largely neglected.

Among environmental-institutional approaches, the English School arguably pays the greatest attention to imperfect sovereignty. Its historically oriented branch, with research programmes for finding different types of international societies originating in pre-Modern or non-Western contexts, has been instrumental to this. Besides some simplifying theses like that of the linear expansion of Western international society (Bull – Watson 1984; for a critical reaction see Dunne – Reus-Smit 2017), we can observe that the English School authors denaturalise the modern state as the main and universally valid political unit (Watson 1992), point out that sovereignty might work only artificially or *de jure* (Jackson 1993a) and argue that the sovereignty of some states might be recognised as having diminished prerogatives and autonomy due to the insufficient 'standard of civilisation' of given states (Gong 1984). Following the standard of civilisation argument, Keene (2002) shows that the international order and law exhibit two logically contradicting, yet practically parallel, tendencies: one of formal sovereign equality and the other of the hierarchy and divisibility of sovereignty (or states' sovereign prerogatives), which is very much connected with European colonial endeavours. Critical international lawyers (Anghie 2007; Benton 2009; cf. Beaulac 2004) elaborate on a thesis which is, in principle, the very same as that of Keene: international law embraces elements of equality and hierarchy, which are very much animated by Europe's civilising mission and bring about cultural, political and legal subordination.

Other works that are more or less related to constructivism and/or the English School have exposed that there are various degrees of semi-sovereignty (Bartelson – Hall – Teorell 2018; Katzenstein 1987; Krasner 2001; Naseemullah – Staniland 2014; Walker 2006). Emphasising the role of institutional overlaps and the coexistence of different (institutional) models (cf. Cronin 1999), Pavel's (2014) analysis of the possibilities and viability of divided sovereignty is perhaps the closest piece to my own argument about the differing coexistence of varying modes of sovereignty. Some authors have analysed the position of 'sovereign' non-states, ranging from the Sovereign Military Order of Malta to the European Union (Bátora – Hynek 2014; Peterson 2002; cf. Pemberton 2008; Sørensen 1999, 2004). Perhaps most interestingly, Bátora and Hynek (2014) show how such actors, having their roots and origins in different periods and logics of an international order, can coexist in current international politics.

Partly overlapping with constructivism, many authors have tried to re-establish the notion of hierarchy as an important political phenomenon and an analytical category in IR (Clark 2009; Kang 2004; Lake 2009; Reus-Smit 2005; Sharman 2013; Wendt – Friedheim 1995). This leads some of these authors (esp. Sharman 2013; Wendt – Friedheim 1995) to a draw a conclusion similar to Keene, Anghie or Benton, i.e., that sovereignty might be distorted, stretched or divided as a result of hierarchy. Following the literature on hierarchy, hegemony (e.g. Clark 2011; Ikenberry 2011b; Nexon – Neumann online first; Zhang 2015) and empire (e.g. Cox – Dunne – Booth 2002; Hardt – Negri 2001; Nexon – Wright 2007), David Chandler (2006) re-theorised current practices of sovereignty imposed by the West as an 'empire in denial' on other countries as part of state-building. He showed how the Western state-building enterprise changes the category of sovereignty into a governance capacity with successive gradation rather than a right or the autonomy of states. Similar to Chandler's book, Huysmans' (2003) work on the interconnection between sovereignty and transnational practices can be understood as critically contributing into the discourse stream of literature. He specifically looks at how transnational politics might reformulate a matrix of sovereignty, thus making it (partially) incomplete, problematic or reconceptualised.

Moving closer to Historical Sociology, it is possible to distinguish three branches that can be seen as relevant and useful for rethinking sovereignty, namely post-colonialism, the literature on multiple-modernities and the scholarship on what might be called the third space of sovereignty. Post-colonialism presents one with a relatively broad range of literature permeating different disciplines. The main inspiration that can be derived from it concerns the character of different kinds of political projects. Considering how subjects struggle with and relate to the colonialist heritage of dominance and subordination, post-colonialist authors carefully analyse the hybridity of political or social identities that are produced as a result of the colonial experience. These identities are often stretched across different referential points, oscillating between different temporalities as well as the past, present and future (Acheraiou 2011; Krishna 2008; Spivak 2006). Bhabha (1984, 1994) specifically argues how both mimicking and ambivalence are the constitutive characteristics in the relationship between the identity of the coloniser and that of the colonised. While highly inspirational, these accounts lack a more coherent, explicit and robust social scientific theorisation of these phenomena's relations to sovereignty.

Being entrenched in the post-colonial tradition but working on reflecting the colonial-like practices of India as a post-colony, Osuri (2017) is arguably the most notable exception in providing an explicitly theorised linkage between colonialism and sovereignty. She proposes that current forms of colonialism and imperialism should be seen through the prism of forms of sovereignty which, though these are colonialist or

imperialist practices, become compromised in certain ways (see also Anand 2012; Chatterjee 1993, 2012). Her intention, however, is to learn more about the current forms of colonialism rather than to assess sovereignty, which is used as an instrument for clarifying the former and is also conceptualised rather implicitly. Partly similar to Osuri and being inspired by the English School (esp. Jackson 1993a) and the notion of international regimes, Siba Grovogui (2002) argues that we can distinguish different regimes of sovereignty in different parts of the world that are governed (constituted) by different practices. I will acknowledge that this relatively simple, yet very explicitly and vividly formulated, thesis is one of the main inspirations for my argument about the existence of different modes of sovereignty that exist in the politics of one country.

The literature on multiple and entangled modernities should especially be recognised as it entails the explicit research programme on comparative liminality and heterodoxy of political orders (Dirlik 2006; Eisenstadt 1985, 2003; Schmidt 2006; Spohn 2010). While the research tradition of multiple modernities is much more explicitly interested in the way the state is organised and shares a similar interest in the question of how different social layers constitute a given actor's (state's) political project and identity, there is a similar lack of explicit theorisation on this issue in regard to the topic of sovereignty. While Andrew Linklater cannot directly be connected with the multiple modernities literature, his work (Linklater 1998) is relevant at this point as it, at least somewhat, helps articulate such a connection between sovereignty and the principles of state organisation. His discussion on the ethical issues produced by the exclusionary modern nation state shows, among other things, that each political community immanently contains the seeds of change and a different political order (arguably multiple possible orders). Through the rising importance of (ethical) issues as well as contradictions and an (almost) inevitable human reflection, the political community is bound to fully or partially change (cf. Adler-Nissen – Gammeltoft-Hansen 2008b).

Literature on the so-called third space of sovereignty is concerned with the internal sovereignty of indigenous people, mainly in the USA (Biolsi 2005; Bruyneel 2007; Schachter – Funk 2012; Wolkin – Nevins 2018). It examines how indigenous people (or to use a Canadian term, the First Nations) are or can be recognised as sovereign inside the modern nation state while at the same time being detached from it. The relevance of this literature is to be found in two regards. Firstly, it documents how the relationship to the domestic locus of authority, the imagined ultimate centre of sovereignty, might actually be very problematic and scattered. Secondly, this stream of thought documents that states might have very different yet coexistent modes of sovereignty that have organised their statehood.

Conclusion

After delimiting which kind of approaches and theories are seen as relevant in this thesis, I introduced the three explanations of the constitution of sovereignty and described the weaknesses of all of them. However, they also help bring about key tenets upon which I build in the next chapter: a nuanced and multi-layered conception of the international (but not only international) order, the state as a focal point of analysis without necessarily being state-centric (understood in the sense of a self-standing statehood that preserves the notion of the unitary state) and the idea of the dynamic interconnectedness of the domestic and the international. Environmental/institutional approaches, i.e., those privileging explanations based on an international structure, have a hard time explaining inconsistencies within the dominant structure. While the notion of and focus on agency, which is provided by the following two streams of literature, is necessary to avoid the same issue, important tenets theoretically and analytically mitigating the determinism of an international structure have been introduced by the discussed approaches. These are as such: treating institutions, norms and the international order as decoupled (Stanford School), allowing room for a multi-layered international order (the regional society turn in the English School) and incorporating the notion of relations or links (partly holistic constructivism), through which it will be seen whether and how connections between an actor and a structure are or are not established. They inform my relational approach to sovereignty proposed in the next chapter.

Approaches explaining sovereignty through the accumulation of power and relations between actors and their actions, i.e., those which can be mainly found in Historical Sociology, can be criticised for various reasons depending on one's specific perspective. Yet, they show us that the research technique of starting from the state (from inside) to explain state sovereignty is very fruitful. Moreover, as Poulantzas or Jessop show us, doing so does not necessarily mean to be state-centric or to conserve the sovereign state as an intact unit. Moreover, two further points will be embraced in the next chapter. Firstly, understanding action as intertwining meaning and doing is crucial because it allows us to draw a connection between specific practices and doing as well as broader conceptions or principles, and *vice versa*. Secondly, the rationales of state formation, or rather state management, impinge the very idea of sovereignty and the way in which it is institutionalised or practiced. Following these points can help us overcome the analytical danger of focusing too much on the accumulation (or the interconnection) of power, interests and relations or on the parochial dynamics at the expense of connecting these with the principles of the political order. While discursive approaches often paradoxically end up re-affirming the definitional characteristic of sovereignty, their fundamental potential is not in re-theorising sovereignty but rather in exposing the situations and configurations in which constructions of sovereignty

differ from each other and how it is possible that some of the standard definitional features may embrace different meanings. Moreover, the discursive accounts most explicitly show the domestic and the international, whereby the micro and the macro can be interconnected through the (normative, discursive) diffusion and the construction of connections.

I also pointed out that it is possible to identify various works stemming from the three streams of explanations of sovereignty which expose that sovereignty has not always been neatly delimited. Contrary to this, the international order is filled with various sovereignty exceptions, discrepancies or distortions. However, it is striking that almost none of these works seriously explored that one state can adhere to more than one mode of sovereignty, by which I mean that there might be more than one mode of institutionalisation, practicing and managing sovereignty. This neglected possibility is what I demonstrate in the chapters on China and India.

3. Liquid Sovereignty: Theoretical and Analytical Approach

Introduction

In this chapter, I depart from a theoretically and also partly politically conservative starting point – particularly Hans Kelsen and Carl Schmitt, two of the most prominent modern authors who have dealt with sovereignty – to show that sovereignty can be theoretically understood and approached in a much less conservative and not so typical way, which I call liquid sovereignty. As previously noted, the liquidity of sovereignty highlights that sovereignty is not a still principle. Despite various and frequent imaginations, sovereignty does not pose an ultimate enclosure for how politics is located or encapsulated (for a brilliant discussion related to that, c.f. Walker 2009). Links connecting, and hence (co-)defining, sovereignty with other elements of social life (institutions, discourses, practices) appear and disappear. Although politics is structured by sovereignty, politics also flows through sovereignty. Hence, sovereignty is not a pre-established conclusion, and it may be (and actually is) reshaped. Therefore, we need a framework that would be able to think through sovereignty – i.e., to follow how different elements flow through, situate and change the forms and shapes of sovereignty, acknowledging that it is not a perfect and stabilised ideal once and for all.

The debate between Kelsen and Schmitt is important for a few reasons. Firstly, it illustrates that sovereignty is closely related with the state but has its own meaning that is distinct from the notion of the state. At least at the theoretical level, it allows one to separate sovereignty from the state and to sharpen our conceptual vocabulary, although both of these terms and phenomena are quite obviously closely related. Secondly, the debate between Kelsen and Schmitt is powerful because it epitomises modern key dilemmas about sovereignty. Is sovereignty primarily personified by the domestic sovereign, or is it ultimately the international norm? Or rather, are politics or the law possibly more important? This debate works on the same terrain as the key explanations of sovereignty constitution introduced in the previous chapter, and it is simultaneously able to subsume the key streams of explanation under itself. Thirdly, paying attention to the uncertainties in Kelsen and Schmitt shows sovereignty to be a far less stable category. Acknowledging these uncertainties will be a key step toward avoiding any analytical closure (speaking in the 'either-or' language) and toward situating sovereignty in between the domestic and international locus while remaining connected to mainstream accounts of sovereignty.

While I closely build on Hidemi Suganami's (2007) excellent juxtaposition of these two authors, my key point regarding the Kelsen/Schmitt debate has not been properly emphasised before. I argue that sovereignty cannot be personified in the domestic locus of authority as Schmitt proposed, nor can it be identified with one (or more) fundamental international norms as Kelsen thought. In other words, sovereignty cannot merely be the personification/hypostatisation of the international legal order, nor can it be the personification/hypostatisation of the domestic sovereign agent one in charge of making decisions (in domestic politics). Nevertheless, I argue that it is heuristically useful to look at Schmitt's and Kelsen's views because, in the end, they help expose the dynamic exchange between the domestic and the international. Based on theoretical eclecticism and pluralism while also being inspired by integrative pluralism (Dunne – Hansen – Wight 2013; Mitchell 2002), I develop the debate in such a way as to propose a theoretical perspective recognising sovereignty as defined through the links or ties to/between the international structure and a domestic authority.

Situating sovereignty in this way establishes it as a relational and liquid phenomenon. As far as political practices go, such links may get reshaped, distorted, replaced or supplemented by others, which thus changes and re-creates the form and character of sovereignty. While I show that we can find the inspiration for such an approach to sovereignty in the very interaction between Schmitt's and Kelsen's thought, I also draw on other theoretical sources, such as the Marxist relational theory of the state, to strengthen this theoretical perspective. This stance prevents us from relying on the inside/outside distinction and from searching for one final source of meaning for sovereignty, all of which goes to show that sovereignty may evolve dynamically.

To make the theoretical perspective analytically utilisable,[9] I propose a framework which operationalises the liquidity of sovereignty along two axes: a primary axis focused on scaling axis and a secondary (complementary) axis focused on temporal positioning. While working with the scalar and temporal perspectives covers the relational (processual) part of sovereignty constitution, we still need a sense of what types of the actual social fabric – meaning the elements of being and acting as a human agent – to focus on. The resolution to this is found through what I wish to call an analytical composite, which connects institutions, discourses and practices as the main points of departure for the three explanations introduced in the previous chapter. The three elements are seen here as co-producing sovereignty without any of them being prioritised. Moreover, the interconnections between them at least partly help make up for any blind spots in the particular streams of explanation.

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[9] In a sense, one of the desired contributions of this chapter is to use Suganami's highly stimulating but almost entirely abstract (theoretically-contemplative) article for developing an approach for conducting actual empirical analyses.

Approaching sovereignty through Kelsen/Schmitt might seem similar to Stephen Krasner's (1999) approach, yet Krasner's structural-functionalist reliance on the distinction between four categories of sovereignty poses a fundamental difference. While the view of sovereignty's liquidity examines the constitution or re-constitution of linkages and the emergence of sovereignty as their focal point, Krasner proceeds to examine four ideal types, which by definition simplify political dynamics. These are defined prior to any actual empirical analysis and cannot account for how sovereignty is actually constituted. This approach's inability to cover the creative (constitutive) piece of sovereignty-related politics is a limit that I try to move beyond.

To summarise, this chapter proceeds as follows. First, I introduce the theoretical perspective derived from the debate between Kelsen and Schmitt to demarcate how sovereignty can be understood. Second, I provide the analytical framework for capturing and analysing the liquidity (and relationality) of sovereignty, whose core rests on scaling as a primary analytical axis and temporal positioning as a secondary analytical axis. Third, I include a part discussing further methodological considerations.

The Theoretical Basis: Re-Situating the Kelsen/Schmitt Debate

The Kelsen/Schmitt Debate

Hans Kelsen and Carl Schmitt were two prominent legal theorists of, respectively, Austrian and German origin who were both born in the 1880s. They encountered each other in the debate about the role of the law and government in Germany, which reflected that they had produced strikingly different visions concerning sovereignty (Dyzenhaus 2000; Vinx 2015). Schmitt's view is embedded within his conception of politics. He divides the social dimension of life into several independent realms, each of which operates upon its own and distinctive logic. The 'political' is defined by the distinction between friend and enemy, which is seen as the ultimate propellant of politics (Schmitt 2007: 26). The role of the sovereign in the political realm is pre-eminent due to the sovereign's decisive role in determining political actions. As Schmitt's famous definition claims, the sovereign is 'he who decides on the exception' (Schmitt 2005: 5) and can thus make decisions in relation to issues like waging war against an enemy or other extreme situations. To act politically means to make decisions about enemies.

Schmitt's theory of the state builds upon Bodin, Hobbes and Weber (cf. Hooker 2009), which is reflected in his analytical and normative preference for the state as a monopoly of power and politics (Schmitt 2005: 13, 25, 2007: 22). In relation to this idea, Schmitt argues that the sovereign's position is analogous to God because the

sovereign replaced God as the ultimate locus from which political/social actions are derived (Schmitt 2005: 36–52). Although Schmitt emphasises this unique position of the sovereign, there are various areas and dimensions between sovereignty and the state that remain obscured, unaddressed or ambiguous. Schmitt's tendency to conflate the history of the (modern) state as a political unit and a political concept (cf. Hooker 2009: 34–40) contributes to such uncertainties.

Firstly, Schmitt struggles to conceptually and analytically breakdown 'the majesty of politics' (Hooker 2009: 59). This issue is partly addressed in a less known essay on the Leviathan and the political theory of Thomas Hobbes where Schmitt indicates the tripartite structure of the Leviathan figure composed of the representative, authoritative and mystical elements of the Leviathan (Schmitt 1996). However, for all this emphasis on the almost-totalising and majestic position of the sovereign, Schmitt is far from clear about who exactly the sovereign is or might be. While the sovereign forms the very domestic centre of the state, we are not provided with an answer to whether the sovereign is the highest representative of the state or whether it is the government, parliament or anyone else (Suganami 2007: 517).

Secondly, although we know that the sovereign represents a certain entity (polity), the precise character of the bond between them is blurry. While the sovereign can be regarded as a modern God, it also seems that the sovereign (and the sovereign's decision) is a mere function, or rather a symptom, of Schmitt's political ontology organised around the friend/enemy distinction and mutually opposing in-groups and out-groups. As emphasised by Suganami (2007: 517), it seems that for Schmitt, the existence and character of such groupings is more fundamental and politically constitutive than the very issue of who has sovereignty.

This grouping is therefore always the decisive human grouping, the political entity. If such an entity exists at all, it is always the decisive entity, and it is sovereign in the sense that the decision about the critical situation, even if it is the exception, must always necessarily reside there. (Schmitt 2007: 38)

This passage informs us of the nature of (international) politics characterised by sharp distinctions between different groupings, which constitute the ever-present possibility of conflict and radical alterity between them (cf. Prozorov 2009). Hence, while the sovereign represents the very locus of the state, politics and authority, it seems to be dependent on and derived from Schmitt's specified political ontology. How such a connection and bond are created and preserved, however, is undertheorised in his work since he apparently understands it as natural.

In contrast to the Schmittian autonomy of the political sphere, Kelsen focuses on legal norms, which he sees as disengaged from politics. Connected to that, Kelsen comes up with a hierarchical conception of law in which the validity of a certain legal norm is given by higher or superior legal norms (Kelsen 1971). Kelsen's pure law theory

disregards political dynamics. Instead of including political or other perspectives, the role of jurisprudence is considered from the perspective internal to law, which should lead us to establishing the most legitimate (legal, institutional, political) frameworks (Kelsen 1971). From this point of view, the state becomes nothing more than 'a personification/hypostatisation of a national legal system' (Suganami 2007: 518), or, to put it differently, '[s]overeignty in the sense of supreme authority can be nothing else but the quality of a legal order' (Kelsen 1960: 629). Thinking about the legitimacy, legality and validity of law as a system, Kelsen seriously considers whether or not the domestic legal system is logically prior and superior to the international one or *vice versa*. His emphasis on legal norms as part of one system by which 'lower' norms must be derived from 'higher' ones and ultimately from the so-called basic (i.e., highest) norm leads Kelsen to assert that international law must be acknowledged as more fundamental (Kelsen 1971, 2007). Hence, he sees the international legal system as more fundamental. As a consequence, sovereignty should eventually be derived from the legal system of international law.

However, this conclusion is pragmatic rather than based on the strong conviction that this question can be resolved unambiguously. Sequential reasoning about legal validity finds its limits when it comes to the basic norm, which is similar to the 'chicken-egg' problem. Can the basic (highest) norm have its own meaning without being influenced (and potentially changed) by possible changes at the lower level of the normative system? Kelsen recognises that it is impossible to solve the question of primacy in a truly objective manner for the reasons specified above (Kelsen 1971: 199, 217, 2017: 248–254). While resorting to the pure theory of law, Kelsen also emphasises that we need focus on legal practices intrinsic to the legal system. On the one hand, these practices problematise whether we could objectively decide if domestic or international law was the primary norm. On the other hand, however, social practices allow Kelsen to refute the notion that the sovereign state has any intrinsic rights of its own (Suganami 2007: 519). Thus, to understand what sovereignty is, we must necessarily follow its connection to a basic norm and to legal practices. As legal practices and/or the basic norm change, sovereignty can change as well due to its binding link with the former.

Besides Kelsen's own uncertainty about the primacy of international law and/as the basic norm, there are some other points of uncertainty and ambiguity in his writing. Kelsen argues that each and every legal norm of a given legal system necessarily derives its validity from one basic norm, and any two norms that derive their meaning from one basic norm must belong to one legal system (cf. Stone 1963). This was prominently criticised by Joseph Raz (1974, 1980), whose key claim is based on the argument that legal norms can be decoupled from each other and that norms do not necessarily require the confirmation of one another. Moreover, it can be argued that

we cannot ultimately be sure what a basic norm should look like because international law is a complex system, which presents us with a level of obscurity similar to the one we find in Schmitt's work in that he does not address the question of whom exactly the sovereign is.

Although both Kelsen and Schmitt can be regarded as grand theorists of sovereignty, it is remarkable that there are such uncertainties in relation to their description of the ultimate centres of sovereignty, which both authors attribute to different spaces, i.e., the domestic one in the case of Schmitt and the international one in the case of Kelsen. As mentioned above, Schmitt avoided the question of which specific actor is the domestic sovereign, and he was furthermore not very clear about what kind of links must be present in a given in-group (polity) for the sovereign to exist. Kelsen is unclear when it comes to what specific norm(s) can be regarded as the basic one. However, as I argue, it is exactly at this point of radical uncertainty that the Kelsen/Schmitt debate sparks new ways of approaching sovereignty and seeing it as open and accumulative rather than as confined and bounded. These latter features have been characteristic of and most usually associated with the (classical) definition of sovereignty (Walker 1993). At the same, I argue that departing from this specific discussion is a useful starting point for proposing a framework that would allow one to analyse sovereignty constitution and to think through sovereignty.

Liquidity and Relationality of Sovereignty

The Kelsen/Schmitt debate points to two centres (the domestic and the international) of sovereignty. While both authors are inclined to prefer a different locus – reflecting the distinction between the two authors, which can also be read as the disciplinary distinction between Political Science and International Law – the tension between them as well as Kelsen's uncertainty about the primacy of either centres implies that it might not be possible in the end to decide which locus should be regarded as the ultimate or more important one. In this sense, the Kelsen/Schmitt debate highlights a pressing question as to where exactly we should look for sovereignty.

Both Kelsen's and Schmitt's theoretical elaboration on sovereignty implies that establishing links between sovereignty, international norms (or institutions) and the domestic polity are crucial. To better grasp such connections, it is useful to see how Kelsen proceeds in theory. While affirming the importance of the basic norm, Kelsen asserts that it is necessary to follow how other (more specific, 'lower') norms can be linked to or traced back to their basic norm. Taking inspiration from Kelsen's view on the significance of the basic norm along with Kelsen's and Schmitt's portrayals of the importance of the domestic *as well as* the international basis of sovereignty, I argue that what sovereignty is must be traced (or traceable) back to the domestic or

international centres – i.e., to 1) the domestic locus of authority and 2) the international locus defining sovereignty (the international structure). In other words, the bonds between a certain polity and 1) as well as 2) is what creates the sovereignty of a given polity.

It is now possible to situate sovereignty in a more dynamic way that extends beyond how Kelsen and Schmitt intend to conceptualise it. This rethinking of the debate between them takes the moment of final indecision about the eventual primacy of 1) or 2) seriously, which, in a sense, stems from the debate itself. However, not only does it problematise whether one of the centres is more important than the other, but it leads to the refusal of sovereignty being able to lie *inside/within* one of the centres. At the latter point especially, I rethink their debate and turn it against both Kelsen and Schmitt and their idea that sovereignty could be either a mere *personification/hypostatisation* of the (international) legal order or a personification/hypostatisation of he who decides (in domestic politics). Contrary to these options, I see the core of sovereignty as being composed of relations (linkages, ties), which also allows us to capture how certain elements get tied or untied with sovereignty and, hence, how sovereignty might change. It also compels us to think about sovereignty as liquid. These links may get reshaped, distorted, replaced or supplemented by other links, which change and re-create the form and character of sovereignty. In my approach, I therefore propose that sovereignty relies on renewing and ideally monopolising links to the international structure as well as the domestic authority. This makes it only provisionally stabilised while also drawing our attention to liquidity, at least in the sense of politics flowing through sovereignty as a focal point of these links (ties, relations).

The notion and specification of relational sovereignty is also inspired by the Marxist theory of the state, most prominently put forward by Bob Jessop and Nicolas Poulantzas. To be sure, there are relational theories of various kinds in IR and beyond that are concerned with political ontology, the role of the individual, society, social behaviour and action or even grand strategies (cf. Ames 2011; Jackson – Nexon 1999; Karmazin 2016; Nexon 2009; Seibt 1996; Steward 1997; Wellman 1983; Whitehead 1979; Zhang 2015). The majority of them propose shifting the focus from substance(s) to relations, interactions or processes, arguing that relations and processes are what create actors; however, it is the relational theory of the state by the Marxist authors that I find to have the closest affinity to the topic discussed here. Engaging with their view of the state will help us appreciate and unfold the elements of relationality which were introduced in the Kelsen/Schmitt debate. Jessop (1982, 1990) and Poulantzas (1978) deny that the state could be understood and analysed as an unchanging ideal type. What the state is and how it works emerges out of interactions between various actors as well as their strategies, relations and interactions. Hence, the state becomes

a liquid strategic terrain and an ensemble where a contest for domination takes place. In other words, the state has no independent political ontology of its own but is always dependent on and changing according to the relations and strategies of actors that engage in politics that intersect with the state.

However, while Jessop and Poulantzas analyse the state as relations between actors, their strategies and their interests as well as the way in which they relate to the state apparatuses (the institutions and instruments of the state), I focus on the way that sovereignty, as an organising principle, develops out of relations between a given polity and various normative, institutional and discursive models and practices. The analytical focus on specific actors and a plethora of state institutions and agencies is present in my approach as well because these models and practices are carried out by specific actors. However, the analysis of these agents is understood in my approach as a secondary aspect. In other words, what underpins the difference between the approach of Jessop and Poulantzas and the one proposed in this thesis is the distinction between the state as an actor and an arena of political relations – which is primarily (although not exclusively, cf. (Chacko – Jayasuriya 2018)) concerned with the domestic realm of relations – and sovereignty as an organisational principle for setting up the definitional features of the modern state and demarcating where (i.e., in which kinds of space) politics of the modern state should take place (cf. Walker 2009).

In accordance with the relational theories of the state (but also of society and the individual), sovereignty can be understood as a focus (or intersection) and a product of such relations (cf. Karmazin 2016: 422). More specifically, it means that sovereignty or the sovereign state is neither – and logically cannot be – 1) an international structure nor 2) a domestic authority, i.e., the two centres from which sovereignty should be derived, according to Kelsen and Schmitt respectively. Sovereignty is what is constituted between and in connection to 1) and 2) depending on sufficiently strong links to 1), 2) or both (see Figure 3). It is also good to realise that if we ultimately associate sovereignty with 1) or 2), it would make sovereignty interchangeable with the domestic (within-the-state) power centre or the principles embedded within international law or international society. Taken to the extreme, sovereignty would not be anything other than the domestic government or a certain section of international society or law, which would deprive sovereignty of its significance for the (international) political order. Put differently, neither the ultimate substance of sovereignty nor the ultimate space where sovereignty resides exists. By contrast, sovereignty is dependent on utilising models and practices that constitute the content and space of sovereignty through linking it with an international structure and a domestic authority.

Figure 3: A Theoretical Basis of Liquid Sovereignty
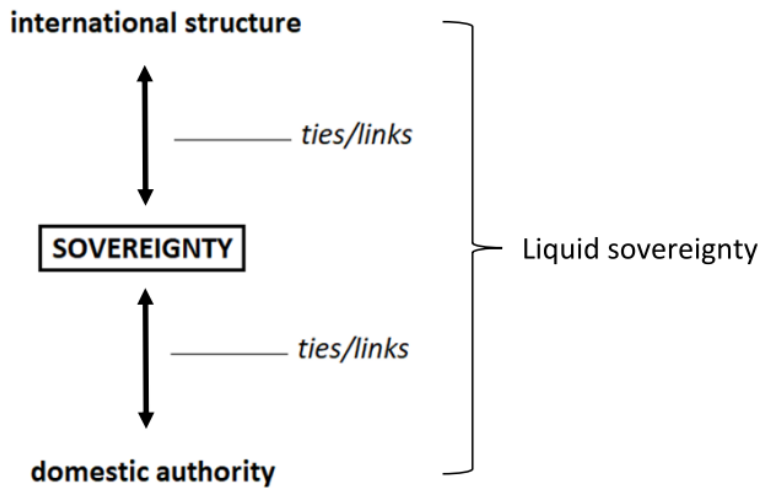
## The Analytical Framework of Liquid Sovereignty

Building on the previous theoretical discussion, this part introduces a framework for capturing the liquidity of sovereignty through the link between an international structure, understood here as an international society, and a domestic authority. In this way, the framework accounts for the multi-directionality in the constitution of sovereignty. As shown in the preceding chapter that reviewed the literature on the main explanations of sovereignty constitution, these accounts are theoretically compact and follow a clear-cut route in explicating sovereignty, but they tend to contain blind spots and weaknesses. These are related to the (over-)emphasis on a certain kind of social fabric (institutions, discourses or practices) or the way in which they connect the domestic and the international.

In response to this, I introduce the perspective of scaling, complemented with temporal positioning and the analytical composite of institutions, discourses and practices. Scaling and temporal positioning form the core of this analytical framework, and they are well suited to capture relations (ties, linkages) and the way these evolve between the international society and a domestic authority. In other words, liquidity and relationality of sovereignty is operationalised along the two axes of scaling and temporal positioning. As is apparent from the literature on scaling (e.g. Marston 2000; Sheppard – McMaster 2004; Swyngedouw 2004), it covers processes or relations but is still unclear about the type of social content which should be examined. Hence, while utilising the scalar and temporal perspectives covers the relational (processual) part of sovereignty constitution, we still need to have some sense of what type of actual social fabrics (elements of being and acting as a human agent) to focus on. It is done through the aforementioned analytical composite. Together, these elements form the

analytical framework of this thesis, which is graphically summarised by Figure 4. Scaling – as the primary axis – covers the interconnections between an international society and a domestic authority. To analytically guide our focus on scaling, I specify four directions: mimicking, localising, influencing, scaling. Following the political dynamics in these directions and paying attention to where they lead will help us identify the results of scaling, i.e., the positioning of sovereignty. As I ague below, the axis of scaling needs to be co-specified by the supplementary axis of temporal positioning. Scaling and temporal positioning always happen through institutions, discourses and practices, which form a background for them while also analytically capturing the domestic authority and international society.

I proceed via the following steps. I first specify how to perceive and understand international society and domestic authority; as the thesis is not primarily about them, I will be rather short in this regard. Secondly, I discuss why it is necessary to talk about the analytical composite of institutions, discourses and practices and why there are strong reasons to see them as connected. Next, I move on to the core of the analytical framework in the third section, where I justify why it is important to focus on space and time. In the fourth and fifth sections, I elaborate on the scalar (i.e., in fact, spatial) and temporal axes respectively.

Figure 4: The Analytical Framework
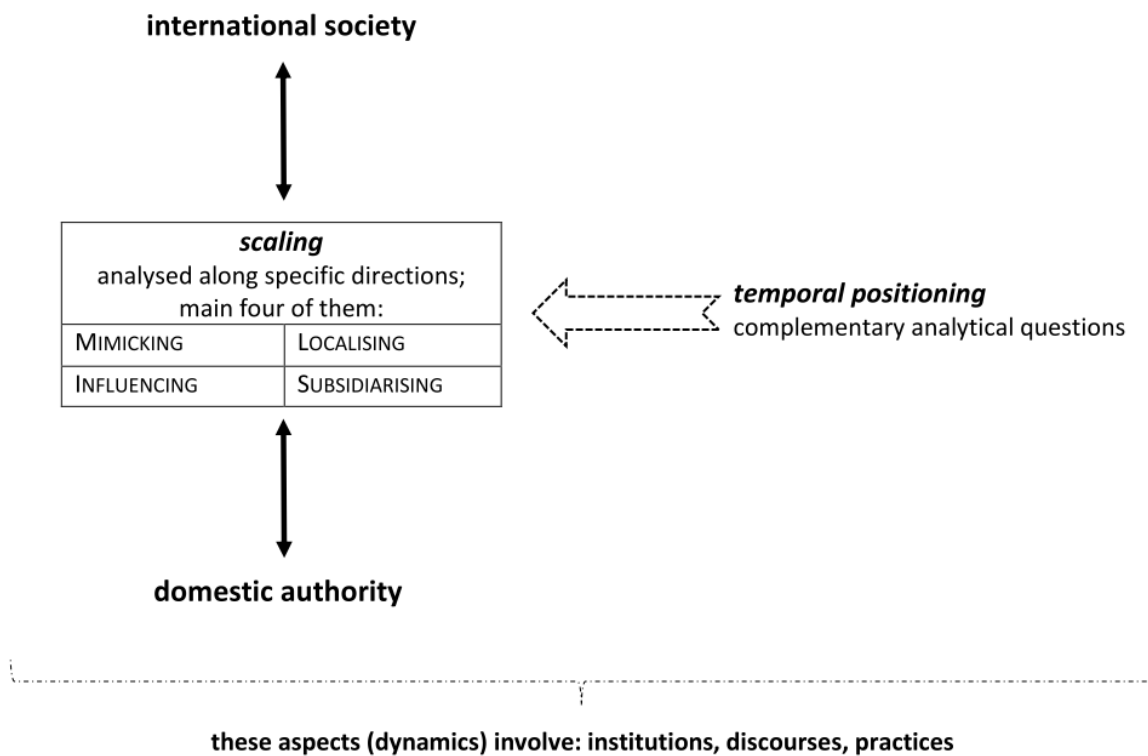
International Society and Domestic Authority

In this section, I briefly delineate how to understand international society and domestic authority as two key loci between which processes of scaling take place. Despite the fact that the analysis of international society and domestic authority is neither the core nor the main goal of this work, the analytic framework is tied to them and shall thus be defined in the way that I understand them.

The international locus (structure) is approached here as an international society as perceived by the literature on international institutions and order, mainly by the English School of IR. It can be understood as the normative international structures that are connected with the aggregated practices of international actors and the discursive formations on which they rest (esp. Bull 2002; Buzan 2004a; Dunne – Reus-Smit 2017; Reus-Smit 1999, 2001; Watson 1992). More specifically, the most important aspect for defining the way international society works are the so-called primary institutions. These are the relatively durable institutionalised ways of acting, implicitly and explicitly, that are fundamental for the composition of any international society; along with this, they (co-)constitute legitimate actors (cf. Buzan 2004a: 167), forming a relatively stable fundamental structure of international society (cf. Reus-Smit 1999). Sovereignty, international law, diplomacy, the balance of power or the managerial role of great powers (Bull 2002), but also international (capitalist) trade, war or nationalism (Buzan 2004a; Holsti 2000; Mayall 1990), are usually mentioned as the most important contemporary institutionalised ways of acting, whereas colonialism had previously belonged among them as well (Jackson 1993a; cf. Keene 2002). Primary institutions are accompanied by secondary institutions, mainly being specific regulatory regimes or international organisations but also being specific norms. As such, international society also involves a high number of models that are the blueprints for organising certain aspects or sectors of social life (Boli – Thomas 1999; Meyer 2000; Meyer et al. 1997).

It is important to realise that there are no final agreements which primary institutions we can find in the current international society, nor is it clear how exactly they are structured in relation to each other. While this is a serious question for the English School to solve, it is not an issue to be dealt with here. Actually, the fact that international society is not necessarily homogeneous, meaning that its particular features are not neatly synchronised and there might be regional or other derivations or divergencies (Ayoob 1999; Buzan – Zhang 2014; Dunne – Reus-Smit 2017; Suganami – Carr – Humphreys 2017), does not pose a significant obstacle. In a sense, it is an advantage which allows us to capture the complex nature of the international order and to come to terms with the notion that there might be various ways to, more or less successfully, claim sovereignty through being able to connect with, contribute to or benefit from different institutions of varying characters. While the institutional

perspective is crucial for looking at an international society, institutions are necessarily interconnected with discourses and practices (e.g., policies, strategies or habits).

By the domestic locus, I mean a political authority and its main expressions within a given polity, which involves how domestic authority is institutionalised and maintained and the way it subsumes a given polity under itself. The way in which domestic authority is defined is neither external to China and India nor static, as it necessarily relates to state making and state management endeavours within a given polity. Hence, we need to have at least a basic (though not necessarily highly extensive) and deep understanding of domestic authority since it often develops alongside the scaling processes.

The criteria of composition (the main components like key governmental bodies, policies or legal regulations), its reach (how central domestic authority is positioned *vis-à-vis* local or other domestic authorities and their powers), the scope (policy domains) and its configuration (the political system defining the centre of the highest decision-making, the overall distribution of power and mutual responsibilities) are all taken into consideration. These four criteria roughly correspond to how social organisation (King – Thornhill 2003), social or political systems (Albert 2016; Vu 2010) or even an international order (Ikenberry 2009; March – Olsen 1998) have been characterised in academic literature.

However, the manner in which I work with these criteria is tailored to the needs of this thesis. Rather than carefully analysing each of them, I pay attention to how domestic authority is able to define its own position against a background of state making and state management endeavours, especially as a central governing authority *vis-à-vis* other authorities (which is related to reach), what its form is (which is related to composition and institutional demarcation) and how it tries to assert (monopolise) its own position (related to the scope and especially to the configuration and utilisation of discourses and practices, such as policies and regulations as well institutional tools). These issues will be given an overview in the chapters on China's and India's approach to sovereignty. A more detailed analysis is then conducted in the specific chapters of the four sub-cases formed around specific sovereignty relationships. However, these chapter do not fully swell into a full-fledged analysis of domestic authority or international society.

The Analytical Composite

This thesis shall proceed by conducting an analysis of institutions, discourse and practices whose importance for the constitution of sovereignty has been highlighted in the previous chapter (institutions are singled out by the order/environment explanation, discourses – quite obviously – by the discursive constructs explanation

and practices by the accumulation of power explanation). Interconnecting these three elements helps make up for the potential analytical dangers associated with each approach – possible determinism, unidirectionality or the static existence of institutional influences in the case of institutional explanations; an overreliance on parochial practices without clear connections with the principles of the social order in the case of the accumulation of power explanation; finally, insufficient attention to the stabilisation and the materialisation of discourses, ideas and meaning in the case of the discursive explanations. For these reasons, I wish to speak of the analytical composite (see Figure 5) in which each of the components is triangulated by the other two.

Following my understanding of sovereignty as an institutionalised organising principle of the political order, an institutional analysis will be taken into account almost by definition. In this context, institutions are understood both as deep underlying, stabilised – as well as constitutive and regulative – meanings in regard to the (international) political order as well as more specific institutional expressions, such as concrete institutions or organisations but also norms incorporating the same constitutive and regulative functions (Azari – Smith 2012; March – Olsen 1984, 1998; Samer Abdelnour – Hans Hasselbladh – Jannis Kallinikos 2017). However, as the discussion on the environmental/institutional explanations of sovereignty in the previous chapter showed, institutions themselves must be explicated. This is done either by pointing to the role of other institutions or by showing their interconnectedness with other types of social phenomena. Incorporating discourses and practices will help us show that institutions do not stay still even though they are relatively stable. Not doing so could lead to having social institutions with a limited amount of attention paid to history and the social (Owens 2016: 76–84), as seen in structural/functionalist accounts of the first wave of Historical Sociology or, e.g., a large chunk of the English School (e.g. Bull 2002). Watson's (1998) internal critique of the English School in which he expresses that historical practices tend to always outrun institutions is a testimony to this issue. In this way, institutions must always be seen as informing and depending on practices, but this is also the case for discourses (Schmidt 2008; cf. Reus-Smit 1999, 2001) since practices and discourses may endow institutions with new ideas or change regularised schemes of conduct.

As will be elaborated upon in the section on methodological considerations (below), discourses will be approached through a discourse analysis while institutions (including norms) and practices will be approached descriptively, focusing on their content, characteristics and the way in which they relate, connect or interact with other institutions, discourses and practices. However, it should not be forgotten that this assessment of institutions, discourses and practices is intertwined with the analytical step of following up on scaling and temporal positioning (elaborated below). One

further note is in order: Practice is not understood here in the same sense as in the recent turn in practice in International Relations (IR) (cf. Adler – Pouliot 2011) but – more simply – as the policies and actions of actors. However, they will be seen as endowed with both 'doing' and 'meaning' because actions may bear a certain message, signal a position, express a rationale or strategy or habitually (implicitly) reflect a standardised way of doing things. This creates an intimate relationship between practices and discourses while also helping us see the three vertexes of the analytical composite as mutually interconnected.

Figure 5: The Analytical Composite

Institutions

Discourses   Practices
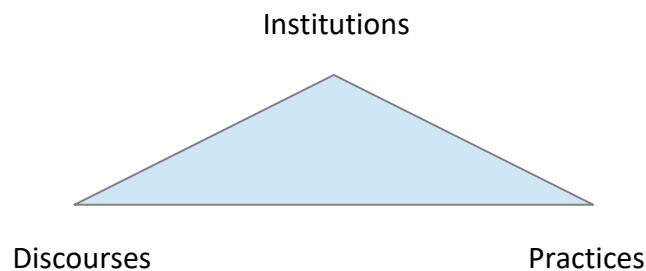
Space and Time: Operationalising Liquid Sovereignty through Scaling and Temporal Positioning

Immanuel Kant claimed that all experience must necessarily be in space and time. Evoking the Prussian philosopher, Felix Berenskötter reminds us that space and time should not be understood as 'objective recordings of an external reality, but transcendental conditions of sensible experience, represented through the human mind' (Berenskötter 2018). Realising these characteristics of time and space helps us understand their powerfulness. As noted in the introduction, especially in connection to Jens Bartelson's (2014) notion of sovereignty as a symbolic form or R. B. J. Walker's (2009) discussion on the limits of the modern political imagination, a general understanding of sovereignty is closely tied with an idealised (or generalised) image of what sovereignty means. I believe it is most pertinent to operationalise its actual political constitution through categories that communicate and are commensurable with this idealised symbolic side. Hence, these categories shall be relatively independent on immediately (inter-)subjective meanings, but they should also be able to capture such inter-subjective meanings through which sovereignty is actualised.

Thus, categories of time and space form the key dimensions through which the analysis of sovereignty will be conducted. Although these categories are transcendent, the tools for their analysis are not. As such, these tools will address the intersubjective aspect of the actors' perceptions of these categories. In order to specify the spatial dimension, I will introduce a discussion on scales and scaling, which originates in (critical) human geography and indicates connections to norm localisation literature in

IR and the Stanford School of Sociological Institutionalism. Their combination will serve to capture how connections between the domestic and the international are constituted. The spatial axis approached through scaling will shift the mainstream IR focus on how certain actors or places are located in the (pre-given vision of) territory to how places are socio-politically produced and interconnected within a certain scale. Thus, state territoriality ceases to be unitary and exclusively demarcated, though it might become multi-layered as different scales permeate it and create differently encultured spaces. As such, scaling offers a way to approach the state through spatial lensing yet avoids the 'territorial trap' – i.e., a conception that states can be seen as self-contained, that international politics is neatly divided into the domestic and the international and that borders naturally divide or contain various processes and structures (Agnew 1994) – as well as the Euclidean perspective on space that underlines the territorial trap and posits the either-or demarcations and the division of space into distinct planes, which is based on the understanding of borders as Euclidean lines with no width and in which the subject or political unit is placed either here or there (cf. Karmazin 2014; Walker 2009).

Although scaling has sometimes been approached in a radical post-structural manner (esp. Legg 2011), I do not follow down the same path. I believe that the promise that the theoretical discussion and the analytical framework hold is to see sovereignty as liquid while also being a (tentatively-stabilised) organisational framework of polities, i.e., not as completely deconstructed. Scaling in this thesis is examined as happening on the basis of two general rationales that relate to domestic authority and international society – state-making as well as the institutionalisation of state authority and (re-)claiming international recognition. To be clear, the intention here is not to examine complex processes of state formation or the diplomatic processes of increasing one's international stance but rather to look at how scaling intersects with institutionalising domestic authority and its reach within a polity and establishing connections with an international society.

However, as various philosophers teach us, space is impossible without time and vice versa. The discussion on these philosophical views connected with the emerging literature on time in IR (the so-called temporal turn) and the analytical ('practical;) relevance of time, as stressed by the Historical Sociology of IR, will produce the basis for grasping the temporal element of this analysis. The temporal perspective, understood here a secondary (supplementary) analytical axis, is introduced to show that scaling (spatial positioning) is accompanied by temporal positioning. More specifically, it serves to show how scaling may build upon historical sources, e.g., those related to the imperial and colonial era, and to decipher what kind of (imagined) temporal vision they bring about. The temporal axis is specifically operationalised through additional analytical questions that help capture such temporal positioning.

The Spatial Axis

Following French social theorist and geographer Henri Lefebvre (1992), who argued that territory is not ontologically prior to social action, critical geographers have been pointing out that it is up to social action to form a specific place out of an abstract space (Agnew 1987; Casey 1997, 2009; Soja 1989). They argue that each culture is necessarily located or placed, and each place is necessarily encultured. This process of enculturation makes a specific place come into being, happen, materialise or *take* place (Casey 2009: 3–21). While many of these processes of place formation are territorial in the sense that a given territory is getting its political significance and, hence, being formed (Elden 2013), there are also non-territorial ways of forming and taking a space (Casey 1997, 2009). One of the latter processes, which might however have territorial implications, is scaling (Brenner 1999; Marston 2000; Swyngedouw 2004).

The geographical discussion on scales has had a strong neo-Marxist pedigree. Analysing how capitalism is intertwined with specific spatial (or territorial) formations, the authors working on the topic of scales explicate how globalised capitalist production may shift from one scale to another. In such processes, various scales interconnecting the domestic, regional and international in a diversity of ways permeate the state. However, as indicated by other authors, scaling is not necessarily limited to economic issues and may involve normative and institutional aspects as well (cf. Brenner – Jessop – Jones – Macleod 2003a; Legg 2014; Smith 1995). Hence, I argue that scaling may account for state restructuring as examined by geographers inspired by neo-Marxism while also repositioning sovereignty as a scaling process that may link domestic authority and international society.

Scaling and scales contradict the concept of levels of analysis (cf. Singer 1961) and, more broadly, the common understanding of space as a pregiven realm or platform (Brenner 1999: 41). Scaling (in contrast to the levels of analysis) acknowledges that specific spatial formations are products of social constitution. Paraphrasing Brenner and his colleagues, the mobilisation of institutions, discourses and practices reorganises the political relations of the sovereign state in scale-specific ways (Brenner – Jessop – Jones – Macleod 2003b: 6). It is only through specific actions, attaching themselves to (e.g., global) principles and (re-)establishing relations such that actors (including states and polities) (co-)constitute a certain scale and define their position on such a scale. Understanding that this is how they can become (for example) global or international actors forms a connection between the geographical view on scaling and the theoretical perspective on sovereignty proposed above.

When examining scaling, it is key to trace how actions (institutions, discourses, practices) position themselves in a political space *vis-à-vis* actors and structures, and it is also key to discover the ways in which they draw connections between the entity

that undertook these actions and other actors and structures (Marston 2000: 233–238). Through such actions, a scale or scalar position is then established anew, or perhaps it is more typically done by attaching to pre-existing scales. In other words, scales and scalar configurations are the result of the mobilisation of actions, strategies or policies, which are intentionally but also often unintentionally used for the reorganisation of space (Legg 2011, 2014; Smith 1995). How scales are constructed may evolve in multiple directions. Various types of scales or scalar configurations, which may involve adjusting or interconnecting already existing scales such as scale jumping or scale bending (Swyngedouw 1996), have been described (Brenner 1998, 1999; Smith 1995; Swyngedouw 1996, 2004). While scaling happens in many different areas (Brenner et al. 2003a; Eskelinen – Snickar 1995; Sheppard – McMaster 2004), not all of them are relevant for our investigation of sovereignty constitution. For our purposes, it will be important to look at those processes which have the potential or ambition to influence the ties between polity, a domestic authority and an international society.

Although scaling is an open-ended, multi-directional and context-specific process in principle, I specify the key directions that serve as the analytical guidelines. As a result of the moves in these directions, which incorporate the positioning of institutions, discourses and practices, the scalar configuration of sovereignty *vis-à-vis* a domestic authority and an international society is produced. In other words, following movements in these directions and paying attention to where they lead will help us identify the results of scaling, i.e., the scalar positioning of sovereignty. To depict the key directions, I mainly build on particular perspectives concerned with the international order and norm dissemination, which allows us to connect Human Geography (and its perspective on scaling) with IR more easily while also sustaining a focus on the international order, international society and the modern sovereign state. While the original literature mainly discusses institutions and norms, the key directions that I talk about are relevant for following the spatial reach of practice and discourses as well.

Four key directions capturing how institutions, discourses or practices are positioned and work in a political space can be distinguished (see Figure 6 for their classification and Figure 7 for a scheme suggesting how they work). It is possible to characterise them by specifying whether such movements in these directions involve adoption (an acceptance without a significant change of a specific institution, discourse or practice) or adaptation (the adjustment of a specific institution, discourse or practice) and whose impact is prevailing in a given process (the impact of a higher-order agent/unit – i.e., top-down – or a parochial agent/unit – i.e., bottom-up).

For starters, the Stanford School has systematically studied and documented how global cultural models are *mimicked* by local (parochial) agents to transform their own

composition and organisation. Mimicking is characterised by the prevailing impact of a top-down direction and adoption rather than adaptation (Buhari-Gulmez 2010; Meyer 2000, 2010). However, understanding such a situation from the perspective of parochial agents rather than of a global structure reveals further nuances. This direction may mean the acceptance of higher-order models, as indicated, or it may express the effort of parochial agents to interlink with higher-order principles, activities or processes (e.g., to achieve some benefits). Secondly, as norm dissemination literature indicated (esp. Acharya 2004; c.f. also Björkdahl – Gusic 2015; Eimer – Lütz – Schüren 2016; Gheciu 2015), the top-down influence is not always complete after the given elements are 'handed-over' to a parochial unit. It is so because higher-order elements may go through processes of *localisation* as parochial agents that adjust the given elements to their view, predispositions or needs. Through such adaptations, the (partial) divergences between the source (higher-order) and the recipient (parochial) location can be created.

Thirdly, parochial agents may also try to detach themselves from or resist a higher order (Zimmermann 2016). While these efforts may be performed on the parochial (local) scale, they can also lead to a bottom-up approach, whereby establishing new models (elements) can *influence* the higher order and get transported into it. This is based on the intention to more or less change the higher order. If it succeeds and parochial elements are accepted within the higher order, we can speak of their ascension (ascending). Fourthly, Amitav Acharya proposed the term norm *subsidiarity*, which 'concerns the process whereby local actors develop new rules, offer new understandings of global rules or reaffirm global rules in the regional context' (Acharya 2011: 96). Hence, it covers how new elements are created locally in a bottom-up way and get transported into a higher order, but they are only partially accepted there. It may also capture situations where parochial elements get established somewhere between the original parochial place (actor) and a global structure, creating a global subsidiary space. In this case, we can speak of the diverging incorporation of parochial elements into the higher order or a limited ascension (ascending).

Figure 6: An Outline of Scaling Directions

A PREVALENT DIRECTION OF IMPACT	A DEGREE OF INFLUENCE (COMPLETE / PARTIAL)	
	ADOPTING	ADAPTING
TOP-DOWN	*Mimicking (connecting to)* • parochial agent is adopting elements from higher order • parochial agent is getting connected to higher order and/or adopts elements of higher order locally	*Localising (handing over)* • parochial agent is adapting elements from higher order
BOTTOM-UP	*Influencing (ascending)* • higher order is adopting (changing according to) parochial	*Subsidiarising (diverging incorporation, limited ascending)* • higher order accepts parochial elements partially or in a subsidiary way

Figure 7: A Scheme of Scaling Directions
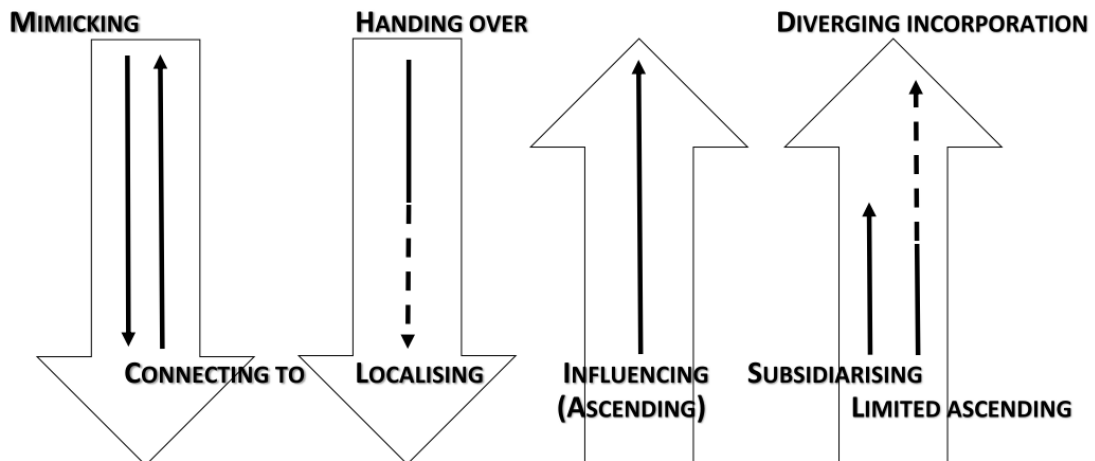
To complement our understanding of possible exchanges between the parochial and the higher order, we should bear in mind that there might be further dynamics that go beyond the (constructive) establishment of linkages. Nevertheless, they may contribute to defining a specific social situation and to complementing other processes. These are represented in situations where creating connections is hampered or cut off. In such a process, there is a tendency to *encapsulate* an entity from an outside (e.g., a higher order) influence. Another related and considerable option is an enforced influence, especially in the top-down manner (*top-down*

enforcing). Such a partial or complete coercion may aspire to transport a certain social element from the higher order to the parochial.

A few points clarifying the role of the outlined direction should be emphasised. First, actual processes may not completely fit into one of the discussed categories, may partly differ from them or may be somewhere in between the two directions (e.g., mimicking may involve some signs of localisation). Second, the directions are not mutually exclusive in the sense that several moves in different directions could take place and belong into a single policy. Third and most importantly, the discussed directions help us follow how scaling evolves, but they do *not* stand for the results of scaling, i.e., the creation of scales or scalar configurations, which often depend on a combination of several moves and *cannot* be (completely) pre-figured. To illustrate these points, let us consider the following example. Deng Xiaoping mimicked a model of creating special economic zones (sometimes called zoning technologies) from other states, i.e., not the global scale. However, his overall ambition was to connect with global capitalism, which can be understood as a primary institution of the international society. Being intertwined with other political steps, the zoning model spilled over into the political dimension, thereby producing the 'one country, two systems' model that helped constitute Hong Kong as a partially global player and also as a political system and semi-independent authority existing parallel to the communist party-state.

It is also useful to bear in mind that moves in the four aforementioned directions do not happen between the global and the national only. Many of them may start off as different scales and may work toward multiple spaces. Also, they may permeate state structures, intertwining with and analytically capturing (internal) state management and the (internal) reach of the state authority. Working with a *tentative* (illustrative) differentiation of a global, a regional, a national and a local scale, Figure 8 suggests where a given direction may originate from and toward which scales it could work.

Figure 8: Scaling Directions and Scales

Scales (**tentatively** defined) from which a given direction may originate	Mimicking	Localising	Influencing (ascending)	Incorporating (limited ascending)
Global	☑ (Directed esp. toward national, possibly regional and local as well)	☑ (Esp. toward national, regional, possibly regional as well)	x	x
Regional	☑ (Directed esp. toward national)	☑ (Esp. toward national, possibly local as well)	☑ (Toward global)	☑ (Possibly toward global)
National	☑ (Directed toward local)	☑ (Toward local)	☑ (Esp. toward global, possibly regional as well)	☑ (Toward regional – to create subsidiary spaces; toward global with partial influence on global)
Local (internally-regional)	x	x	☑ (Directed esp. toward national)	☑ (Possibly toward national and then hypothetically toward regional, global)

The Temporal Axis

The issue of sovereignty constitution and of creating links with the international and domestic spheres should not be understood as purely spatial. Rather, I argue that sovereignty will be seen as the result of spatial *and* temporal positioning. Hence, I introduce a complementary analytical axis focused on the temporal positioning of institutions, discourses and practices. I discuss the theoretical reasons for why all actions are both temporal and spatial. Nevertheless, acknowledging this is also a practical matter because it will elucidate how some institutions, discourses or practices that China and India adopt or adapt originate from the time preceding the formation of their modern sovereign states. In other words, paying attention to temporal positioning helps reveal how current configurations of China's and India's sovereignty rest on some institutions, discourses or practices borrowed from their imperial (colonial) histories and how such elements temporally evolve or are intended to evolve. As post-colonial literature notes, the past, present and future under post-colonial conditions tended to be blurred (Chatterjee 1993; Edkins 2003; Fanon 2001; Spivak 2006). To capture this sentiment and to make our focus on temporal positioning easier to grasp, I specify additional analytical questions.

The importance of the interconnection between spatiality and temporality was raised by Sergei Prozorov (2011), who shows how the non-acceptance of this connection may hamper academic analysis. Based on Kojève's reading of Hegel, Prozorov demonstrates that any historical action which by definition changes the current world into a new and a future-oriented world overwrites a section of actually existing space. Hence, both time and space need to be understood as evolving simultaneously. John Hobson's (2002a) discussion on chronofetishism and tempocentrism, which he sees as fundamental threats to theory and analysis in IR, allows the issue to unfold in a less abstract yet still theoretically sound way. Chronofetishism rests on 'the assumption that the present can adequately be explained only by examining the present (thereby bracketing or ignoring the past)' (Hobson 2002a: 6), which can naturalise the present and make it immutable. Tempocentrism presents the illusion in which the naturalised present is extrapolated backwards. Analogous to the previously discussed isomorphism of the Stanford School, which posited a unifying influence of a structure onto actors, tempocentrism makes all historical systems appear fundamentally similar or alike.

To avoid chronofetishism, the present cannot be understood as sealed off from the past. Instead, the present should be seen as a malleable construct emerging through *both* continuities and discontinuities with the past. To avoid tempocentrism, differences between the present and the past should be highlighted (Hobson 2002a). Corresponding to this, we might distinguish two aspects that this focus on temporality brings along. Both of these general suggestions complement the concentration on scaling and influence how I proceed. (1) A diachronic perspective reflecting historical changes and continuities as to how specific elements were used will be taken into account. While the key focus of this thesis will be on what I call constitutive moments, in which a certain mode of sovereignty has started, this target should be accompanied by the examination of which elements (institutions, discourses, practices) are important for a given constitutive moment to see when they originated and how they evolved. (2) Further attention should be paid to how the present utilises the past or, possibly, the imagined future as well. As the recent IR temporal turn indicates (see esp. Hom 2018a, 2018b), a key component for understanding political temporality is also to pay attention to the actors' imaginations of historical trajectories, pace and duration. In connection to this, two interrelated sub-questions can be stated. (2A) Which imaginations of the past or future inform (or underpin) the usage of institutions, discourses and practices (cf. Diez 2004; Fabian 1983; Hansen 2006; Joenniemi 2008; Rumelili 2004)? Moreover, (2B) how do actors intend to answer to the imagined (perceived) past or future (cf. Aminzade 1992; Fabian 1983; Hom 2018a)?

Hence, it is possible to summarise the focus on temporal positioning through the following analytical questions:

- How are sovereignty and the elements which form it (institutions, discourses, practices) temporally positioned?
  - (1) When did constitutive moments of sovereignty start? Especially, do any of its important elements appear even before a given constitutive moment? How did these elements develop over time?
  - (2) How does the present utilise the past or the imagined future?
    - (2A) Which imaginations of the past or future inform (or underpin) the usage of institutions, discourses and practices?
    - (2B) How do actors intend to answer to the imagined (perceived) past or future?

Methodological Considerations

In the following chapters, I analyse China's and India's general approach to sovereignty and four specific sub-cases of contested sovereignty configuration. When dealing with China's and India's general approach on the one hand and the four sub-cases on the other hand, there are differences in empirical and analytical detailedness (which is higher in the four sub-cases as they form a core of this thesis). However, the key analytical principles are same. Below, I first discuss the basic methodological steps (stages). Second, the so-called effective history (effective reading) is introduced as a method. Third, specific methodological points related to scaling, temporal positioning and the analytical composite are mentioned.

In the analysis of the discussed cases, I proceed in two stages. First, during the pre-stage that took place before the actual analysis, the institutions, discourses and practices that are essential for co-defining a domestic authority and its relationship to an international society are identified. This phase can be characterised as an exploration and the initial heuristics. In other words, following the general logic of analytical openness and inductiveness as discussed in the introductory chapter, I start by exploring what I call constitutive moments (periods). These are moments when a particular sovereignty mode or configuration started to be apparent and politically influential. It is important to note that constitutive moments are not necessarily single, temporally narrow nor confined moments but may stretch over a few years. Proceeding in this way offers an advantage as it allows one to focus on those aspects of international society or domestic politics which are identified as crucial in a given constitutive moment and not necessarily on the international society and domestic politics in their entirety. During the second stage, I try to follow where these elements lead (how they work, how they are positioned) spatially and temporally as per the aforementioned analytical perspectives on scaling and temporal positioning. To

summarise how I actually proceed, I introduce and follow how constitutive moments historically evolved and unfolded. Alongside that, I analyse key scaling and temporal positioning.

To track where given elements lead and how they work, I follow the methodological tenets that Michel Foucault (1977) associated with the method of effective history (effective reading). Although Foucault was inspired by Friedrich Nietzsche (1983) when proposing this method, his method differs from a fully-fledged genealogy, which both Nietzsche and Foucault discussed elsewhere, while also being different from process-tracing. Despite these differences, its main effort is similar to genealogy, and in a certain a sense, even to process-tracing as it aspires to trace how a certain discourse developed over time. Effective history is concerned with identifying key continuities (sameness, similarities) but also disruptions (changes, jolts, ruptures) of development over time and across different contexts. In contrast to genealogy and process-tracing, it does not require the reconstruction and documentation of every single segment of a historical chain but instead captures (effectively reads, so to speak) the key regularities of a given aspect (for this thesis, institution, discourse or practice) in the sense that it identifies what remains more or less stable, as well as key surprises (discontinuities) of a given aspect's development (see also Dean 1994; Hook 2005).

What is more, Foucault devoted some energy to distinguishing 'effective' history and 'objective' history. It should be noted that my approach does not completely immerse into investigating how a specific (regime of) truth can be destabilised (something that Foucault associated with effective history). I even move a bit closer to 'objective' history with the aim of documenting key occasions which codefined a given aspect's development, meaning and political significance. However, I still subscribe to the effective reading of history (social development) with its concentration on continuities and disruptions. While, schematically speaking, Foucault focused on the existence of regimes of truth hinging on a corpus of knowledge and discourses entangled with practices of power (Foucault 1991), I focus on discourses, institutions and practices in terms of their mutual connections in producing how sovereignty is defined, configured and positioned. Hence, I believe that despite these differences, connections in Foucault's and my own approach can be found to justify that I am inspired by his effective history.

Nonetheless, as Hook (2005) indicated, three principles which appear in Foucault are important for conducting such an analysis, and they also serve to underpin my analysis. The principle of specificity requires us to see discourses and, by extension, also institutions and practices as expressing only particular points of view, not universal meanings. This is useful as a background consideration, highlighting that my investigation is one of the variation of sovereignty that has been produced by the amalgamating discourses, institutions or practices of a different character. The

principle of discontinuity is more central because it sees social elements (happenings) as a series (of acting, speaking) rather than a unity. In other words, it pushes us to look at how the usage of a specific social element changes in a series of acting and speaking over time or across contexts. Following the rationale of the effective reading of history, it is then important to focus on what remains the same and where the main jolts and ruptures appear in such a series of acting and speaking. The principle of exteriority calls for assessing specific social elements (institutions, discourses, practices) *vis-à-vis* others to understand the conditions and settings; for example, how does a specific discourse fit into an institutional framework? Do the practices of actors differ from its discourses, and the like? Working with the analytical composite is key for this.

Some works which I relied on when distinguishing the key directions along which scaling should be analysed (e.g., literature on norm localisation) utilised causal analysis, including process tracing, to carefully examine which factors explain why a certain norm developed in one particular way and not another. I am less ambitious and more descriptive in this regard. It is for the sake of reducing the complexity of this analysis while the analytical depth should be provided by the analytical framework centred around scaling and temporal positioning.

It shall be also specified how I work with the analytical composite. There is no particular methodological trick to analysing institutions and practices. It is key to uncover their ambitions, rationale, content and other key characteristics. However, it will be important to follow up on whether and how specific institutions and types of practices (as well as discourses) correspond with each other, or whether there are any disruptions between or among them, which, in fact, fits into effective history and the condition of exteriority.

However, my approach to discourses should be explicated in more detail. Discourses are important to focus on because they are the sites and carriers of political justification or these struggles but also because they convey ideas, concepts and theoretical formulations between the world of theory and politics. This mediating role will be crucial for this work. While taking into account that discourse analysis should always consider texts as well as contexts and intertexts, thus paying attention to its links to practices and institutions (Phillips – Hardy 2002), the core focus is on the following points:

- The background (implicit) knowledge or representation (and their extra-discursive context and political implications);
- The expressed rationales and justifications (and their extra-discursive context and political implications);
- Linking that is attributed to particular subjects;
- The positioning of the subject in relation to others;

- The narratives and their storylines, plots, actors and settings (Doty 1993; Hansen 2006).

It should be noted that all of these steps in the discourse-analytical procedure may express both spatial and temporal characteristics. For example, consider the temporal aspect. It finds its expression in delimiting the attributes of itself and of others in connection to or (alleged) characteristic of different time periods. Moreover, background knowledge or representations may refer to previously established 'truths', and the positioning of oneself might be done in a temporal manner, i.e., in relation to a past or future version of itself, not to mention that narratives involve a timeline and a temporal setting.

Conclusion

Emphasising the inconclusiveness of the Kelsen/Schmitt debate regarding the question of whether sovereignty is primarily associated with the international or the domestic locus, I resituate the debate to propose a liquid and relational view of sovereignty. It rejects the idea that sovereignty can lie *inside/within* one of the centres and, instead, proposes that sovereignty should be understood and analysed as a focus of linkages and ties with both the domestic and the international locus. I argue that sovereignty is practiced or performed by renewing sovereignty, thereby making and ideally monopolising links to both the international and the domestic locus. Situating sovereignty in this way establishes it as a liquid and relational phenomenon. In other words, sovereignty is what is constituted between and in connections to (1) the international locus and (2) the domestic locus, depending on sufficiently strong links to (1) and (2). The liquidity of sovereignty stems from these links, which may get reshaped, distorted, replaced or supplemented by other links. Moreover, through these links, various principles may get connected to sovereignty and, hence, enrich, recreate and transform it.

These linkages are mainly assessed along two axes: a spatial one and a temporal one. The spatial axis is approached through what has been known in (critical) human geography as scaling. It can be understood as a non-territorial way of place-formation, which often has territorial consequences. It depicts how institutions, discourses and practices get scaled as, for example, domestic, regional or international. Examining these processes helps explicate how linkages which co-create sovereignty are located and how they relate to the domestic or international locus, or even both. Four main directions, along which we may follow scaling, have been delineated to guide the analysis. Bearing in mind that all processes are spatiotemporal, the spatial axis needs to be accompanied by the temporal one, which helps uncover histories and

temporalities of creating such linkages. The temporal axis is specifically operationalised through additional analytical questions, which help capture temporal positioning and complement the focus on the scaling that is concerned with spatial positioning.

4. China's Approach to Sovereignty

Introduction

Many scholars have argued that the People's Republic of China (PRC) could be regarded as one of the prime examples of the Westphalian or absolutist type of sovereignty. The assessment started to appear during the 1970s (Cohen 1973; Ogden 1974, 1977) and was continually repeated afterwards (e.g. Choedon 2005; Contessi 2010; Dreyer 2008; Guang 2005; Reilly – Gill 2000; Smith 1992). The assessment has usually been derived from China's own repeatedly reaffirming claims that it insists on indivisibility and inviolability of sovereignty, its reluctant position towards (humanitarian) interventions or its refusal to compromise on its interests in key territorial disputes. Following this perspective, Samuel Kim could note that 'state sovereignty is the most basic and deeply internalised principle of Chinese foreign policy' (Kim 1998: 21).

Although Kim's statement might be true from a general point of view, in this chapter I show that there have been important variations how exactly China has been internalising sovereignty. I argue and show that there are two different modes of China's sovereignty. More specifically, I propose two further points. Firstly, the PRC's sovereignty during Mao Zedong's rule was constituted as socialist sovereignty, which was based on a compound of the general model of the nation-state and a socialist (communist)[10] approach to the state. While the inspiration by the Westphalian ideal was relatively strong, this compound had some internationalist characteristics which partly go beyond the ideal of Westphalian state. Secondly, the mode of socialist sovereignty was adjusted during the period of Deng's reforms and restructuring of the state-management project, which also produced a second mode which I wish to call zonal sovereignty and which is supposed to organise political relations within the area of Greater China.

To be more specific, I argue and show that the mode of zonal sovereignty was created as the extension of the Dengian pragmatic reorientation of the state-management project imbued with the effort to interconnect China with the capitalist world, which was discursively covered by the pragmatic and flexible 'peace and development' discourse, but also the highly nationalist aspirations of reuniting the concerned territories with the motherland. The result was the institutional model of

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[10] I leave it to other authors to decide whether socialism or communism is more appropriate to use. I use them relatively interchangeably in this and two following chapters.

'one country two systems' (OCTS), in which sovereignty can be functionally[11] shared and divided across 'two systems', or to be more precise, multiple systems because Hong Kong and Macau (and potentially Taiwan) have their own unique regimes. Related to that, we will also see how this mode of sovereignty overcomes the inside/outside distinction and implies the multi-layered political order with overlapping political authorities. Hong Kong's (and potentially Taiwan's) government, thus, could exist at the same time under and outside the authority of the Chinese party-state.

While I aspire to provide key characteristics and overview of China's sovereignty in general, I also pay attention to those aspects that might be potentially important for the specific case studies related to China's relationship with Hong Kong and Taiwan. Hence, the chapter's focus is not on Hong Kong and Taiwan *per se*, but it is intentionally careful about broader tendencies and trends which are part of China's state-management and relationship with international society that relate to Hong Kong and Taiwan. While this chapter addresses the creation of the zonal sovereignty mode, its roots and main principles as part of China's state-management endeavour, it will be complemented by the two following chapters which discuss the actual practice and developments of zonal sovereignty in the cases of Hong Kong and Taiwan.

Throughout the chapter, I highlight that one of the important reasons why sovereignty has been a key theme of Chinese politics for many decades is a strong position of the discourse of national humiliation which revives memories on China's subjugated semi-colonial position. However, while the influence of the national humiliation discourse should not be underestimated as it creates a common thread (Callahan 2010; Wang 2014) in China's post-Maoist 'fragmented authoritarianism' (Lieberthal – Lampton 1992) and fragmented foreign policy (Hameiri – Jones 2016; Lu 2000), this nationalist aspirations have coexisted with other rationales. A relatively peculiar combination of them defined the Dengian and post-Dengian version of socialist sovereignty as well as it has proven to be productive and creative as it stimulated the constitution of zonal sovereignty.

To be sure, the claim that (mainland) China's sovereignty cannot be fully equated with the general notion of the Westphalian ideal of sovereignty, which underlies my argument, has been raised by a few academic works (Carlson 2005; Chen 2015; Shan 2008; Zhang 2008). Although Zhang's (2008), Shan's (2008) and Chen's (2015) works serve very well to challenge the usual understanding of China as a state with absolutist (Westphalian, conservative) sovereignty, they provide rough sketches of main issues related to China's sovereignty. Their main arguments are relatively general which can be seen in Zhang's main claim that 'China's understanding and practices of sovereign

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[11] To clarify, the term 'functionally' is used here in the sense related to that certain functions, roles or, more specifically, policies and tasks may be shared and divided.

statehood have been either incomplete, selective, instrumental or even contradictory' (Zhang 2008: 102; very similalry Chen 2015; Shan 2008).

Carlson's (2005) book offers probably the most comprehensive treatment of China's sovereignty thus far. Being inspired by Krasner's disaggregation approach, Carlson divides sovereignty into four predefined analytical categories (territorial, jurisdictional, economic sovereignty and sovereign authority). While his work offers a very detailed picture which is very strong analytically in providing a thorough elaboration of concrete components of sovereignty, I argue that it is weaker when it comes to synthesis. As noted by Tok, 'Chinese sovereignty issues do not always sit tightly into the bundles Carlson suggests' (Tok 2013: 15). And as I contend, it is crucial to realise what even the PRC leadership is aware of, i.e. that '"one country, two systems" is a holistic concept' (State Council of PRC 2014). In other words, despite all its qualities, Carlson's work partly obscures whether and how China's sovereignty is tied together and how to make sense of it. In contrast to Carlson, I hope to offer an account which is able to show how various specific steps and aspects link together to produce two key modes of China's sovereignty.

In relations to the mode of zonal sovereignty, this chapter rests on two fundamental sources of inspirations. Firstly, International Relations (IR) and Political Science literature has broadly covered affairs in Greater China. Tok's (2013) book, arguably the most sophisticated and comprehensive IR piece on China's management of its sovereignty within Greater China, is highly inspiring as it elucidates many aspects of sovereignty in Greater China. Secondly, it was Aihwa Ong (1999, 2004, 2006), a social anthropologist, who brought the attention to governmental practices, or what she calls zoning technologies, of the Dengian and post-Dengian period which helped to constitute zonal sovereignty. While very insightful, her contribution remains relatively neglected in IR. In this chapter, I interconnect both directions of the analysis pursued (started) by Tok and Ong. Doing so helps reveal two key contradictory motivations – nationalist reunification aspirations and finding a way how to relate China to economic globalisation – which in their mutual combination gave rise to zonal sovereignty as a very unique sovereignty mode.

The chapter is divided into three main parts. The first part deals with localisation of sovereignty alongside socialism. In other words, how sovereignty and the ideal of the modern sovereign state were embraced was highly influenced by China's acceptance of socialism (communism), which in itself was mimicked and gradually localised (adapted) from the USSR. The compound of the modern nation-state and socialism influenced both an internal and external side of China's sovereignty. The second part focuses on Deng's reassessment of the socialist project, i.e. the element which influenced how sovereignty was localised, and state-management. This gradually drove China to more closely cooperate with the international society and connect to

many of its institutions and norms. Alongside that, the previous Maoist teleological goal of revolutionising global order changed into the effort to continually develop (in a linear, not teleological, way) together with the Western-led international society. The third part examines how the mode of zonal sovereignty was constituted. I show that this builds on special economic zones whose logic was changed (localised) to serve the purposes of managing sovereignty in Greater China.

The Creation of the People's Republic of China: Sovereignty and a Socialist Project

The establishment of the PRC in October 1, 1949 was a result of a civil war between Chinese communists and nationalist, but also of a long-term goal to establish a strong, domestically-consolidated and, ideally, internationally-respected state. The desire was a reaction to China's pre-WWII position of being formally independent yet actually penetrated by Western powers and Japan (Mao 1977: 15–18; cf. also Goodman – Goodman 2012; Mishra 2012). Although the Chinese often point out that its position was of a *de facto* colony or semi-colony, there were important differences from the full colonisation. Contrary to – for example – India, the situation in China did not allow it to take over and adopt institutions built by colonisers. After not very successful efforts to restructure but preserve the Chinese empire at the turn of the 19th and 20th century, a new generation of Chinese political elites turned their aspirations to creating a new form of polity organisation for which they found inspiration in the West (Harrison 2001; Spence 1991). They in fact mimicked the model of the modern nation state. As such, a new republic was established in 1912, which, however, did not prove to be a strong and internally unified state.

An internally consolidated state was created only after Japan's imperial mission had been defeated during the WWII, the Chinese communists had seized power in mainland China, the nationalist (Republic of China) government had been forced to escape to Taiwan and the PRC has been established. During the process of transformation of China from an empire to a republic, the Western-inspired model of a modern sovereign state was deeply rooted in China (Zhang 2008). However, contrary to many academic accounts, I argue that China's post-1949 state cannot be fully associated with the (idealised) notion of Westphalian, conservative or absolutist sovereignty. It is so because modern sovereignty was localised with the help of the socialist, USSR-inspired, model of state organisation as according to Mao, the Chinese nation should 'do their best to draw on advanced experience in the Soviet Union and other fraternal countries' (Mao 1977: 148–149). In other words, the combination of socialist and nation-state elements influenced both China's state-building and

construction of the locus of sovereign authority within the state as well as the constitution of links to the international environment.

The influence of socialism in China was far-reaching and formed a basis for state-management endeavours but also for the overall political project. This can be illustrated by pointing to the role of what might be labelled a paradigm of class struggle which manifested through and influenced institutions, discourses and practices. The key principle of class struggle, which itself was a Western ideological import localised to the conditions of the Chinese state and society mainly on the basis of Mao's ideological influence, guided China's foreign and domestic policy as well as the process of state-building.

China's sovereignty during Mao's period can be understood as an intersection of a strong inclination for a sovereign state and a revolutionary socialist ideology. The political paradigm hinged on revolutionary aspirations to change the world which involved teleological temporality of the upcoming final historical confrontations. For Mao, China and Chinese politicians needed to be 'true revolutionaries' (Mao 1977: 37–40). Although concrete contours of the teleological moment were not specified, the very aspiration to achieve it, which implied strong internationalism and the effort to change the basis of political order and structures of domination, problematises or at least diminishes the future (imagined) position of and reliance on the modern sovereign state as the key unit of political order. Moreover, as argued by one of the most prominent Chinese historians Shen Zhihua, Mao's revolutionary vision of the world rested on the residual sense of Chinese civilisational primacy in world affairs not dissimilar to the ideological and cosmological background of the ancient Chinese empire (e.g. Shen 2007), which brought an element of hierarchy to Mao's imagination of political order. However, the sovereign state was deemed to play a crucial role for the time being as China needed to 'consolidate national defence, safeguard [its] territorial integrity and sovereignty' (Mao 1977: 20).

One of the most important elements of the communist approach was to construct the institutional form of the newly emerging PRC as a party-state, which confirms the interconnection of socialist ideology with the model of the modern state and in which the Communist Party of China (CCP) and PRC co-constitute each other. According to the party-state institutional model which was transported to China from the Soviet Union during the inter-war period (Zheng 2010: 58–59), the state structures shall be doubled and controlled by the communist party. The doctrine has been applied so thoroughly that it has pervaded the constitutional order of the PRC as the CCP constitution is often understood as a part of the constitutional order of the whole PRC (see esp. Jiang 2010). As such, the party effectively becomes the ultimate locus of the domestic sovereign authority. It is embedded within the state but simultaneously stands beyond (above) it (Zheng 2010; cf. Strauss 1998). Since the founding of the PRC,

the CCP's sovereign authority has been organically interconnected with the very character of the Chinese state (Zheng 2010) as the CCP completely permeates and overlaps with the state which, at the same time, lays the basis for high political centralisation.

These foundations of the Chinese state are intertwined with a specific form of domestic scaling of central authority. There is almost nothing that lies beyond the reach of, or could not be subsumed under, the control of the state (central) authority. However, rather than simply inferior to top-down influence of the central authority, local levels of political organisation are very tightly tied to and absorbed by the party-state. Or in other words, the organising structures of the party-state (at least theoretically) allowed to exert top-down absorbing and encompassing influence *vis-à-vis* local political levels but also society through Leninist centralism and penetration of society trough the party (Lin 2006; Schurmann 1966; Zheng 2010; partly Kuhn 2003). In contrast to the case of India's exceptionalist domestic measures (discussed in chapters 7 and 8) which go beyond the standard legal system operating in India and which are discussed at a different point of this thesis, this totalising reach of the CCP stems from the very institutional grounds of China's sovereign state. The most extreme variant of this appeared during the cultural revolution when the absolute authority of the party and its impact on the state were deprived of standard bureaucratic conduct and connected with the absolute influence of Mao Zedong through informal institutionalisation of the doctrine and slogan of 'two whatevers'. According to it, people and the party should resolutely uphold whatever policy decisions of Mao and follow whatever instruction he had given (Kang 2001; Schurmann 1966).

The Soviet example played a key role not only because of the ideological affinity between both countries, which was mentioned above, but also because the Soviets were able to successfully transform the previous tsarist empire to the modern state (Westad 2014: 285–332). Thus, the socialist element of constituting the sovereign authority and building the state was accompanied by the effort to territorially integrate China. Besides that, it started to effectively take control over the whole state pacifying local semi-autonomous leaders of various kinds, the new regime also aspired to include as much as possible from the previous Chinese empire under its greatest geographical reach during the Qing dynasty. The most apparent expression of this approach took form of the violent suppression of Tibetan independence aspirations. By doing so, the Chinese communists negated their the pre-WWII promises that minorities in China will be granted the full right of self-determination (Mitter 2005) and, as such, effectively disconnected there territories from the global norm of self-determination.

China was aimed to be established as a unitary nation-state in which the idea of nation was accepted to be one of the reasons through which the Chinese

independence could be defined internally and externally towards the international society (cf. Mayall 1990). This involved symbolic construction of a unitary nation within which different specific identities can be found (Karl 2002; Ven 2012; Zhao 2004) and also a strong interconnection with the discourse of national humiliation which has been one of the main themes through which the issue of sovereignty and its importance enters Chinese politics (Callahan 2010; Wang 2014; Zhao 2004). The discourse, which informs us about China's suffering under Western powers and Japan from the mid-19th century to mid-20th century, has become even more intense since the 1990s but played an important role even during Mao's time when overcoming the century of humiliation served as one of the most important legitimacy claims.

The influence of the socialist revolutionary ideology and the simultaneous emphasis on the model of the sovereign nation-state played an important role even in China's international orientation. In general, the PRC derived its legitimacy especially from contacts with the USSR and the Eastern bloc, especially during the 1950s. Mainland China's reliance on the Communist block was emphasised by the fact that the government and political regime of the Republic of China in Taiwan was diplomatically recognised as the *de jure* sovereign representative of China and had a seat at the UN. The lack of an official diplomatic recognition of the PRC[12] weakened China's connections to both primary institutions of international society (mainly diplomacy) and also to secondary institutions (mainly, the UN and UN-related international organisations). China's socialist ideology as well as an autonomist orientation, which was prevalent especially during the 1960s (Westad 2014: 333–364), significantly contributed to China's disconnection from global trade as another primary institution of the Western-led international society and hence co-defined China's partial isolation and alienation from the Western international environment (cf. Breslin 2007; Zhang 1998). Moreover, China aimed to, eventually, revolutionise the very grounds of the current international society (Armstrong 1993; Zhang 1998).

Due to the blend of the modern nation-state and socialism, China's more specific steps and practices were rather ambivalent. Despite the ultimate goal of changing the very principles of global order, China sought recognition of its nation-state form for the time being. Related to that, China agreed on the so-called five principles of peaceful co-existence with India and Cambodia in the 1950s, which included respecting territorial integrity and sovereignty, non-aggression, non-interference in internal affairs, equality and cooperation for mutual benefit, and peaceful co-existence (Richardson 2009). By doing so China *de facto* followed and mimicked state-centric aspects of the UN charter. On the other hand, under the banner of the socialist brotherhood, China generously ceded territory to solve the mutual border with North

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[12] Since the (mid-)1950s, the PRC started to be gradually recognised by more countries at the expense of ROC.

Korea and donated two dots of the originally eleven-dotted line in the South China Sea (now known as the nine-dotted or nine-dashed line) to North Vietnam during the 1950s (Chen 2015: 45). A similarly conciliatory approach was chosen in some other territorial disputes including those with non-socialist countries with the aim to stabilise China's national borders (Fravel 2008). While it had a negative position towards Western interventions into domestic affairs even if conducted under the authorisation of the UN (Matsuda 2016), the PRC supported communist movements inside various countries, often in Southeast Asia, and attempted to export the communist revolution abroad (Zhang 2008: 103).

The Reorientation of the Chinese State under and after Deng Xiaoping

The accession of Deng Xiaoping after Mao's death changed China's approach to state-management and sovereignty due to Deng's reassessment of the socialist project, i.e. the element which influenced how sovereignty was initially localised into the PRC. While preserving the fundamental demarcation of domestic authority (party-state), Deng and subsequent leaders gradually drove China to more closely interconnect with the international society in general as well as connect to many more of its international institutions and norms and adopt a variety of them internally. This happened as the previous Maoist teleological goal of revolutionising global order changed into the effort to continually develop (in a linear, not teleological way) together with the Western-led international society. Besides these issues, I also focus on two key discourses which co-specified meaning of sovereignty in the (post-)Dengian period, namely the national humiliation discourse and the peace and development discourse. Both of them replaced socialism as the formative discourses in creating meanings and rationales related to China's sovereignty practice.

To fully appreciate these changes and their significance, it is necessary to realise that the fundamental political paradigm has shifted from class struggle to development. The slogan of 'taking the class struggle as the key link' symbolising the former was discarded in 1978 (He 2016: 294) and started to be replaced by 'peace and development' as a symbol of the latter since the early 1980s (Deng 1985, 1994). The key ideological and discursive step of Deng was to pronounce the communist revolution in China as victorious which allowed him to refocus on different political issues without altering the fundamental principle of the CCP's leadership and the party-state institutional background as this setting of domestic authority has remained a fundamental core of the PRC (cf. Buzan 2010).

When it comes to the perception of world politics, Deng started to perceive the world to be divided into developed and developing countries (Deng 1993; Vogel 2013). While this position of Deng clearly follows from the previously presented theory of

three worlds and China's self-assessment as belonging to the third world (Jiang 2013; Yee 1983), Deng restated the previous Three World theory and made the developmentalist perspective key for explicating international affairs. This outlook was reflected in the practice (strategy) of closely interconnecting China with the Western led international order. While the part of the strategy which focused on keeping low profile in international affairs has been changing under Xi Jinping (Callahan 2016; Shambaugh 2013; Yan 2014), its tenet of China's close interconnection and development together with international order has remained relatively stable (Barkin – Piper 2017).

The discussed changes were also connected with the modification of the dominant political temporality. The communist revolutionary teleology was replaced by the focus on continuous linear development without the final moment of political catharsis. On the contrary to the revolution, Chinese development has not had any predefined final moment towards which it shall move and developmental goals and aspirations were defined slightly differently by each generation in the post-Dengian period (Callahan 2013; Lampton 2014; Lynch 2015; Unger 2002). As Jiang Zemin and his successors continually emphasised, China needed to 'keep up with the times' (CPC News 2002; Wang – Tan 2016: 149; Xinhua 2018a).

While the general principles (norms) which China associated with sovereignty like independence or territorial integrity have continued to be relevant after Deng's political reorientation of China (Chen 2015), more specific contours of China's sovereignty has changed. Most importantly, the strategic rapprochement with the USA, which had preceded the reorientation, and Deng's changes helped China get much broader formal diplomatic recognition at the expense of the Taiwanese government and to acquire the seat at the UN. While China has remained critical or sceptical towards various international norms and principles, its cooperation or integration with the international society has strengthened in numerous areas, sometimes despite the criticism. An example of that might be that although it has been critical to interventions to domestic affairs including humanitarian interventions, China has accepted that in some cases such an approach is acceptable and legitimate. This gradually resulted in its extensive involvement in peacekeeping operations (Fung 2016; He 2007; International Crisis Group 2009).

China's also gradually integrated with some non-state centric primary institutions of international society, above all of global trade and capitalism. It was especially in these areas that Deng aspired to move China closer to the West. Following that, China started to integrate into (connect to) many secondary institutions; again especially those of an economic character, which culminated with China's integration into the WTO (Breslin 2007; Naughton 2006; Steinfeld 2012). Not only did China aim to become a member of such institutions, it also internally adopted (in fact, mimicked) or adapted

(localised) many specific legal and economic norms which largely influence its legal system (Qin 2007). However, this also meant that China actually made its approach to sovereignty more flexible as I will argue in the following part on zonal sovereignty.

Domestic politics – in an interplay with foreign policy – also underwent enormous changes, which included the new emphasis on economic reforms and inclusion of capitalist principles (as mentioned above), the decreased emphasis on communist ideology (cf. Christensen 1996) and the rise of Chinese nationalism (discussed below) or political reconstruction of society, which was supposed to be made more flexible to meet developmentalist demands (Chan – Kerkvliet – Unger 1999; Murphy 2008; cf. Veer 2009). The new economic, or capitalist if you will, drive was also connected with partial domestic decentralisation of power. This provided provinces and other local entities with more freedom, creating what was labelled as the Chinese style of federalism (Montinola – Qian – Weingast 1995; cf. Hameiri – Jones 2016), although this happened without altering the fundamental institutional form of the party-state.

However, besides these processes which correlated with China's economic restructuring, two other trends were crucial in situating China's sovereignty in the (post-Dengian) period. Both of them primarily had a form of discourses. The discourse of peace and development partly underpinned the more flexible approach as discussed above. The national humiliation discourse formed an important counterweight to the discussed flexible tendencies. In the context of important economic-political changes, it was primarily this discourse that reinforced the importance of sovereignty and provided a strong justification as to why China needs to lock on to sovereignty and which fully settled China's focus on the form of the nation-state as the importance of socialist (communist) ideology and discourse was decreasing. From these points of view, the national humiliation discourse was profoundly significant. Both of them are introduced in the two following sub-sections.

Before moving to these sub-sections, it may be noted that other discursive and ideational positions related to sovereignty emerged as well. However, they were less important or could be subsumed under the more general socialist or nation-state logic. For example, a discourse connecting sovereignty with human and (ethnic) minority rights was detectable by the time of Deng's rule (Deng 1987; Mao 1977: 169–171). While it introduced a more dynamic and Marxist-dialectic element into the relationship between human (minority) rights and sovereignty, it still fitted into the conservative insistence on the primacy of the sovereign state and emphasised the national unity of China as it argued that human (minority) rights are necessarily dependent on the state's overall development (cf. He 2008; Weatherley 2000). Discourses which went beyond the established socialist and nation-state categories, such as that of inter-temporal law and sovereignty (cf. Liu 2009), were on the fridges of political interest.

National Humiliation and Sovereignty

The discourse of national humiliation is one of the strongest and most deeply embedded discourses in Chinese politics and society. Its emergence precedes the creation of the PRC but continues to play an important role even after 1949 and especially after the end of the Cold War when its magnitude has been significantly increasing (Callahan 2010; Christensen 1996; Gries 2004; Wang 2014; Zhao 2004). At the risk of oversimplification, it might be said that the national humiliation discourse during Mao's era contained a triumphalist flavour of overcoming it while the discourse in its post-1989 version has been emphasising possibilities of being humiliated again (Gries 2004; Wang 2014; Zhao 2004). Despite the changing emphasis on 'being a victim' or 'emerging victorious', the discourse is deeply 'pessoptimist' (Callahan 2010) as it combines humiliation memories and current anxieties with high hopes of China's rise and reclaiming China's rightful place in the world. Sovereignty has been a central category to the discourse. The loss of sovereignty has been identified as a crucial symptom of being humiliated. Alongside that, sovereignty has been seen as a necessary and the most cherished condition for China's rise. As I show in the following paragraphs, the discourse presents sovereignty as a category around which China's history has been structured. Then, it is this very reason which creates a fundamental incentive why to preserve and cherish sovereignty.

We are informed by the discourse that

[f]ollowing the Opium War in 1840, China was gradually reduced to a semi-colonial and semi-feudal country, and the Chinese nation was subject to the imperialist powers' invasion, oppression, bullying and humiliation […] After a protracted, persistent and heroic struggle, the Chinese people won the independence for their country and the emancipation. (State Council of PRC 1998)

This story is constructed as a central narrative of China's historical development (see also State Council of PRC 2005, 2007, 2011, 2013). Two images of China itself can be found in it – a humiliated China (i.e. China during the century of humiliation) and a contemporary China. The humiliated China is characterised as weak, poor, subjugated and semi-colonised, closed, and semi-feudal, while the current China is getting stronger, its economy is rapidly growing, it is fully sovereign, open and possesses a socialist market economy. The end of national humiliation is seen as a turning point after which China could achieve 'independence and liberation' from the previous – humiliated – version of China. It is by differentiating from the former version of its subjugated and humiliated self that China was able to 'save the nation' (State Council of PRC 2011; see also Xi 2014: 37–40).

The official documents as well as many other political statements of Chinese representatives imply that sovereignty is *the* difference distinguishing particular stages

of China's history (Callahan 2010; Gries 2004) as the creation of 'New China' in 1949 was enabled by gaining sovereignty (State Council of PRC 2005, 2011). Moreover, the dominant national humiliation discourse implies that sovereignty was lost during the century of humiliation and hence that China possessed sovereignty before. At this point, it shall be reminded that the modern notion of sovereignty was not known in China until the second half of the 19th century and the ancient Chinese empire was founded on very different principles of political order (cf. Ringmar 2012, 2013; Suzuki – Zhang – Quirk 2013). Nevertheless, within the discourse, sovereignty becomes a transhistorical condition and a bridge between the ancient China and the present China (State Council of PRC 2005, 2011; Xi 2014: 271–290). While this discursive manoeuvring allows to increase the legitimacy basis of the CCP and the PRC as they might portray themselves as agents of the civilisational continuity (Karmazin 2017: 431–434), it also increases the urgency to reunite the present China with territories of the ancient China (it is particularly important in the case of Hong Kong).

The national humiliation discourse is a highly moral story, which, however, is also highly ambivalent. Besides the pessoptimist character, it also creates a deeply ambivalent underpinning of China's relationship with the West. While the discourse subtly recognises that China needed to get inspired by the West in some areas – it is actually this discourse which practically increases the principal significance of the model of the modern sovereign nation-state for China –, it also saw the West as the source of humiliation, hegemony, unbalance and aggression (State Council of PRC 2005, 2011; Xi 2014: 69–73). In this sense, sovereignty becomes the best protection against the West, hegemony and another humiliation (cf. Callahan 2010; Chatterjee Miller 2013; Jackson 2000) if paired with a strong and rightful domestic authority.

Peace and Development

In the discourse of peace and development, Deng found and constructed a way how to manage tensions which stem from the intensified engagement of China with the international society and its various, often decoupled, norms and institutions but also from China's anti-Western invocation of the century of humiliation. Deng Xiaoping put forward the idea of peace and development in the 1980s, rearticulating the well-established five principles of peaceful co-existence. Ideologically and doctrinally, it was elaborated in Deng's speech 'Peace and development are the two outstanding issues in the world today' and a few other related ones (Deng 1994), in which it was made explicit that China should 'help promote peace and stability in the Asia- Pacific region and in the rest of the world as well' and that it aspires to minimise geopolitical tensions with the Western states and Japan and, at the same time, to focus on its socio-economic development. Thus, the discourse interconnected a several key

ambitions of China, which were to avoid conflicts, focus on economic reforms and the way how to adapt to rapid changes in the world and create space for friendlier relations with the West. As such, it underpinned and made sense of China's low profile strategy (Buzan 2014; Shambaugh 2013: 1–13).

Peaceful development was specifically used in relations to several conflictual issues like Sino-Japanese disputes over the islands in the East China Sea (Fox 2016; Fravel 2010), China's changing strategy towards Taiwan (Hughes 1997; Jie 2012) or the process of Sino-British negotiations over the future of Hong Kong (Yahuda 1996). The basis of China's approach was to peacefully negotiate about the future of these issues. Articulated most clearly in relations to the East China Sea, China's diplomacy went to recognise that the whole issue of territorial possession of the islands remains disputed but both countries should 'put the dispute aside' and focus on mutually beneficial development. The relationship of this discourse to sovereignty was ambivalent. While on the one hand the discourse was based on the claim that '[t]he sovereignty of the territories concerned belongs to China' (MOFA PRC 2014a), which was very much in accordance with the national humiliation discourse and its uncompromising position on sovereignty, it also allowed space for flexibility on sovereignty as sovereignty issues could be postponed.

The discourse of peaceful development has been invoked many times during the post-Dengian era. At the beginning of the millennium, we were still informed that '[p]eace and development remain the principal themes of the times, and the pursuit of peace, development and cooperation has become an irresistible trend of the times' (State Council of PRC 2009, similarly 2000, 2011; Zheng 2005). However, it is possible to observe adjustments of the discourse since the second half of the 2000s, as peace and development started to change to 'sovereignty, security and development'. While the change might seem relatively subtle, the implications in regard to sovereignty are important, which I show in the next chapter specifically dedicated to the relationship between China and Hong Kong. Nevertheless, as I show below in this chapter, peace and development opened the way for the conception of sovereignty in which sovereignty might be functionally shared and divided, which was a fundamental basis for the management of mainland China's relations to Hong Kong and Taiwan. Or in other words, the discourse propose that 'territories under dispute may be developed in a joint way' (MOFA PRC 2014a).

Zonal Sovereignty

In this part, I introduce zonal sovereignty as a mode of sovereignty which the PRC intends to use in the area of Greater China where it is supposed to interconnect the PRC with Hong Kong, Macau and Taiwan. While being different from the socialist

sovereignty mode, I argue that it should be understood as derived from the Dengian developmentalist (pragmatic) reorientation of it. Through this process, practices of state-management created symbolic and physical space for specific zones different from the socialist state. As described in Legal Studies, zones are specifically demarcated areas with a distinct legal regime which typically are related to, subsumed under or surrounded by other legal regimes and spatial formations (Butler 2005; Lessig 1999). As was emphasised by Aihwa Ong (1999, 2004) who critically analysed the use of what she labels as zoning technologies, which basically stands for governmental tools and strategies for managing specific zones, these zoning technologies in the case of China and South Asia were tools for scalar restructuring and interconnecting local spaces with global environment. It this part, I analyse how the mode of zonal sovereignty, derived from the notion and practice of zones, was constituted in the PRC for the management of Greater China.

As I show below, zonal sovereignty is a result of several scaling moves. Through their interconnection, this zonal mode in which sovereignty can be functionally shared and divided, was created (cf. Ringmar 2012: 13). To briefly summarise what is discussed below, Deng initially mimicked a model of creating special economic zones (sometimes called zoning technologies) from other states. In the case of such states as well as China, this served the purpose of connecting to global capitalism. However, in China, this model spilled-over into the political and sovereignty dimension and produced the OCTS institutional model. The spill-over was facilitated by the two discourses discussed in the previous section. The peace and development discourse highlighted the need to interconnect with the global economy which was possible e.g. through Hong Kong and offered sufficient flexibility to incorporate Hong Kong as a part of China without altering Hong Kong's political, legal and social system. The national humiliation discourse simultaneously made the PRC aspire for national unification with the three territories in Greater China. Their mutual interconnection imbued zoning with an economic but also a highly political and sovereignty significance. Moreover, OCTS was further accompanied by the discursive and ideational distinction between *de jure* sovereignty and *de facto* sovereignty, or in other words the distinction between *zhuquan* (sovereignty) and *zhiquan* (right to govern), which appeared under Deng and which partly, and perhaps unintentionally, mimicked (or perhaps adapted/localised) the way how authority between the Chinese emperor and other rulers was symbolically differentiated during the times of the Chinese empire (Sino-centric world order) (Fairbank 1968; Ringmar 2012).

Zoning Practices of the Centralist State

The key event which created room for the emergence of zoning practices was the 3rd Plenary Session of the 11th Central Committee of the Communist Party of China. It took place in 1978 and initiated the process of reforms and opening-up. The conclusions of the session led China to refocus its economy and to gradually accept rationales of effective economic management and effective governance inspired by neo-liberal logic (Harvey 2007: 120–151; People's Daily 1978). At the session, it was decided that economic management, but also political power should be more decentralised (People's Daily 1978). Around the same time, Deng Xiaoping was able to push through his peace and development discourse and put emphasis on the programme of the so-called four modernisations, which were intended to strengthen the areas of agriculture, industry, national defence, and science and technology. They propelled China to develop economically and underpinned Deng's argument that China had significantly fallen behind other (mainly Western) countries and needed to 'hurry up' to catch up with them (Mason 1984).

One of the key and initial steps for doing so was to introduce special economic zones (SEZs) in China as they were seen as shortcuts for fastening China's development and interaction with globalisation. While Chinese SEZs are in some ways quite unique, they generally followed (mimicked) the example of establishing export processing zones or free zones known and used since the very late 1950s in industrial countries, which started to spread since the 1970s – i.e. shortly before Deng had become China's leader – in East Asia and Latin America (Farole – Akinci 2011). Though initially understood as an experimental step, SEZs quickly proved economically effective (Stoltenberg 1984; Yeung 2015). The first SEZ was established in 1980 and other SEZs quickly appeared afterwards (Ngo – Yin – Tang 2017). In general, their purpose was to connect China to international trade and global capitalism (Ngo – Yin – Tang 2017; Yeung 2015).

Having the goal of speeding up economic exchange, SEZs have been separated from the standard communist governmental conduct. Trade and investment conducted within SEZs have not fallen under the authorisation of the Chinese central government (Stoltenberg 1984). As noted by Ong, '[z]oning technologies create zones of political exception to normalised Chinese rule' (Ong 2004: 70). One of the motivations of local Chinese authorities for opening SEZs was that they allowed them to directly connect with (scale towards) the global economic environment and also decrease their dependence on the central state authority (Ngo – Yin – Tang 2017). Although this does not mean that local authorities would become completely independent on the centre, the scope of their autonomous decision-making could be widened by this step to a certain extent.

SEZs were clearly designed as tools for fulfilling the (linear-)progressive temporality of China's developmentalism although they themselves were intended to have a temporally limited role. Or in other words, they were demarcated as mechanisms of transitions (Ngo – Yin – Tang 2017; Yeung 2015). As Deng noted, the idea of SEZ is 'a medium for introducing technology, management and knowledge. It is also a window for our foreign policy' (Deng 1994: 81). While there were hopes of some that the success of SEZs and, more broadly, economic reforms could stimulate the 'fifth modernisation' in the form of political reforms, liberalisation and democratisation (Grasso – Corrin – Kort 2009; Seymour 1980), it was made clear by the Chinese leadership in the early 1990s that the fundamentals of China's political system and the party-state rule should not be altered in any significant way (cf. Dreyer 2014).

As already indicated, one of the goals for the Chinese state was to attract foreign capital which could encourage and sponsor the capitalist reorientation of the Chinese economy. In the initial phase, i.e. especially in the 1970s and the 1980s, such foreign capital was arriving to China from ethnic Chinese outside China. Hong Kong and Taiwan were among the most important source areas, which apparently stimulated the PRC's interest in creating the politically and economically integrated greater China (cf. Nonini 2008; Wong 2000).

One Country Two Systems: Sovereignty and Right to Govern

Although Hong Kong, partly Macau and potentially Taiwan were thought to serve as economic loopholes interconnecting China with the world, the question which was severely debated (not only) by the Chinese government was how to integrate them politically with mainland China. The motivation for doing so was given by the peace and development discourse and economic motivations, which saw the three territories as highly beneficial for China's developmentalist tasks, but also by the national humiliation discourse, which – despite not being as strong as in the 1990s and afterwards – hoped for reuniting these territories with the motherland (Deng 1993; Hughes 1997). As expressed by the preamble of the current PRC constitution adopted in 1982, it is 'the lofty duty' of the PRC 'to accomplish the great task of reunifying [Taiwan with] the motherland' (Constitution of the PRC 1982).

Although the idea of zoning patently influenced the PRC's thinking about the topic, it did not offer a ready-to-use institutional form. In other words, new economic rationales connected with zoning needed to be interrelated with the political realm and the PRC statehood. A crucial question was how to organise their relationship to China's locus of sovereign authority. Moreover, we also need to bear in mind that neither of the three areas fell under the PRC's sovereign authority and control at that time. The conceptual solution was found in Deng's proposal of the institutional model

of OCTS. This was legally expressed through establishing special autonomous regions (SARs) and practically embodied the discursive distinction between *de jure* sovereignty and *zhuquan*, which is the standard way how to translate sovereignty in Chinese, and *de facto* sovereignty and *zhiquan*, which might be translated as a right to govern.

OCTS was originally proposed as a framework which should allow integration with Taiwan (Chao 1987: 108). Although it has not been practically realised in the cross-strait relations as Taiwan has been refusing to subsume under China, OCTS was put into practice as a framework under which Hong Kong and Macao were integrated with China. After publicly 'inviting' Taiwan to 'reunite with the motherland' in 1981 under the scheme of OCTS (Hughes 1997), China adopted a new constitution in 1982 according to which it is possible to establish SARs as specifically and highly autonomous entities. This transferred zoning practices into the political and constitutional realm (cf. Zhu 2012). SARs themselves are demarcated in the Chinese constitution in a very general way assuming that its specific characteristics should be specified by other legal documents and political negotiations.

Hence, the key for their demarcation and understanding was provided by Deng's elaboration of the character of OCTS which emphasised that entities integrated with the PRC under OCTS would be able to preserve their unique economic, political, legal, social and cultural systems (Deng 1993, 1994). In the case of Taiwan, it was repeatedly promised that it could keep its own defence forces (MOFA PRC 2014b). As such, the PRC would be recognised as officially sovereign while Hong Kong's and Taiwan's organisational and governmental structures would remain almost unchanged and they would continue to exist as distinctive polities. While the PRC would be responsible for foreign relations of Hong Kong or Taiwan, they could preserve their external relations which would be limited to certain areas, especially international economic affairs. This would allow them to integrate with both primary institutions of international society, esp. global trade and capitalism, and secondary institutions, i.e. specific international organisations, mainly of the economic character. While specific characteristics of the actual realisation of Hong Kong's and Taiwan's international position will be discussed in more detail in the respective chapters, the key rationale for allowing that was closely connected with the aforementioned to economically modernise China and attract foreign capital and investment.

One of the important steps for resolving and answering the predicaments related to the position of Hong Kong and Taiwan was found in the introduction of the discursive and conceptual distinction between two notions related to political authority – *zhuquan* (or *de jure* sovereignty) and *zhiquan* (or *de facto* sovereignty, right to govern) (Tok 2013: 68–71). The distinction between the two concepts started to be discussed in the Chinese academic circles in the 1980s alongside Deng's proposition of OCTS (esp. Wang – Wang 1985; see also Mao 2015; Zhang 2007; Zou – Pan 2010). As argued

by Tok (2013), the distinction correlates with the principles and official ideology of the Sino-centric world order and the Chinese empire which existed up until the creation of the Chinese republic in 1912. Hence, we can understand the discursive distinction to be unintentionally or implicitly derived (mimicked or localised) from the Sino-centric world order.

According to the standard account of the Sino-centric world order, the highest political authority was located in the single centre personified by the Chinese emperor, but various polities and kingdoms located within the geographical reach of the Sino-centric world order enjoyed a *de facto* independence, an internal self-rule and a certain degree of independent foreign policy (Fairbank 1968; Ringmar 2012). In a similar manner, introducing the concept of *zhiquan* allows for the existence of multiple loci of governing authorities and their coexistence in the multi-layered conception of space in which one area may share some characteristics of sovereignty or polity organisation with another area. While *de jure* sovereignty (*zhuquan*) remains indivisible, *de facto* sovereignty (*zhiquan*) can be functionally shared and divided as per practical needs and individual policy areas.

While the *zhuquan – zhiquan* distinction was primarily an academic one, political discourse sometimes build on it (Li – Zhe 2010: 124; People's Daily 2007b) and largely followed its logic implicitly (for the same argument, see Tok 2013). On the one hand, Deng emphasised that China had 'no room for manoeuvre' as regards (*de jure*) sovereignty (Deng 1993: 1) because they need to unify the Greater China territories with the motherland and 'no Chinese leaders or government would be able to justify for that failure [of not doing so] before the Chinese people' (Deng 1993: 2). However, on the other hand, he was clear that the way how these territories would be (*de facto*) governed and administer is a different question (Deng 1993: 1, 3). Hence, 'the lofty duty' to unify the motherland contrasts with frequent assurances that the PRC's approach towards the three territories would be tolerant and flexible (cf. Deng 1993). Deng's slogan claiming that Hong Kong should be ruled by Hong Kong people (*Gangren zhi Gang*) was intended to indicate internal *de facto* sovereignty, which is almost unlimited (People's Daily 2007a). It is useful to note that this clearly differentiates SARs from SEZs.

The question of the constitutional relations between SARs, which have their *de facto* constitutions, and mainland China and that of the validity of the CCP's status as the ultimate ruling party are complicated ones and have been extensively debated in legal science without a clear conclusion (see e.g. Chan – Lim 2011; Jiang 2010; Zhu 2012). While the Chinese parliament (the National People's Congress) authorises their specific position of the smaller entities within the PRC, the entities are not organised by the principles of the Chinese constitutions; or to be even more precise, they very often go *against* these principles, like that the CCP possesses a leadership role or that

the PRC is a socialist country (Constitution of the PRC 1982). Moreover, the authority of the CCP in relations to the smaller entities is formally limited in a substantially significant way. The aforementioned discursive distinction in political speeches and documents between foreign and external relations covers the international aspect of the PRC's approach to the smaller entities within Greater China and enables to discursively defend that the smaller entities participate in international relations. While the PRC wants to preserve its *de jure* legal and diplomatic recognition of its sovereignty, smaller entities are allowed to participate in some international organisations alongside the PRC itself but under a different name, which could be understood as a sign of their (limited) *de facto* international sovereignty. The relationship under the category of OCTS is even more peculiar as both current SARs, i.e. Hong Kong and Macau, exercise their own border controls and there is a dividing line between mainland China on the one hand and Hong Kong and Macau on the other which bears all the characteristics of the modern international border. Moreover, Chinese mainlanders are required to have a visa equivalent if they want to visit Hong Kong or Macau (Tok 2013: 86).

Conclusion

In this chapter, I introduced two main modes of China's sovereignty – socialist and zonal sovereignty. Socialist sovereignty blended a general model of the modern sovereign nation-state and socialism. It can be roughly distinguished into two versions. The first revolutionary socialist one, which was highly influenced by revolutionary socialism (and communism) and was constituted together with the creation of the PRC. Domestically, the effort to create a strong, stabilised and unified nation-state was accompanied by the socialist model of the party's domination in and over the state. As such, the party became the ultimate locus of the domestic sovereign authority, which brought along a specific form of internal scaling defined by an almost totalising and omnipresent reach of sovereign authority, permeating state structure and, to a large extent, society as well. In other words, there was an almost complete overlap between the state, the locus of sovereign authority and party politics.

Internationally, the PRC's relations towards internationally society were highly ambiguous, which was prefigured by a combination of the modern sovereign state and revolutionary socialism. While it tried to achieve full diplomatic recognition from the international society and adopted (mimicked) the form of the nation-state derived from nationalism as a primary institution of international society, the PRC aspired to eventually revolutionise the international society. While it lacked full official diplomatic recognition (the Taiwanese government was recognised as the representative of China by the majority countries) and the PRC largely derived its legitimacy through

connections with the Eastern bloc, the PRC adhered to the five principle of peaceful coexistence which practically mimicked state-centric norms of the UN charter.

Under Deng, China's socialist sovereignty changed into the second – pragmatic and developmentalist – version, which hinged on two key discourses – the peace and development discourse and national humiliation discourse. The former highlighted the importance of interconnecting the PRC with the international society, especially global trade and capitalism, which subsequently became one of the crucial goals of the Dengian and post-Dengian leaderships. The latter re-emphasised the importance of the nation-state form and nationalism in general, which was connected with the decreasing ideological and discursive importance of (revolutionary) socialism. While the party-state form continued to be the domestic basis of sovereign authority, the Chinese state structures started to transform as other – local, semi-state, bureaucratic – actors appeared, received more room for their autonomous decisions, internationalised and started to influence China's foreign policy. These processes led to what was labelled as fragmented authoritarianism or the Chinese style of federalism, which contributed to fragmentation of Chinese foreign policy. These changes were also accompanied by a shift from revolutionary teleological to linear progressive temporality as the pragmatic social project envisioned a continual and in principle never-ending socio-economic development.

The mode of zonal sovereignty was created as a by-product and offshoot of Deng's developmentalist reorientation. Deng initially mimicked a model of creating special economic zones from other states. In the case of such states as well as China, this served the purpose of connecting to global capitalism. However, in China, this model spilled-over into the political and sovereignty dimension and produced the OCTS institutional model. The spill-over was facilitated by the two aforementioned discourses. The peace and development discourse highlighted the need to interconnect with global economy. The national humiliation discourse made the PRC aspire for national unification with the three territories in Greater China. Their mutual interconnection imbued zoning with economic but also highly political and sovereignty significance. Moreover, OCTS was further accompanied by the discursive and ideational distinction between d*e jure* sovereignty and *de facto* sovereignty which appeared under Deng and which partly, and perhaps unintentionally, mimicked (or perhaps localised/adapted) the way how authority between the Chinese emperor and other rulers was symbolically differentiated during the times of the Sino-centric world order.

Figure 9: China's Sovereignty Configuration and Two Modes of Sovereignty

	A) Socialist sovereignty		B) Zonal sovereignty	Relationship A-B
	A1) Revolutionary	**A2) Developmentalist**		
Scaling	**Key scaling move:** (Westphalian) sovereignty localised through socialism	**Key scaling move:** more closely connecting to institutions of international society, alongside recrafting the meaning of socialism	**Key scaling move:** subsidiary model + parallel scaling (OCTS exists parallelly to party-state) ● zoning model mimicked → zoning serves the purpose of connecting to international society (trade, capitalism) → localised (adapted) for managing sovereignty; spill-over into the sovereignty domain facilitated by:**(*)**&**(**)**	B derives from A2
Internal, domestic, national locus	● totalising domestic reach of central sovereign authority; overlap between the state, the locus of sovereign authority and CCP ● mimicking the Soviet party-state model ● nationalism as primary institution and nation-state as the main form ● revolutionary socialism ● both: defining the domestic, relating to the international institutions and models	● the party-state model continues; however, transformation of domestic structures (fragmented) ● discourse: peace and development (influences changes in domestic structures, society) **(*)** ● discourse: national humiliation (increasing importance of nationalism, nation-state form) **(**)**	● parallel coexistence of the-party state and SARs; SARs having a distinct political, legal, social system (i.e. sign of functionally sharing/dividing) ● *de jure* belonging under one official authority, *de facto* existence of several governing authorities – implicitly mimicking (or perhaps adapting/localising) Sino-centric imperial order and its organisation of authority	
External, international locus	● recognition mainly by the Eastern bloc ● lacking full diplomatic recognition (partially disconnected from diplomacy as primary institution) ● at the same time, mimicking norms of the UN Charter (through principles of peaceful coexistence) – recognising the conservative nation-state model ● disconnected from global trade	● connecting to global trade and capitalism but also international society more generally ● increasingly officially/diplomatically recognised (connecting to diplomacy), acquiring the UN membership ● strategy/practice: to develop together with the Western-led international order (predicated upon the peace and development discourse)	● SARs allowed to connect with (scale up / scale towards) international society in some areas (mainly, but not only, economy) ● in these areas: parallel coexistence of SARs and the PRC	
Temporality	● teleological revolutionary change as the fundamental aspiration ● disconnecting from the period of national humiliation through establishing a new state	● linear progressive political temporality (largely specified by the peace and development discourse) ● it includes the aspiration to unify the motherland (the national humiliation discourse)	● invoking the type of organisation used in times of the Chinese empire (Sino-centric order) ● serving the purpose of fully overcoming national humiliation and unifying the motherland	

5. China-Hong Kong Relationship

Introduction

This chapter focuses on Hong Kong and its sovereignty demarcation as the main example of zonal sovereignty, in which multiple overlapping loci of governing authority coexist in a multi-layered sovereignty order. In doing so, it shows how zonal sovereignty introduced in the previous chapter is put into practice and materialised in the case of Hong Kong. While this space is consolidated (integrated) by the People's Republic of China (PRC) leadership's insistence on an overarching framework of the official *de jure* sovereignty recognition of the PRC, *de facto* sovereignty in this order can be functionally shared and divided as per practical needs and individual policy areas. It is argued and shown that Hong Kong's unique quasi-sovereign position is created within this order through a specific way of scaling which permeates and interconnects its domestic and external side. While the Basic Law of Hong Kong declares that Hong Kong is 'an inalienable part' of the PRC, the central communist government should not (significantly) intervene into Hong Kong's internal affairs. This has been directly intertwined with the scaling of Hong Kong as a global actor with international, though not full (*de jure*) sovereignty, recognition and ability to participate in international organisations. This partial international agency would be impossible without the domestic distinction of Hong Kong's governing authority and polity space from those of mainland China. Hence both the communist party-state and Hong Kong government exist parallelly and are differently interconnected with both the domestic and international space. The element of the mutual parallel existence is amplified by the presence of a demarcation line which practically serves as an international China – Hong Kong boundary with document checks and travel restrictions.

The Hong Kong case is a highly peculiar one due to the specific demarcation of sovereignty as well as other reasons. Hong Kong can be regarded as one of the most successful colonies in the world. Hong Kong adopted the colonisers' culture incredibly well so that it fitted almost perfectly into the British colonial trade-oriented empire. When it was returned to China and freed from colonisation (to use the PRC leadership's language) in 1997, it was more developed that China itself, obscuring the centre-periphery demarcation. It was precisely this position of Hong Kong as a champion of globalisation, a successful capitalist colony, which was supposed to bring economic progress to China and to interconnect the relatively isolated China with the international society. Hong Kong's position was central, rather than peripheral, to such

an extent that during the process of China's application for the WTO membership, the PRC, in fact, followed a Hong Kong-inspired identity (self-presentation) based on professionalism, expertise, impartiality, technical cooperation and effectiveness (cf. Shen 2010a).

The Chinese perception of Hong Kong as highly modern, underpinned by the Dengian peace and development discourse, led the PRC to largely copy the model of Hong Kong's polity demarcation during the colonial times even after the handover and to scale Hong Kong towards the international society and preserve its internal system of organising politics, economy and society. In other words, the PRC leadership intended to preserve Hong Kong as a highly internationalised place, which is even nowadays often ranked as one of the most economically free, or even the single most economically free, polities in the world (Heritage Foundation 2019). But the Hong Kong question is especially peculiar and ironic for the fact that its reintegration with China was justified and made sense through China's anti-colonial nationalist discourse, which brings along China's relatively assertive insistence on inviolability and indivisibility of sovereignty.

As indicated in the previous chapter, Aihwa Ong (2004, 2006) was probably the first researcher who highlighted that Hong Kong's position is significantly derived from neo-liberal rationale and from what she calls zoning technologies cherishing capitalism and neo-liberalism. However, in regard to sovereignty demarcation, she does not address how to explain a fundamental difference between mainland special economic zones and special administrative regions (i.e. Hong Kong or Macau) or how we can think of China as a united state while many governing practices differ significantly across China. The chapter offers a delve into these questions by examining how the institutional model of one country two systems (OCTS), which has largely embodied zonal sovereignty, worked in practice.

The chapter proceeds as follows. The next part shows how the Sino-British negotiations over Hong Kong formed grounds for Hong Kong's future position. I specifically indicate that the germs (initial delimitation) of key scaling moves which defined Hong Kong's post-1997 position resulted from these negotiations and from a mutual interplay of China's national humiliation and peace and development discourses. Firstly, a colonial institutional model of organising polity of Hong Kong was adapted (partially mimicked, localised) to serve as an example for Hong Kong's post-1997 organisation. Secondly, following the colonial model of Hong Kong's demarcation, China and the United Kingdom agreed that Hong Kong should remain highly internationalised and should be closely connected to (scaled up, scaled towards) global trade and capitalism. The negotiations can be understood as an initial stage or pre-stage of the constitutive moment. Then, I move on to examine the demarcation of Hong Kong's position shortly after the 1997 handover to China, i.e. the core period of

the constitutive moment. I elaborate how the inceptive scaling moves which had been prefigured in the Sino-British negotiations were unfolded and how they formed the basis of Hong Kong's post-handover position. Finally, I look at changes in Hong Kong's position within China and local resistance against the PRC's recent approach towards Hong Kong. China's approach includes steps challenging some of the characteristics of Hong Kong's specific position and scaling as described in the two previous parts. These dynamics have been mainly (but not only) apparent since the beginning of the 2010s.

Historical Background: Sino-British Negotiations over Hong Kong

The following exposition of historical developments of Hong Kong's position outlines how Hong Kong as an imperial and colonial leftover came to be interconnected with the Chinese state preserving its status similar to a trade city state. I specifically show that during the Sino-British negotiations over Hong Kong's future, the nationalist perspective, underpinned by the national humiliation discourse, and the economic rationale of using Hong Kong for developing China's economy, closely corresponding with the peace and development discourse, combined together. Moreover, the differentiation of *de jure* and *de facto* sovereignty started to be used in proposing China's solution to Hong Kong's future and for mitigating concerns of the British. The discursive and ideational distinction corresponded with the goal of reuniting Hong Kong with China as proposed by the national humiliation discourse as well as the goal of interconnecting Hong Kong with international capitalism and allowing greater governmental flexibility as proposed the peace and development discourse. The negotiations laid the groundwork for adaptation (partial mimicking, localisation) of the original British model for organising Hong Kong, which effectively brought along continuation of Hong Kong's status as a political dependency rather than a fundamental change of Hong Kong's polity demarcation, and for (again, continuation of) Hong Kong's close connection to global trade and capitalism but also other transnational flows.

Hong Kong became a British colony during the Opium Wars in a series of unequal, practically enforced, treaties, which are seen in China as the beginning of the century of humiliation and which made Hong Kong one of the fundamental symbols of China's humiliation. In a three step-process, the British acquired the Hong Kong Island through the Nanking treaty in 1842 after the first opium war, Kowloon through the Convention of Peking in 1860 after the second opium war and the so-called New Territories through Convention for the Extension of Hong Kong Territory in 1898 well after the opium wars. While the Nanking Treaty and the Convention of Peking ceded the Hong Kong island and the Kowloon area to Britain 'in perpetuity', the New Territories were

leased to Britain for 99 years (i.e. to end in 1997). And it was the last of the treaties that made China and the United Kingdom negotiate about Hong Kong's future status.

Questions related to Hong Kong's position, ownership and future had appeared in China a few times before any diplomatic negotiations with the United Kingdom began. In the 1960s during the cultural revolution, an opinion that Hong Kong needs to be liberated from imperialists and 'return to the motherland' grew in its importance and was backed up by the Chinese press (Cottrell 1993: 29). No later than in this period, the nationalist discourse started to be applied to the Hong Kong question. In 1972, Zhou Enlai stated in an interview with The Times that China wanted to enter into negotiations when the treaty (99-year lease) concerning the New Territories was about to expire (Cottrell 1993: 33). However, no actual negotiations started during that time.

The question of Hong Kong's future status was raised for the first time in the bilateral Sino-British setting during the meeting between Deng Xiaoping and the then governor of Hong Kong Murray MacLehose in 1979 (Wong 2014). Both sides were certainly aware of uncertainties regarding Hong Kong's future status as China negotiated baseline principles related to Macau with Portugal earlier that year and the British side deliberated how to prolong its lease (Mendes 2013; Wong 2014). In this context, Deng asserted that it was unimaginable that the lease of the New Territories could be extended. While no further details were discussed, Deng was quick to add that 'investors should put their hearts at ease' (Mendes 2013: 41), which was the first important public sign that Hong Kong would be used to interconnect China with global capitalism and that preserving free trade in Hong Kong was an utmost motive fitting into Deng's developmentalist strategy. This meeting opened space for further negotiations between both countries, which started in 1982.

The negotiations proceeded bilaterally as China rejected the active role of Hong Kong in the negotiations as an unacceptable 'three legged stool' (Yahuda 1996: 11). The Chinese side entered the negotiations with a relatively uncompromising position stating that Hong Kong belongs to China and there is no way that the Brits should continue to control it. To their initial surprise, the UK decided to honor the treaty and its temporarily limited validity. Simultaneously, the British representatives came quickly to the conclusion that they could not keep the rest of Hong Kong if the New Territories go to China due to various practical and strategic reasons (Gao 2009). Hence, their goals were to preserve the global status of the city and at least certain aspects of the social setting of Hong Kong (including values of personal freedom). They intentionally emphasised the immense global interconnection of Hong Kong[13] with the implication that this should be preserved in the future.

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[13] This is apparent in various documents and reports of the British government. See esp. the following file at the British National Archives, which was prepared as a brief for the prime minister Margaret Thatcher before talks with Deng Xiaoping: 'Hong Kong. Future of Hong Kong: Prime Minister's visit to China; special briefing (1982)', PREM 19/792.

During the very important 1982 talk between Deng Xiaoping and Margaret Thatcher, Deng framed the importance of Hong Kong through connecting with the nationalist sentiments derived from the national humiliation while de-emphasising anti-imperialist discourse which had initially been connected with the Hong Kong issue in the 1960s (Deng 1993: 2–3; see also Gao 2009; Ngok 1997). Deng also answered British concerns by indicating China's readiness for governmental flexibility towards Hong Kong (Deng 1993; this is also clearly reflected by the last British governor of Hong Kong, Patten 1998: 34–36). While Deng made clear that China could not make any compromises when it comes to sovereignty, the way how Hong Kong would be administered if returned to China is a different question as China could be highly flexible (Deng 1993: 1).

In doing so, he implied the difference between sovereignty and right to govern through which the whole issue started to be rendered. During the negotiations regarding Hong Kong's handover which took until 1984, the PRC political representative largely followed the position which was suggested to them by Hong Kong's pro-Chinese lawyer and politician Dorothy Liu. According to her advice, they claimed that China had lost and were going to recover *the use of* sovereignty over Hong Kong, not sovereignty as such (Interview 9). This further strengthened the distinction between *de facto* and *de jure* sovereignty as fundamental for framing the very question of Hong Kong. It is indicated even in the Basic Law, Hong Kong's current mini-constitution, which states that 'Hong Kong has been part of the territory of China since ancient times; it was occupied by Britain after the Opium War in 1840' (Basic Law 2019).

China was able to agree with the United Kingdom on Hong Kong's handover position relatively unproblematically as it met British wishes through promising a high degree of autonomy for Hong Kong and guaranteeing the principle that Hong Kong would be ruled by Hong Kong people (Ngok 1997; Yahuda 1996). The agreement was also apparently facilitated by the world-wide de-legitimisation of colonialism as a primary institution of international society (cf. Jackson 1993b). Or in other words, Britain could not connect to this institution and derive legitimacy for its possession of Hong Kong from it any longer. The agreement was concluded by signing the Joint Declaration in 1984 according to which Hong Kong will be returned to China in 1997. As such, the British control over Hong Kong was ended in the same way as it started – by signing a treaty. The Joint Declaration specified fundamental principles which should define Hong Kong's post-1997 position. Hong Kong was to be administered as a special autonomous region, i.e. a specific subpart of China, Hong Kong's population was expected to govern Hong Kong, principles like self-government and a high degree of freedom were stated, Hong Kong's international position as a free port and separate customs territory was confirmed (Joint Declaration 1984). It was specifically agreed

that these tenets will remain unchanged for 50 years after the handover while it was not specified what was to happen with Hong Kong after that period.

Although this move was largely framed and seen by the PRC leadership as decolonisation of Hong Kong, it practically meant re-confirmation of the colonial model as Hong Kong's post-handover political position was largely similar to the British times when Hong Kong did not have an international personality *sensu stricto* but areas like trade, finance and immigration were managed by Hong Kong independently of Britain similarly as it enjoyed a relatively high degree of internal autonomy largely thanks to strong bureaucracy (Schenk 2007; Scott 2000). In fact, the continuation of a very similar institutional setting was one of the reasons which clearly contributed to the British agreement with the hand-over (Cottrell 1993: 94–95, 136–153; Lau 1997: 35–47; Patten 1998: 30–37). Clearly favouring the British model to continue in as many areas as possible, Margaret Thatcher said that she had 'a moral responsibility' for the future development of Hong Kong (Cottrell 1993: 94).

Hong Kong's Position *vis-à-vis* China after 1997

In this part, I elaborate how the inceptive scaling moves which had been prefigured in the Sino-British negotiations were unfolded and how they formed the basis of Hong Kong's post-handover position as a part of China. Firstly, I discuss context and motivations which are key for understanding how Hong Kong's position was constituted and I point to some continuities between the colonial and post-handover period. Among other things, the motivation to preserve Hong Kong's international position as a free economic centre led the PRC to partially mimic (adapt, localise) the previously used colonial institutional model of demarcating Hong Kong's autonomous position. Secondly, I address the configuration of China's central authority *vis-à-vis* Hong Kong. I analyse how Hong Kong was separated from the party-state and central authority. The moves which defined that are based on a significant degree of disconnection of Hong Kong from the party-state and creating a subsidiarising setting in the sense, which is analogous to what Amit Acharya (2011) described as norm subsidiarity in international context. A specific parochial setting is proposed to co-define a parochial unit and 'preserve [its] autonomy from dominance [from] more powerful central actors' (Acharya 2011: 97), however, without changing central actors' nature (i.e. without complete ascending, influencing). This also characterises Hong Kong's position *vis-à-vis* the Chinese part-state. Thirdly, I show that on the basis of a given model, Hong Kong was able to partially connect to some primary and secondary institutions of international society, which codefined its subsidiarising position.

Context and Continuity

As mentioned in the previous part, the nationalist rationale for reintegrating Hong Kong with the PRC was a very important one. It was the nationalist discourse above all else that helped to make sense and justify China's effort to reunite Hong Kong with the motherland (Callahan 2004). It also influenced a dictum put forward by Deng (1993) which has been continuously emphasised afterwards and which states that Hong Kong should be ruled by patriots. During his Hong Kong handover speech, Jiang Zemin as the then president of the PRC made clear that Hong Kong was 'the epitome of the humiliation China suffered in modern history' (Jiang 1997). Although identitarian distinctions between China and Hong Kong are often invoked – at the very least in the form of institutionalised differences regarding citisens' residence in mainland China and Hong Kong –, Hong Kong is crucial for Chinese nationalism as a symbol and object for achieving national unity. The continuing relevance of the national humiliation discourse could be seen in a more recent step which was apparently initiated in Beijing and was accelerating especially after 2012 (Bradsher 2012). In this step, patriotic education similar to the curriculum used in mainland China, which itself rests on the national humiliation discourse (Lau – Tse – Leung 2016), was introduced into Hong Kong schools with the intention to change how is history is taught. This can be read both as a reminder of the importance of this discourse as well as the effort of the central government to integrate Hong Kong more closely with the mainland.

When Hong Kong's handover was agreed between the PRC and the United Kingdom, a huge clock was installed at the centre of Beijing. It was counting back to zero to reach 1st July 1997 when it was agreed that Hong Kong would be handed over (Callahan 2004: 157) and to signify an important milestone in overcoming national humiliation. However, identitarian politics of contemporary China clearly shows that national humiliation is not here to be simply overcome, but to be remembered and never forgotten (Wang 2014). As such, Hong Kong cannot be given up, especially as it was an experimental case to vindicate a general message of the national humiliation that that only a strong state can protect the Chinese identity and national unity (Callahan 2010; Wang 2014). This has been becoming more and more relevant approximately since 2013 when China's position towards Hong Kong started to be more assertive, which has been underpinned by the shift from discourse of peace and development to sovereignty, security, development (see more below). Hence, while the PRC representatives have been largely silent about what is to happen with Hong Kong in the future after the exceptional 50-year period of its special status will run out, Hong Kong's current sovereignty demarcation seems to be rather tentative. Values associated with Hong Kong suggest the fundamental importance of the idealised and generalised notion of sovereignty with its role as a concept structuring China's history, which was introduced in the chapter on China's general stance on sovereignty.

As became clear during the Sino-British negotiation, governmental flexibility and the expectation of economic expediency which correspond with the peace and development discourse also played a key role in demarcating Hong Kong's position. However, when one observes a set of economically-motivated governmental practices which China introduced and which were institutionalised in the form of special economic zones (SEZ) in mainland China and special autonomous regions (SAR), differences between them are striking, especially when it comes to their sovereignty demarcation. While SEZ stay fully subsumed under the PRC's sovereignty, Hong Kong SAR (HKSAR) has been defined as politically semi-independent actor. Moreover, a specific way how to define polity of HKSAR within the OCTS model partially mimicked the previous colonial institutional model how Britain defined Hong Kong's position within its empire, rather than it would fully rely on mimicking the model of free (special) economic zones known from other countries.

Combination of all the influences highlighted in this sub-section defined Hong Kong's post-1997 position and demarcation. While the Basic Law declares that Hong Kong is 'an inalienable part' of the PRC, Beijing made a *de facto* pledge not to intervene into Hong Kong affairs (Fong 2017). A phrase which was sometimes used to describe the early post-handover policy of China aptly describes that – 'well water does not interfere with river water' (Cheng 2009). The element of the mutual parallel existence is amplified by the presence of a demarcation line which practically serves as an international China – Hong Kong boundary with document checks and travel restrictions. This setting has been closely intertwined with Hong Kong's scaling as a global actor with international recognition, though not *de jure* sovereignty recognition, and ability to participate in international organisations, which would be impossible without the domestic distinction of Hong Kong's parallel governing authority from that Chinese authority. The distinctiveness of Hong Kong's position *vis-à-vis* mainland China has been defined by the Basic Law, a mini-constitution, any other SEZ would not be allowed to have. Its own origin and position is perplexing. As emphasised by Hong Kong's former Secretary of Justice, '[t]he Basic Law is not only a brainchild of an international treaty, the Joint Declaration. It is also a national law of the PRC and the constitution of the HKSAR' (Hong Kong Government 2000). As such, it recognises that the United Kingdom played a similarly foundational role in establishing Hong Kong's status as the PRC did as well as it points out how closely the internal and external side of Hong Kong's uniqueness are tied.

Domestic Autonomy

Political scientists have long been puzzled by the task how to categorise Hong Kong's position within China, not to speak about the fact that Hong Kong is also an

international entity (which is addressed below). Although the PRC is a unitary state according to its constitution, the relationship of China and Hong Kong does not fall under the category of the unitary state, nor that of the federal state. A short summary of Hong Kong specifics shall help describe its domestic autonomy, i.e. its own separation from the communist party-state as well as its ability to govern its internal affairs on its own. Hong Kong's position exceeds the definition of the unitary state due to the following reasons. Hong Kong possesses its own executive, legislative and judicial power different from the PRC. Hong Kong has its own legal system which is strikingly different from that of the PRC. The constitutional framework of the unitary state does not allow the existence of a highly distinctive regime as it is in the case of HKSAR (Chan – Lim 2011; Zhu 2012). At the same time, HSAR does not meet some of the typical characteristics of the federal state. In federations, individual states are represented by federal bodies (upper houses of parliament) but there is no body like that in the PRC. The national constitution is not unilaterally changeable by the centre without the consent of individual states, which is not true in China as Hong Kong does not possess any power to prevent the PRC to change its constitution (Zhu 2012).

To address these difficulties, several new concepts such as the composite (Zhu 2012) or regional (Glassner – Fahrer 2003) state have been coined. Both indicate a high degree of autonomy between national and local governments while they also presuppose asymmetry in the existence of local autonomies across a given state. In other words, these concepts indicate division of powers between the national and local level but also a certain degree of separation of a locally autonomous unit. Hence, in our case, we can speak of the parallel configuration and mutual positioning of two governments, the central government and the Hong Kong government.

Despite the fact that the central bodies preserve a degree of superiority and oversight over HKSAR, which is fundamentally expressed by the fact that Hong Kong's Basic Law was passed into law by the National People's Congress (the Chinese parliament) which, according to the Basic Law, authorises HKSAR to exercise a high degree of autonomy. Moreover, the central government has power to appoint principle officers of HKSAR including Hong Kong's Chief Executive, i.e. the highest executive figure, although they are not primarily selected by the central government and the central government does not have power to remove them. The Standing Committee of the National People's Congress also has power to interpret the Basic Law, to review constitutionality of local laws adopted in HKSAR or, under a set of relatively strict restrictions, to apply national laws to HKSAR by amending an annex of the Basic Law. The National People's Congress can also amend the Basic Law but this power of the central legislature is also subject to substantive and procedural restrictions (Chan – Lim 2011; Zhu 2012).

The existence of a distinctive legal system in Hong Kong brings along a question regarding compatibility and relationship of China's and Hong Kong's constitutions which was introduced in the previous chapter. The relationship of the two constitutional orders is not easy to untangle and has stimulated different legal interpretations (e.g. Chan – Lim 2011; Davis 1999; Jiang 2010; Zhu 2012). While the mainland possesses institutionalised mechanisms of control over Hong Kong (as noted in the previous paragraph), they are relatively limited. Moreover, HKSAR defies some of the very fundamental principles of the Chinese constitutional orders like the leadership of the Communist Party of China (CCP) and the definition of the state as socialist. Moreover, while Hong Kong's independence of its legislative power is not absolute, HKSAR's legal system is different from that of mainland China both in content and procedure.

As rightly and aptly observed by Tok (2013: 118), Jean Bodin as one of the early great theorists of (absolutist) sovereignty argued that to have sovereignty means to have 'the power to make law' (1967, p. 43). Taking this claim of Bodin seriously further blurs the question about the locus of sovereign authority when it comes to Hong Kong. Moreover, the CCP as the fundamental focal point of domestic sovereign authority, around which state-building and institutional processes of creating the party-state structure have been based officially and directly, does not have any authority in Hong Kong. Overseeing powers of the PRC over Hong Kong are vested in the latter part of the party-state compound rather than in the former. While the CCP is practically key for deciding the PRC's position on Hong Kong, the constitutional demarcation of the China – Hong Kong relationship puts its role aside.

The demarcation of the mutual relationship obviously does not stay still. Thus far, there have been five cases of interpretation of the Basic Law by the Standing Committee of National People's Congress. Each of them is related to a different matter and is interpreted slightly differently as regards to changes in constitutional relationship between Hong Kong and mainland China (Ip 2017; Yap 2007). While there seems to be a tendency of the PRC to be more intrusive into Hong Kong affairs, which is manifested especially in the last case of these interpretations when the Standing Committee of National People's Congress assertively acted in order to deprive six Hong Kong (anti-Beijing) legislators who changed the phrasing of the official oath when taking office of their mandate (Lau – Chung 2017). These controversies could be also understood as the most significant institutional and legal element of redefining the China – Hong Kong relationship, but they have not changed the framework of the relationship in any fundamental way. Later on in this chapter, I will discuss moves and indications of Beijing's influence over Hong Kong which are potentially more fundamental for the sovereignty demarcation.

International Agency

To demarcate the peculiar position of Hong Kong in the sphere of international politics, the PRC discursively differentiated foreign from external relations, which build upon and develop the distinction between formal (*de jure*) sovereignty and *de facto* sovereignty (right to govern). Following that, Hong Kong was allowed and able to partially connect to the international society and its institutions. The term external relations itself was used by colonial Britain to define Hong Kong's international agency, which underlines similarities between the colonial and post-handover way of institutional model. To quote one of many British documents, 'the Hong Kong government has no international personality […] though in certain areas, including trade, immigration and finance, the Hong Kong Government is entrusted by HMG [Her Majesty's Government] with power to conduct some *external relations* [emphasis added]'.[14] This colonial document demarcates Hong Kong's position practically identically as the Basic Law and the PRC leadership. According to the Basic Law, HKSAR 'may on its own, using the name 'Hong Kong, China', maintain and develop relations and conclude and implement agreements with foreign states and regions and relevant international organisations in the appropriate fields' (Basic Law 2019), while the PRC is explicitly responsible for foreign policy and defence.

This results in a situation in which the responsibility of Hong Kong's foreign policy is divided between Beijing and Hong Kong itself. Hong Kong is a full member of several international organisations, most notably World Trade Organization, World Health Organization or Asian Development Bank while it has a partial membership in other organisations like the International Maritime Organization. Furthermore, Hong Kong participates in yet other organisations, including International Monetary Fund or World Bank, as part of the Chinese delegation (McCall Smith 2001: 113–114). Beijing has never expressed any public objections against Hong Kong's participation at these institutions (Tok 2013: 115), which can be seen as a difference from the case of Beijing's effort to control, comment on or oppose Taiwan's participation in international organisations (discussed in the next chapter). Simultaneously, the Basic Law allows Hong Kong to have its passports, currency or foreign missions, which allows it to act on its own to uphold its close interconnection with global capitalist flows and also partially participate in diplomatic processes. Mirroring the distinction between foreign and external relations, Hong Kong's mission – economic and trade offices – are mainly tasked with economic diplomacy.

International ambitions of the Hong Kong government to act truly independently on Beijing are relatively limited and the issue of Hong Kong's international presence – in contrast to the topic of internal autonomy – has never caused fundamental disputes

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[14] 'The Future of Hong Kong', special study by FCO, August 1982: revision of annexes, FCO 40/1599, p. 7-8, British National Archives.

between Beijing and Hong Kong. Nevertheless, Hong Kong's diplomacy constitutes a very specific level of China's multilevel and multidimensional diplomacy (Shen – Blanchard 2010) whose complexity is given by the presence of specific, 'sub-sovereign' (Shen 2010b) units like Hong Kong (cf. Hameiri – Jones 2016). This further illustrates the character of the subsidiarising model used for demarcating Hong Kong's position. Hong Kong has relations with Taiwan which, taken from the perspective of the communist party-state, also belongs into One China (Chan 1997a; Wong 1998). Hong Kong was conducting these relations by itself during – approximately speaking – the first five years after 1997. However, over time, Beijing has acquired control over such interactions between Hong Kong and Taiwan (Interview 9). While the gradual shift may seem to indicate Hong Kong's decreasing room for external autonomy, the very fact that we can speak of Hong Kong-Taiwan relations shows a peculiar diplomatic configuration between semi- or sub-sovereign units. Another indication of such relations within the space of Greater China can be found in Hong Kong's membership at the Asian Infrastructure Investment Bank (AIIB) whose creation was initiated and led by China that is also the dominant state of this organisation (cf. Ferdinand 2016). Hong Kong did not become AIIB's member by default and participates in AIIB as an entity separate from China. Despite the immense importance which Xi Jinping put on the Bank, Hong Kong did not become AIIB's member in the first wave (Xinhua 2017).

Politics of Chinese Influence and Hong Kong's Resistance

In this part, I discuss in which ways Hong Kong's autonomous position has been under pressure and how Hong Kong reacted to that. More specifically, I show how the central Chinese authority has tried to find ways to increase its influence despite the institutionally demarcated setting, which was introduced in the previous part. I also point to an important recent discursive change from peace and development to sovereignty, security and development impacted on Hong Kong. To be more specific, I show that the discursive adjustment opens room for re-assessing Hong Kong's specifically scaled position of being separated from and parallel to the party-state. Then, I briefly examine reactions of Hong Kong's civil society which include efforts of trying to connect to non-state centric primary institution of international society like democracy and human rights.

China's Influence: Changing and Rethinking the Hong Kong Question?

Influence of the central government and the communist party-state is institutionally demarcated but also limited by the general and largely symbolical provision that it is

the National People's Congress that authorises HKSAR to exist. However, Beijing has apparently been keen to find more concrete ways how to influence happenings in Hong Kong. Beijing's approach is based on constructing a semi-formal network and system of influence which increase the scope and reach of the party-state's central authority *vis-à-vis* Hong Kong. It practically limits Hong Kong's autonomy from the central government and functions as a work-around bypassing the scaling of the PRC party-state as separated from (parallel to) Hong Kong politics. It is composed of its formal powers and prerogatives, using its symbolic authority by meeting and consulting key Hong Kong politicians including the Chief Executive, manipulation of institutional rules when possible and preserving an interest coalition with important segments of Hong Kong's society, especially the biggest businesses. In addition, three agencies of the central government are stationed in Hong Kong. These are the Liaison office of the Central People's Government, an office of the Chinese Ministry of Foreign Affairs and a representation of the People's Liberation Army, which is stationed in the centre of Hong Kong but is not permitted to leave the building complex.

One of the most important institutional changes introduced by the central government was related to the election of the highest executive representative of Hong Kong, the Chief Executive. After the handover, the Chief Executive was elected by an electoral commission composed of four sectors which involved politicians (representatives of Hong Kong's Legislative Council and others) as well as representatives of different professional sectors (Ma 2007). However, Beijing promised in 1997 that the Chief Executive would be elected directly by Hong Kong citisens. In 2014, the National People's Congress who had the right and power to design the electoral change came up with a proposal according to which Hong Kong people would elect the Chief Executive out of 'two or three' pre-selected candidates. The electoral committee, which was responsible for selecting the Chief Executive until then, would continue to exist and would pre-select these candidates (Zhu 2014). This caused a huge unrest as the electoral committee is practically dominated by pro-Beijing representatives (Scott 2007). While formally Beijing fulfilled its promise, it practically retained a fundamental degree of influence over Hong Kong politics. Other changes were less important and/or initiated by the local Hong Kong government but still could serve the interest of the central government as the reform of civil service, which traditionally was an exceptionally strong and relatively independent component of Hong Kong's political system but whose influence partly diminished after the reform ordered by the Hong Kong government (Zhang 2009).

The institutional demarcation of Hong Kong's political system as well as individual changes are interconnected with strategic political relations between the central government and some segments of Hong Kong society, especially big businesses and tycoons. Their role is very important for electing the Chief Executive as well as during

the Legislative Council elections due to a specific electoral system (Ma 2007). The Chinese leadership obviously understands that the business elites can help Beijing retain its influence because of their electoral importance but also general influence in Hong Kong as a trade and financial centre. On the other hand, the Hong Kong business elites needed the PRC's help to enter the mainland Chinese market and they were generally inclined to seek support for their economic activities (Wong 2005; Woo 2016). One of the early-post hand-over steps which confirmed the interest coalition was the election of the first Chief Executive Tung Chee-hwa who was an important pro-Beijing businessman. The coalition was apparently re-confirmed by the meeting of Xi Jinping with about 70 of the most important Hong Kong businessmen amid large pro-democracy popular protests in 2014 (Forsythe – Wong 2014) during which the overwhelming majority of Hong Kong business elite did not support the protests and did not put forward an argument for democracy (cf. Mai 2017). Thus, largely due to the interest coalition (in combination with various institutional elements), the party-state is able to bypass the OCTS sovereignty demarcation and achieve a higher influence in Hong Kong.

The topic of mainland China's semi-formal influence and China's increasing willingness to interfere in Hong Kong affairs, which is a reaction to one of the first waves of mass protests in 2003 (Cheng 2009; Fong 2017), is important especially in the context of China's changing view on Hong Kong. This changing view involves a two-fold challenge to the OCTS concept which was derived from the broader discourse of peace and development (Deng 1993: 30–31). Firstly, the economic importance as a link between China and global capitalism has drastically diminished as China's economic development has progressed at a rapid rate (cf. Naughton 1997; Rowley – Lewis 2018). Moreover, the rapid economic rise of the mainland caused that cities like Shenzhen or Guangzhou which are practically adjacent to Hong Kong got similarly important in economic terms. This stimulates new political-economic proposals like that of creating the Greater Bay Area (practically, greater Shenzhen) which would economically integrate these cities (Dodwell 2018) and which is expected 'to be the largest economy among global bay areas by 2020' (China Daily 2018). Although justified by the effort to help Hong Kong's economy, it could lead Hong Kong to be swallowed up by the economic area and dwarfed by Shenzhen.

Secondly, since the turn of the first and second decade of the 21st century, the discourse of peace and development has been changing to the discourse of sovereignty, security, development, which is a general change in China's foreign policy. Hence, before moving to specific impacts of this change on Hong Kong, I firstly examine more general characteristics of this discursive change. The discourse of 'sovereignty, security and development' is a recent variation of the Dengian peace and development discourse. While the change from peace and development to

sovereignty, security and development may seem subtle, I argue that it is crucially important. In contrast to its predecessor, the sovereignty, security, development discourse largely decreases political flexibility associated with the discourse. The interconnection of the three nouns probably appeared for the first time in Hu Jintao's party speech in 2006 (Zhang 2012: 329) and was repeated in the 2007 Party Congress report (Party Literature Research Center of the CCP Central Committee 2008), i.e. during the same time when Hu Jintao's official slogans of harmonious society/world and peaceful rise/development were key for China's domestic and international propaganda and soft power image but also when power struggle for leadership succession begun within the CCP (cf. Bölinger 2012; Lee 2017). The new discourse has started to be vocalised publicly around 2009 and 2010. The state councillor and one of the most important people in Chinese foreign policy Dai Bingguo argued that China's emphasis on preserving its sovereign, security and developmental interests are part of China's peaceful development attitude (Dai 2010). In the context of the rise of China's assertiveness around 2010 (for a critical discussion of that see Johnston 2013), this was apparently intended to inform the international audience that the principles of China's foreign policy has not changed but it was emphasised that China's sovereignty claims are non-negotiable (see also Dai 2009).

Since then, the discourse of sovereignty, security and development has been developed in strategic documents, key party speeches and key fora and discussions related to China's foreign policy (Buckley 2017; Reuters 2015; State Council of PRC 2015; Swaine 2014; Xinhua 2013, 2016b) and it clearly framed sovereignty as a political realm in which China can hardly allow any compromises and concessions. For example, it has informed us that 'security [and implicitly sovereignty as well] is a precondition for development' (Reuters 2015) or that China must 'remain vigilant' about its sovereignty and security even during the times of peace (Buckley 2017). Hence, the sovereignty, security, development discourse has been getting much more closely associated with the discourse of national humiliation. Together, they create justifications on why the PRC needs to lock on to sovereignty.

The discursive change is also apparent in and crucial for China's relationship to Hong Kong. The most recent white paper of the central government on Hong Kong's position clearly reframes the issue of OCTS through this new discourse. 'The continued practice of "one country, two systems" in Hong Kong requires that we proceed from the fundamental objectives of maintaining China's sovereignty, security and development interests and maintaining the long-term stability and prosperity of Hong Kong' (State Council of PRC 2014). Among other things, it also justifies the presence of the Chinese army garrisons in Hong Kong by pointing to the necessity of preserving 'China's sovereignty and territorial integrity' (State Council of PRC 2014). The refocus is apparent at many other occasions. During the officially celebrated 20-year anniversary

of Hong Kong's handover, president Xi noted the following. 'Any attempt to endanger China's sovereignty and security, challenge the power of the central government [...] or use Hong Kong to carry out infiltration and sabotage activities against the mainland is an act that crosses the red line and is absolutely impermissible' (BBC 2017).

The discursive shift is striking as it introduces the position of Hong Kong as a security issue to manage. Through carrying out this framing, the sovereignty, security, development discourse puts forward the same point as the national humiliation discourse, i.e. that the unity of China can only be guaranteed by a strong state. It is also in this way that Hong Kong's importance receives a new meaning from the perspective of the national humiliation discourse. Not only is Hong Kong important as a symbol of national humiliation or as a place to which Chinese nationalism can spread, it also becomes a source of threats to China's internal order. The generalised and idealised vision of sovereignty as a motive structuring China's history implicitly reappears and indicates that sovereignty is indivisible. The focus on 'one country', rather than 'two systems' can also be found in comments by Zhang Dejiang's (the then third man in China's political hierarchy) around 2017 (Lau 2017; Pomfret – Baldwin 2016).

Hong Kong's Resistance to the Dependence on China

One of the most important cleavages of Hong Kong's society is the one between the pro-Beijing anti-Beijing (pro-democracy) orientation. People and segments of society fitting into the latter express concerns over Beijing's increasing influence over Hong Kong's politics and its autonomous position. Derived from the culture of vibrant but also turbulent civil society (Chan – Chan 2017), people of anti-Beijing orientation often protested against political developments, usually reacting to political developments which were seen increasing dependence on Beijing. The most notable of such events was the change of the way how Hong Kong's Chief Executive is elected. It stimulated the world-wide known Umbrella Movement in 2014, causing the biggest civil society protests in the post-handover Hong Kong in the same year and further offspring protests later on (Gracie 2014; Griffiths 2017). As the so-called pro-democracy (anti-Beijing) camp is composed of a wide variety of streams and positions, it is not easy to capture its main goals, strengthening of liberal democracy, defence of human rights and insistence of Hong Kong's legal and actual autonomy of a high degree are the main general ones (Ping – Kin-ming 2014). Although the camp largely defends an identity demarcation largely based on a distinctive Hong Kong nationalism (Fong 2017), with separatist aspirations being rather marginal. The significance of protests like these in relation to the issue of sovereignty is peculiar. To a large extent, they are motivated by the effort to preserve status quo of the sovereignty configuration. While further

democratic and independence aspirations got interlinked with that, the resistance is directed against actions which (potentially) deteriorate the state of democracy and possibility of self-government.

Civil society activities as the main channel of resistance have their international side, which is similarly if not more important. In this sense, Hong Kong activists take advantage of Hong Kong's extremely internationalised position as well as of the original rationale of the PRC leadership to position Hong Kong as part of China which would eagerly embrace globalisation. Hong Kong activism tries to build on economic internationalism and frame the Hong Kong question as a democratic issue and hence receive acknowledgement and support from the international community (Sum 2018). Hong Kong's fate has been closely tracked by international actors since preparations for the process of handover had started. The United Kingdom expressed their commitment to oversee if the Joint Declaration is not violated in the future (Cao 1999), the USA adopted the Hong Kong Policy Act which was drafted in cooperation with prominent Hong Kong democrats and provides Hong Kong with a special autonomous status within US legal view as well as it pledges to support democratisation and human rights in Hong Kong after 1997 (McCall Smith 2001: 116), Australia or Canada also observed the situation carefully (Herschensohn 2000). Pro-democracy activists did their best to follow these links during subsequent development. They were especially successful in acquiring the US Congress's attention. Being invited to speak about Hong Kong's political situation at the Congress, they pressed on the USA to get in touch with China and to stand for Hong Kong's 'democratic aspiration' and against 'Beijing's interference' (Ng 2017). This led to a nomination of some of them for the Nobel Peace Prize by US congressmen (BBC 2018). It is precisely in this way that the main concentration on autonomy, democracy and human rights spills over to the focus on sovereignty as Beijing is portrayed as interventionist while the purpose of such interventions is not derived from the model of the legitimate (appropriate) liberal-democratic statehood as imagined in the West (cf. Weber 1995).

Although the international democratic support for Hong Kong has largely remained in symbolic form, it creates potentially high international reputation and legitimacy costs for Beijing. This is arguably one of the reasons, besides institutional constraints, why it largely focuses on the behind-the-scenes control (cooperation with Hong Kong business elites) or innovative projects which would increase its control over Hong Kong politics (the Greater Shenzhen idea). Moreover, the effort to acquire international support is complicated by the simple fact that Hong Kong primarily lobbies for issues connected with domestic politics (democracy, self-government), which is different from the position of Taiwan which has consolidated its internal sovereign authority but tries to assert its international actorness.

Conclusion

Hong Kong's position as a distinctive and autonomous part of the PRC has been defined by being a special autonomous region within the OCTS setting, which has largely embodied zonal sovereignty. Hong Kong's integration through OCTS can be characterised by a high degree of exceptionality and experimentality due to the uniqueness of such a setting and the PRC's creative effort to solve the Hong Kong issue and, at the same time, coin a model for possible integration with Taiwan. This mode of sovereignty has coexisted with a much more traditional one. The fact that the two modes of sovereignty could coexist was largely given by the dominant logic of zoning practices, i.e. creating exceptions to the mainland socialist order. Or in other words, Hong Kong has been scaled domestically as well as (partly) internationally parallel to the party-state and mainland China's central authority. A specific subsidiarising setting was constructed which helps to preserve Hong Kong's autonomy from dominance and influence of more powerful central actors and within broader environments including both mainland China and the international society.

This setting resulted from more specific scaling moves. Firstly, demarcation of Hong Kong's polity was partially mimicked (localised, adapted) from the period when Hong Kong belonged to the United Kingdom. This formed the background from which two other moves followed. Secondly, Hong Kong has been differentiated from China's central authority as well as it has been allowed to retain its unique political, cultural, social and economic system. Thirdly, Hong Kong has been scaled-up with the aim to interconnect it with the international society and its primary and secondary institutions mainly (but not only) in the area of economy and trade. This configuration resulted from the combination of two fundamentally important discourses – the national humiliation, and peace and development discourse –, which drove China to seek a reunion with Hong Kong but also opened space for political flexibility and experimentation.

Moreover, two key types of temporal positioning are derived from the two discourses. They involve, firstly, the aspiration to separate China from the era of its own semi-colonisation and, hence, end (the effects, impact of) national humiliation on current China, and, secondly, to utilise the reintegration with Hong Kong to bolster the PRC's linear-progressive modernisation. While these two temporalities are primarily connected with (mainland) China, the temporal position of the whole China-Hong Kong relationship is not complete without mentioning that the adaptation of the original British model for organising Hong Kong effectively brought along continuation of Hong Kong's status as a political dependency. In other words, when focused on Hong Kong, we see continuities between the colonial and post-handover setting, which is largely paradoxical given China's progressivist and anti-colonial positioning.

While basics contours of one country two systems have remained relatively stable, both the Chinese party-state as well as certain segments of Hong Kong civil society often defend their political aspirations by bypassing the one country two system demarcation. Aspiring to achieve a higher degree of influence in and over Hong Kong, Beijing constructs a loose and semi-formal network and system of tools that can be used for that purpose. It is composed of its formal powers and prerogatives, using its symbolic authority by meeting and consulting key Hong Kong politicians including the Chief Executive, manipulation of institutional rules when possible and preserving an interest coalition with important segments of Hong Kong's society, especially biggest businesses. The fact that Beijing chooses such relatively subtle measures rather than a very difficult open challenge to (redefinition of) OCTS (HKSAR) indicates a certain degree of resilience of such a system. However, the discursive change from peace and development to sovereignty, security and development, which is happening since the late 2000s in Chinese politics in general and since the early 2010s in Chinese politics towards Hong Kong, opens room for re-assessing Hong Kong's specifically scaled position.

Figure 10: Sovereignty in the China-Hong Kong Relationship

Scaling result	Key scaling moves	Key institutions, discourses, practices	Temporal positioning
Hong Kong scaled-up as an international actor with distinct locus of governing authority; parallel to the communist party-state both internally as well as (partly) externally – i.e. existing as a specific political zone tied to the PRC	• Localising (partial mimicking, adapting) the colonial institutional model of defining polity of Hong Kong **(*)**	• A distinct political, cultural, social, economic system with international agency	• Effective continuation of colonial model in *Hong Kong*
	• Hong Kong partially connected to international society **(**)** • Domestic parallel scaling of Hong Kong, separated from the reach (influence) of the Chinese party-state **(***)**	• After 1997, defined as Special Autonomous Region (institution); defining: → **(**)** and **(***)** • National humiliation discourse • Peace and development discourse (later, transformation into the sovereignty, security, development discourse)	• Overcoming humiliation, disconnecting *China* from the semi-colonial period • Hong Kong as more advanced, serving for China's developmentalist goal – linear progressivism
	The three above points **(*)**, **(**)**, **(***)** contribute to: a subsidiarising model (partial ascending) – a parochial model defined uniquely, preserving its specific autonomy within broader environment (both the domestic communist/mainland environment and international society) without changing their character (=element of parallel coexistence)	• 'Sub-sovereign' relations of Hong Kong within Greater China, e.g. with Taiwan (practices) • Distinction *de jure* and *de facto* sovereignty; contributing to: → **(**)** and **(***)** • Discursive differentiation between external and foreign relations; resembling: → **(*)**, contributing to: → **(**)** • A dividing line highly resembling the standard international boarder (institution); related to: → **(**)** and **(***)** The four above points: form and contribute to One Country Two System	

6. China-Taiwan Relationship

Introduction

The chapter examines a sovereignty configuration in the relations between mainland China (China, the People's Republic of China, PRC) and Taiwan (the Republic of China, ROC). Although the issue might seem to be relatively straightforward and to be a 'mere' conflict over sovereignty recognition, I show that the sovereignty configuration in the given relationship is more nuanced than it might seem. The key dimension for analysing it is to follow the multi-layered spatial configurations, which will help uncover how both China's and Taiwan's (approach to) sovereignty is relatively amorphous and spreads across or is resisted in different spaces. Evincing complicated relations between the PRC and the ROC and a high level of contestation about sovereignty but also a noticeable level of cooperation makes this case a good example of liquid sovereignty. Doing so will lead us to see how one country two systems (OCTS) are proposed and defended as a solution for the China – Taiwan relationship by the PRC but also how OCTS and the very mode of zonal sovereignty are openly disputed, implicitly negotiated and partly confirmed. Hence, while the previous chapter on Hong Kong showed how zonal sovereignty can be put in practice, this one examines how the PRC's proclaimed goal to follow such an approach to sovereignty is tried to be put in practice but undergoes actual challenges.

Throughout the chapter, I point to two simultaneous sovereignty approaches of the PRC. The first one is focused on limiting Taiwan's *de jure* sovereignty recognition, which I argue can been seen as the most fundamental principle of China's sovereignty policies. At the same time, however, it allows Taiwan to obtain a relatively a high degree of *de facto* sovereignty in international politics. The second one aims to create a shared structure of cooperation which is connected with construction of common, exclusively defined, trans-state space. It signifies that while China and Taiwan are territorially divided and distant, yet not enormously distant, their sovereignty and identity of polities are intertwined. Or in other words, although being territorially disconnected, China and Taiwan engage in social construction of common characteristics, namely centred around their history and nationalism, which then allow them to find a common ground for their polities and interconnect them. As I show in the chapter, both approaches build on principles singled out by OCTS, specifically on the discursive and ideational distinction between *de jure* and *de facto* sovereignty corresponding with the distinction between *zhuquan* (sovereignty) and *zhiquan* (right to govern). This opens room for (potentially) settling the sovereignty issue in a cooperative manner through sovereignty rescaling and allowing for the simultaneous

existence of multiple governing loci. Moreover, both approaches partly reconfigure but also contribute to how the zonal sovereignty mode evolved in the given case. The former ensures that Taiwan remains tied to China while the latter helps construct a common political zone.

Both these approaches help construct different scales at which Cross-Strait relations (CSR) take place. While the first one is connected with the international scale of China's and Taiwan's interactions with the international society and its (primary) institutions, the second one evolves in a specifically demarcated and symbolic defined space which produces what I call the scale of trans-state space. In this common and exclusive space, which propels us to think about space beyond the inside/outside distinction and territorial trap (cf. Agnew 1994), sovereignty configuration refocuses from the aspect of *de jure* sovereignty to constructing and emphasising the existence of shared political community and destiny as ways of binding both polities.

The chapter aims to contribute to rich literature on the China-Taiwan dispute by singling out the existence and interplay of the two scales. While the dispute over the sovereignty recognition and allocation is very well covered from various points of view (e.g. Bush 2006; Friedman 2005; Glaser 2013; Jie 2012; Lin 2016; Lindemann 2014; Tok 2013; Tsai 2005; Tsang 2008; Zuo 2016), it mainly deals with the international scale of the dispute. To be sure, many particular aspects of the scale of trans-state space have been analysed before (e.g. the existence and politics of specific China's and Taiwan's agencies in CSR), but the existence of this scale as a relatively unique kind of space and its importance for the sovereignty configuration has been addressed insufficiently or unsystematically. In other words, the existence of the scale of symbolically demarcated trans-state space which can be defined through a peculiar mixture of principles like non-recognition, unity (or at least implicit willingness to unification), verbal stress on equality and no independence has been ignored or touched only implicitly or partially. More specifically, despite the fact that literature on Chinese nationalism is very rich, it has overlooked or only briefly addressed a very peculiar role of nationalism in CSR (for critical discussion see Karmazin 2017), which is substantial for the existence of the scale of trans-state space.

The paper proceeds as follows. In the next part, I sketch historical context of CSR which can be divided into two main phases – since the late 1940s until the end of the 1970s and Deng's rule and especially subsequent developments of his approach during the 1990s. During the former, the mutual conflict over the sovereignty recognition started. However, it is only during the latter when this conflict has transformed into a relationship in which signs of zonal sovereignty can be detected. As such, the latter will be the proper constitutive moment to focus on later in the subsequent parts. The second part focuses on China's and Taiwan's aspirations related to being recognised and accepted as legitimate actors and sovereign state in the international society. It

specifically examines Taiwan's aspirations to (fully or at least partially) connect to the international society and China's response to that. In the third part, I address what I wish to call the trans-state scale of CSR and show on which subsidiary moves it is based (subsidiarising scaling move). The last part deals with politics across the inter-state (usual international) scale and the trans-state scale, pointing to hierarchies among them. In other words, I highlight that the subsidiarising scaling moves establishing a specific (distinct, exclusive) space of CSR are conditioned by more general principles.

Historical Context

Although Taiwan's territory had had some importance for China even before 1949 (cf. Wachman 2007), it was only after the Chinese communists repelled their opponents from the Nationalist Party (Guomindang or Kuomintang, KMT) to Taiwan and after KMT established a rival government that Taiwan became one of the focal points of the PRC's politics and sovereignty claims. It is necessary to note that since that time both the PRC and ROC consolidated internal control and their domestic authority in mainland China and Taiwan respectively. As such, further relations between the PRC and the ROC had a character of relations between two *de facto* independent (though not fully recognised) countries.

As it has been seen by mainland Chinese political leaderships and to a very large extent by the Chinese population as well, Taiwan's *de facto* independence is an obstacle to China's rise and full revival (*fuxing*) (Liu – Zheng 2014). China's desire to reunite with Taiwan becomes a constant characteristic of the cross-strait relations since 1949 until today although its forms and shapes have varied. Under Mao Zedong, China's policy towards Taiwan was mainly framed in terms of the Communist Party of China's (CCP's) revolutionary struggle and the KMT's anti-communism. As stated by Mao himself in 1973, 'I do not believe in a peaceful transition [...] They are a bunch of counter-revolutionaries [the Nationalists on Taiwan]. How could they cooperate with us? I say that we can do without Taiwan for the time being, and let it come after "100 years"' (Kan 2014: 37). China's view on Taiwan as well as its strategy noticeably changed over a few years so that China's new – post-Mao – leadership could reframe the whole issue from the communist vs. anti-communist struggle to the nationalist question. Alongside that, the strategy of peaceful unification with Taiwan was embraced. Simultaneously, Deng as China's new leader announced the unification with Taiwan to be one of three major tasks for the 1980s (Hughes 1997; Liu – Zheng 2014).

In the 1970s, a key turning point occurs when it comes to the perception and strategy of the PRC leadership but also in the international position of China and Taiwan. When the United Nations was founded in 1945, it was the KMT government, at that time officially ruling China, that became China's official representative at this

global organisation as well as it retained official diplomatic recognition by the majority of states. Following the Sino-American rapprochement, the PRC government started to represent China at the UN in 1971 and it has also gradually begun to be diplomatically recognised by more countries than the Taiwanese government (Tsang 2008). While the USA was considering pursuing dual recognition which could potentially settle an important precedent for the perception of China and Taiwan by international community, the dual recognition approach has never been put into practice (Hickey 2013). The so-called One China consensus, a key principle of CSR, partly contributed to it. One China consensus was implicitly accepted by both China's and Taiwan's government during the whole Cold War and which came to be explicitly expressed during the mutual negotiations in 1992 (Chiang 2017). According to it, both sides recognise there is only one China (only one state) although they also recognise that their interpretations about it including the interpretation of legitimate leadership of it may differ.

The option that both the PRC and the ROC could be members of the UN, which was seriously considered in the early 1970s during the process of the Sino-American rapprochement, was effectively discarded as Chiang Kai-shek rejected the possibility of 'living together with the communist regime under the same sky' (Wang 1990: 3). Chiang's position of non-participation in international arena together with the PRC combined with the increasing status of the PRC meant that Taiwan was diplomatically isolated to a large extent for the majority of the 1970s and 1980s. The period of isolation was ended by the initiation of pragmatic foreign policy by Lee Teng-hui and his insistence that Taiwan must 'strive with greater determination, pragmatism, flexibility and vision in order to upgrade and break through a foreign policy based primarily on substantive relations' (Hickey 2013: 13). Hence, the changes in both China's and Taiwan's foreign policy allowed that the increasing contacts and interactions between them bilaterally and also in international arena and multilateral fora since the end of the 1980s.

China and Taiwan in International Society

This part examines China's and Taiwan's aspirations related to being recognised and accepted as a legitimate actor and sovereign state in the international society. In other words, it focuses on and explores Taiwan's aspirations to (fully or at least partially) connect to the international society and China's response to that. In doing so, the part covers the key aspect how actors can establish themselves at the international (inter-state) scale of world politics, and analyses how CSR evolve on this scale. It is shown that while China wanted to limit Taiwan's international actorness, it specifically

focused on diminishing a room for symbolic recognition of Taiwan's sovereignty or independence. I also examine Taiwan's resistance to China's practice.

China's Position on Taiwan's International Position

After the ROC lost its membership at the UN and all UN-affiliated organisations and the PRC government started to be generally recognised as the appropriate representative of China, Taiwan also lost its representation at many other international organisations (Tok 2013: 132). However, over time, Taiwan have managed to regain (or, in some cases, keep) its membership at some international institutions. In 2008, it was a full member of 28 IGOs, and an observer or associate member in 21 IGOs (Tok 2013: 134). This fact has been, to a large extent, a result of a few factors: flexibility of these international institutions which often offer different types of membership, Taiwan's regained international aspirations, and engagement with the international society but also of China's approach.

China's approach towards the CSR-related sovereignty issue in international space is largely derived from three interrelated components – the OCTS institutional model based on the *de jure* vs. *de facto* sovereignty distinction, the insistence on the one China principle, and the effort to increase its international influence and control over Taiwan's foreign policy. While the approach of the PRC allows Taiwan to exist as an international agent and to maintain a considerable degree of autonomy, it strongly insists on correct naming and preserving the symbolic status of the sovereign state for itself (Tok 2013: 138–148). This can be seen as largely in accordance with OCTS, which allows coexistence of different governing centres but insists on preservation of *de jure* (symbolic, legal) sovereignty (Tok 2013). Moreover, this is underpinned by the international society's creative incorporation of Taiwan as a legitimate agent through various primary institutions and practices related to them while only the PRC can connect to an official diplomatic (*de jure* sovereignty) recognition.

Examples of Taiwan's participation in and entrance into international organisations, which are well elaborated in various publications (Chiang 2017; Lindemann 2014; Tok 2013; Tsang 2008), clearly show that China pays the greatest attention to the question of Taiwan's symbolic status. It does not want to allow Taiwan's participation in those cases which could signal Taiwan's symbolic recognition as an independent state. In other cases, China insisted that Taiwan needed to be included under a name which would not indicate that it is a fully recognised country. As a result of such name disputes, Taiwan has been participating in international organisations as 'Chinese Taipei' or 'Taipei, China'. The PRC tries very hard to follow the same principle even in connection to Taiwanese NGOs in all cases when there is any connection to state sovereignty, for example when given NGOs act as delegates of their country or present

country reports (Chen 2005). China's demands for correct naming are usually seen by the international community as legitimate, which is used by the Chinese government to 'check' if Taiwan's actions do not clash with its sovereign status. If China finds it is so, it exerts pressure both on Taiwan and the international society with the goal of Taiwanese policies. Although the intensity of China's enforcement of and insistence on these aspects has varied since the 1990s (Jie 2012), it has formed an important aspect of China's Taiwan policy.

To illustrate China's approach, the example of Taiwan's admission to WTO can be briefly summarised. Although other cases of Taiwan's entrance into other international organisations and China's response to that differed in various aspects, a similar bottom line was usually followed by the PRC (cf. Lindemann 2014; Tok 2013; Tsang 2008) and, thus, it is not necessary to go through all of them in detail. China initially protested Taiwan's admission. Although it eventually agreed, it demanded cancellation of diplomatic titles of some of Taiwan's representatives because, as China argued, they do not represent a sovereign state. Alongside the relative success of this Chinese policy, the PRC tried to obstruct and hinder Taiwan in other related cases (Charnovitz 2006; Magcamit 2015: 109–110). In the non-governmental sphere, China for example was able to block Taiwanese NGOs in providing foreign aid in situations when it felt that Taiwan's aid rivals its own image, policies and soft power (Chan 1997b). Similarly, there are various cases in which the PRC successfully stood against some Taiwanese NGOs when they were conveying reports China did not favour (Chen 2005). In both of types of action, China based its argument on the non-sovereign status of Taiwan. In the case of FTAs, China relatively often protested against some FTA negotiations arguing that a given potential FTA confirms Taiwan's sovereign status and requested changes to that (Lindemann 2014; Mochizuki 2009).

While specific further motivations were often connected with actions like those mentioned above, the constant of this approach was the PRC government's fundamental focus on preserving its status as the officially recognised sovereign representative of China. This has often been connected with a very flexible approach which brings about China's acceptance of Taiwan's limited international role, especially in economic but also other areas (Carlson 2005; Tok 2013).

Taiwan's Participation in International Society and Resistance to the PRC's Sovereignty Claims

To assert its international agency, Taiwan relies on connections with various primary institutions of the international society. While Taiwan's international agency is unfolded in global economy and trade and other spheres, interactions with those institutions which are largely state-centric, namely balance of power, diplomacy, and

international law, provide Taiwan with further substitutes for a full connection to the institution of sovereignty itself. Taiwan's relations with the USA have been key for defining links between the three mentioned institutions and the ROC. Confirmation of Taiwan's status through balance of power is a spin-off from great power politics, more specifically the US managerial role in the region of East Asia (cf. Goh 2013). Since the Cold War, the USA have been keeping its approach of strategic ambiguity which also co-defines the actual strategic situation between China and Taiwan. The practice of strategic ambiguity, sometimes called double deterrence, is intentionally designed to discourage both China and Taiwan in taking offensive actions and changing the status quo in CSR (Chow 2014; Friedman 2005).

The great-power managerial role of the USA and its strategic practice create a power-political background for Taiwan's connection to international institutions through diplomacy and international law. Our case illustrates that those primary institutions which are largely (though not completely, cf. Bátora – Hynek 2014) state-centric (i.e. international law and diplomacy) can be quite easily separated from sovereignty itself while at the same time can help maintain a political unit´s form of the modern state. To be more specific, after losing official recognition, Taiwan was able to quickly and effectively establish non-official but *de facto* diplomatic relations and embassies, usually called economic and cultural offices, to many countries, which are active in cultural, economic affairs but also (indirectly) in political legitimation of Taiwan's international agency (Tsang 2008). These offices got quickly and almost fully engaged in international diplomatic conduct (Cho – Ahn 2017; Liaw 2016; Mengin 1997; Tubilewicz – Guilloux 2011), especially as international diplomacy and its practice have been experiencing many innovations, adopting new tools and expanding into new domains during – roughly speaking – the same time (Rawnsley 2012; Ross 2002; Trager 2011).

Deciphering Taiwan's status according to international law is a not a straightforward issue. While core propositions of international law indicate that Taiwan is a not independent country (Crawford 2007: 206–213), some countries have legal norms that 'compensate' for the official non-recognition of Taiwan. The most significant is the Taiwan Relations Act adopted by the USA in 1979 after switching the diplomatic recognition from the ROC to the PRC. It states that '"[t]he absence of diplomatic relations or recognition shall not affect the application of the laws of the United States with respect to Taiwan", as they applied before derecognition, and that laws of the United States that refer or relate to foreign "countries, nations, states, governments, or similar entities" shall apply with respect to Taiwan' (Crawford 2007: 202). The act basically ensures that Taiwan will be treated as a standard state which includes upholding diplomatic immunities although diplomatic relations are to be managed through 'unofficial' organisations (Crawford 2007: 202–203). While no other state has

made its approach to Taiwan as explicit as the USA, we can find other states whose approaches (legislations) perform a similar function and make up for Taiwan's official non-recognition (Crawford 2007).

Taiwan's inclusion into international dynamics as a *de facto* state through the given institutions effectively limits China's room for opposing Taiwan's position. Taking advantage of that, Taiwan tries to cultivate such multidimensional entanglement with the international society and foster further channels with it to resist the PRC's sovereignty claims. The specific character of this resistance is largely given by specific strategies of each individual government and party politics in Taiwan (Zuo 2016). Yet, some general and relatively stable characteristics of Taiwan's approach for increasing its international actorness might be introduced. The approach consists of maintaining the key relationship with the USA, strong interconnection with global trade, active and multidimensional utilisation of its *de facto* diplomatic relations and embassies and also broadening its diplomatic means by utilisation of NGOs for the state purposes.

Hence, besides state-centred diplomacy, Taiwan has tried to utilise parliament, party to party, people to people, or cultural diplomacy as well as it largely focused on the non-governmental sphere. Taiwan's engagement with NGOs fulfils at least four inter-related functions: 1) to complement state (governmental) policies, structures and functions, 2) to manifest Taiwan's belonging to the international society especially in the sense of sharing the same values as the (Western) core of it, 3) to increase its international space and deepening its engagement with other countries, 4) to overcome limits stemming from official diplomatic non-recognition (cf. Chen 2005). As one of Taiwanese politicians noted, '[the Taiwanese] are trying to find alternatives. When one door is closed to them, then they will find another door' (Hickey 2007: 54). The Taiwanese NGO sector is heavily supported and closely coordinated by the government (Guilloux 2009; Lee 2012). To support it, Taiwan's foreign ministry even established the Department of NGO International Affairs which should coordinate and help Taiwanese NGOs in their international participation (Department of NGO International Affairs 2012).

The focus on NGOs emerged as a new rationality after Taiwan's long-standing 'dollar diplomacy' through which Taiwan had competed with China to buy more diplomatic allies has become relatively ineffective (Hickey 2013: 46). Combined with other tools such as generous provision of official development assistance, Taiwan's approach focused on linking itself with global liberal democratic values as the main normative bundle which co-specifies the legitimate and rightful form of state authority as per the dominant Western view. This should provide Taiwan with a potential edge over China in gaining international legitimacy. Doing so, Taiwan has extended its interconnection and reliance on institutions and other channels available in the international society to bypass the reliance on the official sovereignty recognition.

Besides the fact that NGOs helped or help Taiwan's government indirectly, they were (are) also engaged in much more direct support to Taiwan's government in strengthening its position as a legitimate international actor. One of the prime examples is Taiwan's campaign for the WHO membership that 'was mainly initiated and supported by Taiwanese NGOs, such as the Foundation of Medical Professionals Alliance in Taiwan (FMPAT), which has a political background close to the DPP [the Democratic Progressive Party, the other major political party in Taiwan]' (Lindemann 2014: 194) while many other NGOs actively engaged and lobbied for Taiwan's inclusion as well (Lindemann 2014: 194–200).

Trans-State Relations between Mainland China and Taiwan

In this part, I address what I wish to call trans-state relations between mainland China and Taiwan. I use the name to indicate that they are constructed between two governments but working within the framework of one China and are based on connections drawn across a *de facto* international boundary between China and Taiwan tying both polities together. Lacking the official political integration, trans-state relations resemble transnationalism in many ways but, as shown below, its agents are governments and semi-official governmentally-derived political bodies which use a nation-centric (or, 'nation-state'-centric) discourse to frame such relations. Combination of institutions (governmental and semi-governmental agencies), practices (specific type of CSR contacts and negotiations) and discourses (centred around common nation and history) intentionally lead to interconnect both China and Taiwan while they are purposefully and rather explicitly constructed as unique and exclusive. In other words, such ties are disconnected from the international society and are based on a specific subsidiarising move which creates a distinct space for bringing China's and Taiwan's authority closer together. It is in this way that, I argue, we can speak of a specific – trans-state – scale.

This aspect is important to address because we can see the inception of practical realisation of OCTS despite Taiwan's non-acceptance of OCTS and because we can discern an inceptive shared authority configuration which could potentially help coordinate and mediate the sovereignty issue in CSR. The trans-state space is an expression of a scale which entangles China and Taiwan despite being territorially separated. It is constructed through three elements: the discursive utilisation of the notion of OCTS which provides it with ideational background allowing for a degree of flexibility in sovereignty-related matters; the creation of a unique and exclusive diplomatic configuration which involves elements of institutions, discourse and practices which sets up an institutional and communicational channel; and the nationalist discourse which interconnects the fate of both China and Taiwan and

appeals to people and governments and polity identities on both sides of the Taiwan Strait. These three aspects will be consecutively addressed in the following text. Two further notes are in order though. Firstly, it shall be highlighted that each of them represents a subsidiarising move which interconnects parochial actors into a specific, relatively detached, configuration. It is so as specific institutions, discourses and practices used here are constructed mainly parochially with limited connections to the international society. Secondly, at the same time, we shall bear in mind the scale is tentative and relatively fragile as I try to show in the following paragraphs.

The issue scale of trans-state relations, more than any other sub-cases presented here in this thesis, lead us to think about space in non-territorial terms which might seem intellectually unsettling because it is not very common in International Relations, Historical Sociology or Political Science (cf. Neep 2017). However, doing so allows us to avoid the territorial trap (Agnew 1994) on which many works in these disciplines (especially in relations to sovereignty) rest. The concerned spatial demarcation works primarily through special channels of connection between two divided places without which it would be very difficult to overcome the division. The trans-state scale helps to single out that while China and Taiwan are territorially divided and distant, yet not enormously distant, their sovereignty and polity identities are intertwined. Although being disconnected, China and Taiwan engage in social construction of some common characteristics, especially centred around their history and nationalism.

One China and One Country Two Systems

OCTS is proposed by the PRC as the framework for CSR although representatives of the ROC have never accepted it as they do not want to recognise the superiority of the PRC's party-state sovereign authority over the ROC. Under the OCTS framework, Taiwan would become a special autonomous region located within the Chinese state dominated by the PRC government. According to the PRC's promises, Taiwan should possess complete or almost complete internal autonomy without interference from the mainland. The PRC's representatives repeatedly emphasised that the 'Taiwanese wish to be masters of their home [would] be respected' (Embassy of PRC 2003) and that Taiwan would be allowed 'reasonable' participation in global organisations (Hsiao 2009). It was also repeatedly promised that Taiwan could keep its own military forces (MOFA PRC 2014b). Nevertheless, the key aspect which has been brought by the OCTS concept is the PRC's insistence on the symbolic recognition of its sovereignty with the simultaneous possibility for Taiwan to preserve its own government. The explicit basis of the trans-state aspect of CSR is the one China principle, a close relative of OCTS, which the PRC sees and asserts as a necessary condition for these relations. According to the principle, there is only one China but the principle acknowledges that

interpretations about character of its constitutive parts (areas) may differ (Bush 2006: 36–39). The symbolic question of sovereignty and (non-)recognition is crucial but at the same time it can be partly relativised by introducing coexistence of multiple governing loci.

A room for proposing and seriously considering OCTS was created by a change of China' and Taiwan's policies as indicated above. In both cases, the respective governments abandoned the dominant rationale of (anti-)revolutionary and civil war struggle. Soon after the death of Mao Zedong, the PRC leaders could initiate the strategy of peaceful unification as discussed above and also proclaim the following statement which can be seen as one of the first signs of the PRC's construction of trans-state space.

> *We place hopes on the 17 million people on Taiwan and also the Taiwan authorities. The Taiwan authorities have always taken a firm stand of one China and have been opposed to an independent Taiwan. We have this stand in common and it is the basis for our co-operation. Our position has always been that all patriots belong to one family. The responsibility for reunifying the motherland rests with each of us. We hope the Taiwan authorities will treasure national interests and make valuable contributions to the reunification of the motherland.* (NPC Standing Committee 1979)

In Taiwan, constitutional changes in the early 1990s ended the so-called Period of National Mobilisation which allowed to get rid of the 'state of exception' mentality (Hickey 2013: 89) and Taiwan's pragmatic policy has been initiated.

Diplomatic Institutions

A key channel of CSR is opened through the unique system of diplomatic institutions and related practices. While they could be labelled as diplomatic because they mediate estrangement between two governments (Der Derian 1991), the PRC would correct such wording due to its official non-recognition of Taiwan as a sovereign statehood and due to the possibility that using the word 'diplomatic' could signal state to state relations. Hence, rather than as diplomatic, such institutions and interactions are portrayed and understood as would-be (quasi-)domestic, which effectively prevents other actors to enter the space.

Within China's and Taiwan's governmental structures, there are institutions designed to be responsible for planning, administration and implementation of CSR policies. They formed at the turn of the 1980s and 1990s when mutual relations started to restructure and improve. China established Taiwan Affairs Office (TAO) in 1988; Taiwan created Mainland Affairs Council (MAC) in 1991 after renaming a similar institution which had been created three years earlier (Hickey 2013: 53–54; Jie 2012:

189–192; Xin 2010: 528). Although they are important in managing CSR affairs, it should be noted that they do not decide about strategic approaches towards each other as this type of decisions is made by the central leadership of both China and Taiwan.

Because direct contacts between the two governmental agencies might indicate mutual official recognition between two independent countries, they are not possible. For that reason, two other institutions – China's Association for Relations Across the Taiwan Straits (ARATS) and Taiwan's Straits Exchange Foundation (SEF) – were established (Hickey 2013: 53–54; Xin 2010). They are unofficial (i.e. non-governmental) according to their official demarcation, but they are commanded through governmental structures, mainly by TAO in China and MAC in Taiwan (Jie 2012: 189–192). Moreover, the mutual connection is strengthened by the fact that staff of ARATS and SEF often comes from TAO and MAC respectively as their counterparts (Interview 10; 11). Thus, ARATS and SEF play a role of functional substitutes for more usual diplomatic institutional contacts. ARATS and SEF negotiate about mutual cooperation (especially in the areas of economy, tourism and technical and functional cooperation) and agreements, which however are not defined as standard international treaties (Xin 2010).

Another important channel is diplomacy between political parties. Such contacts have been established between the CCP and KMT while relations between the CCP and the DPP have remained weak (Fell 2012). While the DPP, generally said, is very restrained towards the 1992 One China consensus, the KMT is still largely in favour of it (Zuo 2016). The CCP and KMT have their own party bureaucratic agencies through which the diplomatic channel is maintained (Yu 2004). The CCP have established relatively rich ties with the KMT and tried to utilise them for shaping a general state of CSR. For example, during the rule of the DPP's first president Chen Shui-bian in 2000-2008, China worked on improving its KMT contacts with the goal to influence the KMT as a potentially new ruling party. As part of that, a meeting between representatives of the CCP and KMT was organised in 2005 which resulted in the first visit of the KMT's chairman in the mainland since 1949 (Xin 2010: 528).

Through these diplomatic channels, China and Taiwan have been able to initiate economic, functional and technical cooperation (Lin 2016; Tsang 2008), and the channels have also served as a medium of the nationalist discourse which is discussed below. Besides that, the ARATS and the SEF also played an important role in facilitating cooperation in judicial affairs, which forms one of the facets of CSR. As the issue of the judicial power relates to China's and Taiwan's constitutional orders, it was especially important to avoid any sign of symbolic recognition of each other's government, yet it has been possible to achieve a high degree of cooperation in that field. As a result, China and Taiwan recognise judgements of each other's courts in some areas of law

(Huang 2014; Leyda 2007). Establishing such cooperation between different countries is not unusual. However, it is peculiar and notable in the case of CSR in which China's and Taiwan's governments officially do not recognise each other and, thus, do not recognise each other's constitutional order upon which their judicial systems are based.

During the various rounds of meetings, both sides acknowledged some principles which can be seen as characteristic for the scale of trans-state space. These are official (*de jure*) non-recognition, unity (or at least implicit willingness to unification) and verbal stress on equality but under a joint political framework, i.e. masking a hierarchical relationship. Over the course of mutual meetings, the emphasis on equal consultations and shelving disputes in order to pursue mutually beneficial relations has been emphasised (Xinhua 2009a, 2009b) which suggest that the question of sovereignty can provisionally be put aside.

In November 2015, a meeting between the leaders of both governments, Xi Jinping and Ma Ying-jeou, happened in Singapore. It can be regarded as a historical occasion because the highest representatives of China and Taiwan met for the first time since the end of the WWII. The meeting took place on the background of both sides' acknowledgement of the 1992 consensus that there is only one China. This milestone event manifested the principle of trans-state relations in a very similar fashion. The venue (Singapore) was carefully selected. Two reasons were imperative – to avoid a situation that the meeting would happen during a gathering of some international organisation, which could signal a diplomatic recognition between two governments, and to avoid that China's leader Xi Jinping or Taiwan's president Ma Ying-jeou could be seen as a host and hence as superior to the other one (Wasserstrom 2015). Moreover, no official titles (such as president or general secretary) were used during the meeting, again with the purpose to dodge the question of the sovereignty recognition (BBC 2015; Tiezzi 2015). To paraphrase one informally interviewed Chinese scholar, the whole setting and used words were chosen very carefully to emphasise mutual equality even in ways which a Western observer would not notice.

Nationalism and the Entanglement of China and Taiwan

During the 1980s and onwards, China's approach to Taiwan has been redefined through the increasing importance of the national humiliation discourse (Callahan 2010: 168). While nationalism is usually seen in IR as a major force causing conflict, it was – perhaps paradoxically – the emphasis on nationalism which allowed to construct commonalities and a more positive side of the PRC-ROC relations. During negotiations between the ARATS and the SEF, representatives of China and Taiwan, were able to formulate 'common ground' on the basis that '[t]here exist not only the same

geographical, historical, and cultural origins between the two sides, but also a 'blood is thicker than water' sentiment shared by our people' (Kan 2014: 52). A similar discourse continued in subsequent rounds of ARATS-SEF talks (see e.g. Lee 1999). Moreover, as sometimes argued during the negotiations, common-blood ties can lead to increasing prosperity of both China and Taiwan because economic or technical cooperation would be facilitated by a very similar cultural background (ARATS 2005; Xinhua 2009a). During one of the most important and prolific rounds in 2009, the common origin was a key official frame of the negotiations. Representatives of the ARATS and the SEF acknowledged Sun Yat-sen (Xinhua 2009b) who is considered to be the father of China's republic by both the KMT and the CCP. They also exchanged gifts which were traditional Chinese arts referring to common cultural origins (Xinhua 2009c). Moreover, China's official reports of this round clearly and explicitly framed it as negotiations between two sides of the same national origin.

The construction of nationalist similarities continues in many other statements and key documents. For example, Jiang Zemin and Hu Jintao incorporated the following guidelines and assertions into their eight and six points which were supposed to define key principles of their Taiwan policy. From them, we can learn that: 'Chinese (people) will not attack Chinese (people)' unless there is a foreign intervention or secession, mutual progress and economic cooperation is 'for the benefit of the whole Chinese nation', the population of Taiwan are 'all bone and flesh compatriots' or, as China stresses, 'common cultural links' between the two sides (Embassy of PRC 2003; Hsiao 2009). Similarly, Xi Jinping addresses relations with Taiwan as those 'sharing the same destiny' within 'one family' when 'no one can ever cut the veins that connect [the family]' (Xi 2014: 261–262).

While the historical meeting between Xi and Ma in 2015 took place on the background of both sides' acknowledgement of the 1992 consensus that there is only one China, the main unifying theme was not connected with statehood, sovereignty or political systems but rather common kinship. During the talks, Xi has chosen common national origin as his key theme and emphasised that China and Taiwan are 'one family with blood that is thicker than water' (Ramzy 2015). I argue that this 'common-blood' discourse should not be underestimated as mere rhetoric as it has proven to have effects on actual political dynamics. Its importance is revealed when we compare the current situation with the discourse with China's approach to Taiwan under Mao Zedong. The language of common national blood allowed to find something that connects and builds a certain common ground between China and Taiwan which was by itself a monumental change in relations between the previous arch-rivals.

Taiwanese Perspectives

Taiwan's national identity is undergoing an important change during the last couple of years as the perspective which sees Taiwan as a distinct nation has been getting stronger (Zuo 2016). This perspective can be seen as the main Taiwanese driving force of resistance against the construction of trans-state space especially as it disagrees with the common-blood discourse. It can be roughly summarised that the more important the Taiwanese distinctive identity is, the higher resistance against the trans-state space it stimulates. As the existence of the trans-state scale is dependent on Taiwan's acceptance of it, Taiwan's resistance could be devastating for trans-state relations. Yet, there is still a (residual) nationalist sentiment cherishing Chinese roots in Taiwan. As such, Taiwan can at least partly participate in the process of creation of a shared structure that helps to overcome the sovereignty dispute.

The character of trans-state relations has been perhaps most aptly expressed by Taiwan's (re-)articulation of the so-called three nos, which stand for principles of 'no unification, no independence and no use of force' in CSR and which capture the tentative character of CSR and mutual entanglement without unification.[15] In a similar way, Taiwan's white paper on CSR claims that 'relations between the two sides of the Taiwan Strait are not those between two separate countries, neither are they purely domestic in nature' (Mainland Affairs Council 1994). The common-blood and common origin framing of ARATS-SEF negotiations has been typical for the PRC, but it has appeared in Taiwan as well. As such, Taiwan has often entered and contributed to the common blood discourse as a connecting theme in CSR.

Similarly, Taiwanese presidents relatively often proclaimed positions close to the common-blood discourse. During his 1996 inaugural presidential speech, Lee Teng-hui almost copied the PRC's understanding at many points, for example stating that 'disputes across the Straits centre around [political] system and lifestyle; they have nothing to do with ethnic or cultural identity' (Lee 1996). The following president Chen Shui-bian expressed a similar inclination. 'I have always felt that the people on both sides of the Taiwan Strait came from the same family and that they all pursue the same goals of peaceful coexistence and mutual prosperity' (Kan 2014: 74). Ma Ying-jeou asserted that China and Taiwan 'have a special relationship, but not that between two countries' (China Post 2008). During the historic 2015 meeting between Xi and Ma, Taiwan's president largely accepted the nationalist discourse of common origins while he emphasised differences in other areas (Ramzy 2015).

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[15] The original 'three nos' - no contacts, no compromise and no negotiations – were principles of Taiwan's policy towards the mainland during the Cold War (Fell 2012: 90).

Politics across the Scales

While I pointed to the existence of two sovereignty scales in the previous parts of the chapter, it would be a mistake to read them as completely separated. Some interconnections between them were hinted above, especially as they both derive from and follow the general logic of OCTS. In this part, I analyse how the two scales and elements which define them interact. More specifically, I show that China's cooperating and facilitating common-blood nationalist discourse is conditioned by the insistence on the One China principle and, by implication, the PRC's official international recognition as the sovereign representative of China in and by the international society. Doing so helps to further highlight what was emphasised in the chapter's second part on the inter-state scale, i.e. that the ROC's international aspirations are bound by the PRC's official recognition. It is illustrated that Taiwan is still closely tied to China despite being practically (effectively) outside China. To use non-academic language, while Hong Kong experiences a similar situation from the inside, Taiwan is chained to the same fence from the outside.

Two key points are emphasised in the following paragraphs. Firstly, equality promised and constructed on the scale of common trans-state space helps to keep and confirm hierarchy on the international scale of CSR. In other words, equality within the common space is elusive and tied to hierarchy as the PRC conditions it by accepting one China principle. As such, it serves the purposes of the PRC. Secondly, China's discourse, proposed principles of mutual relations and practices within the trans-state scale show that while the nationalist common-blood discourse may play a positive role in mutual relations and while it might be framed as long-lasting, it is intertwined with an element of tentativeness and inferiority. It is so as ethics, morality and kinship of China's nationalism presented in the relationship to Taiwan are subordinated to politics of *de jure* sovereignty and the implicit vision of symbolic sovereignty. Both points shall be illustrated in this part.

As argued above, the nationalist discourse is often used to construct commonalities between China and Taiwan and to portray both as belonging to one Self (e.g. one nation with common history). In doing so, the discourse often silences who (what) is the Other in such relationship. Or in other words, what is the final limit of the relationship is often silenced. One of such prototypical statements expressing that can be found in a message of China's then-president Jiang Zemin which was directed to Taiwan compatriots.

> *The reunification of the motherland is the common aspiration of the Chinese people. The patriotic compatriots do not wish to see reunification delayed indefinitely. The great revolutionary forerunner of the Chinese nation Dr. Sun Yatsen once said: 'Reunification is the hope of entire nationals in China. If*

reunification can be achieved, the people of the whole country will enjoy a happy life; if it cannot be achieved, the people will suffer'.

The splendid culture of five thousand years created by the sons and daughters of all ethnic groups   of China has become ties keeping the entire Chinese people close at heart and constitutes an important basis for the peaceful reunification of the motherland. People on both sides of the Taiwan Straits should inherit and carry forward the fine traditions of the Chinese culture. (Jiang 1995)

The denial of mutual differences, which is present e.g. in the previous passage, is often underpinned by references to ethics, patriotism and spiritual basis which is shared by both China and Taiwan. For example, as noted by Xi Jinping: '[t]he national reunification we advocate is not merely unification in form, but more importantly, a spiritual connection between the two sides' (Xinhua 2014). Or, it may be connected with the irreversible course of history underlined by a 'common destiny' (Embassy of PRC 2003, 2012; State Council of PRC 1993; Xinhua 2015). As noted by Hu Jintao, the question of unification is basically very simple. 'Achieving national unification is the nation's wish, if not unified in 100 years, then unified in 1,000 years' (Kan 2014: 48).

I argue we can find a conceptual (functional) substitute for the missing Other and, as such, also the very limit of the relationship. The key Other of nationalism – which facilitates cooperation and political proximity and around which the common-blood discourse is concentrated – is, somewhat unintuitively, sovereignty in its symbolic, *de jure* and a relatively general meaning, which is close to the ideal of Westphalian sovereignty. However, the principle of sovereignty in the relatively traditional sense creates a hierarchy between China as superior and Taiwan as inferior. While nationalism in the official discourse and demarcation of the China-Taiwan relationship is connecting and enabling, sovereignty is separating and constraining.

Although China claims it will not be aggressive towards compatriots due to the mutual national bond, it is so only if the compatriots remain loyal to that bond and do not try to push for a different sovereignty configuration. As we have been informed regularly even in the context of CSR, 'China's sovereignty and territorial integrity are indivisible' (Kan 2014: 70; see also Embassy of PRC 2003, 2012; Hsiao 2009; State Council of PRC 1993; Xinhua 2007, 2016a). Different elaborations of China's leaders on the issue are clear on what sets the final limit and restrain of China's Taiwan policy and also of China's cooperative approach on the trans-state scale. Xi asserts that '[China] will resolutely contain "Taiwan independence" secessionist activities [...], safeguard the country's sovereignty and territorial integrity, and never allow the historical tragedy of the nation being split to happen again' (Reuters 2016). Similarly, Jiang reveals that the ultimate focal point does not lie in common nationalism (national origin) but in the CCP as the domestic sovereign (Jiang 2001).

The status of Taiwan as a part of China shall in no way be allowed to change. The Chinese communists are rock firm in their resolve to safeguard state sovereignty and territorial integrity. [...]. We are fully capable of checking any attempt to split China by seeking Taiwan's 'independence'. It is the bounden duty of the Chinese communists to end the state of separation between Taiwan and China's mainland and achieve the complete reunification of China.

Political dynamics around 2000 when there were signals of Taiwan's possible move for independence provide a particularly good illustration. Chinese president Jiang Zemin and premier Zhu Rongji claimed that, being akin, China and Taiwan can talk and negotiate anything on an equal footing (Los Angeles Times 2000). However, when it seemed that Taiwanese voters could elect a president who would go for independence, Zhu also warned the Taiwanese not to vote for a pro-independence candidate. 'Do not just act on impulse at this juncture, which will decide the future course that China and Taiwan will follow. Otherwise I'm afraid you won't get another opportunity to regret. [...] No matter who comes into power in Taiwan, Taiwan will never be allowed to be independent' (Washington Post 2000). In the situation, sovereignty – not the common and facilitating nationalism – was the leading notion and concern as it set limits to the common-blood similarities. The described situation is not exceptional when it comes to the message it carries (although it might be exceptional in its assertiveness) as we may find similar demarcations of the cross-strait relations back in the early 1990s as well as during Xi's rule (State Council of PRC 1993; Xinhua 2007, 2016a).

China's so-called anti-secession law which is written to give China's Taiwan policy a legal underpinning (an interesting moment by itself) and to legally sanction that China can use military force against Taiwan is clear about what is the normative setting that is to be protected, what are main agents and possible punishments. In the law, nationalism (and nationalist compassion) actually serves sovereignty rather than otherwise. Its article 2 reads '[s]afeguarding China's sovereignty and territorial integrity is the common obligation of all Chinese people, the Taiwan compatriots included' while the article 8 specifies what would happen if the 'obligation' is violated: '[if] the "Taiwan independence" secessionist forces should [...] cause the fact of Taiwan's secession from China, or that major incidents entailing Taiwan's secession from China should occur, [or if] possibilities for a peaceful reunification should be completely exhausted, the state shall employ non-peaceful means and other necessary measures to protect China's sovereignty and territorial integrity' (Xinhua 2005).

Conclusion

In the chapter, I distinguished two key scales which are relevant for demarcating sovereignty in the China-Taiwan relationship and which form a multi-layered spatial configuration of the sovereignty relationship. Politics on the two scales also illustrates that Taiwan is still closely tied to China despite being effectively located outside of it. This chapter's elaboration on CSR helps to elucidate that while Hong Kong experiences a similar situation from the 'inside' of China, Taiwan, which is practically independent to a large extent, is chained to the same 'fence' as Hong Kong but from the 'outside'.

The first, inter-state, scale is defined by China's and Taiwan's connections to the international society and its institutions. The second, trans-state, scale is based on subsidiarising moves which interconnect 'parochial' ('local') actors (i.e. China and Taiwan) within the broader international environment into an exclusive configuration which is relatively separated from principles, mechanisms and institutions of international society. As such, it forms a specific political space which is closely tied to the PRC. This situation also invokes the notion of zones and zoning as spaces of non-standard (exceptional) political conduct. A combination of institutions (governmental and semi-governmental agencies), practices (specific type of CSR contacts and negotiations) and discourses (centred around common nation and history) is key as regards the subsidiarising moves for defining the scale. It can be further characterised through a peculiar mixture of principles like non-recognition, unity (or at least implicit willingness to unification) and verbal stress on equality or no unification but also no independence, which shows a very high extent to which the PRC can be flexible when it comes to the demarcation of its sovereignty.

Three, more specific, points should be highlighted by way of conclusion. First, China's approach to Taiwan has rested on the previously introduced discursive and ideational innovations brought about by the notion of OCTS, which to a large extent serves as an institutional framework for zonal sovereignty. It is specifically built upon the distinction between *de jure* and *de facto* sovereignty corresponding with the distinction between *zhuquan* (sovereignty) and *zhiquan* (right to govern) and the effort to settle the sovereignty issue in a cooperative manner through allowing for the simultaneous existence of multiple governing loci. This enables China to construct the scale of trans-state space but also preserve the crucial emphasis on its own *de jure* recognition as a sovereign state.

Second, despite being distinct, both scales which were discussed here are not completely separated. They help China to preserve the ultimate goal of achieving sovereignty consolidation. Equality promised and constructed on the scale of common trans-state space helps to keep and confirm hierarchy at the international (inter-state) scale of CSR because such a subsidiarising scaling (trans-state space of CSR) cannot undo principles of broader international context (i.e. international society) in which the

PRC is officially and symbolically recognised as sovereign. It was shown that China's nationalist common-blood discourse might play a positive role in mutual relations. However, while the discourse may be framed as long-lasting (connecting the past and the future), it is intertwined with an element of tentativeness and inferiority and subsumed under the dominant and more stable vision of *de jure* sovereignty as the ultimate referential point. In other words, China's cooperating and facilitating common-blood nationalist discourse is conditioned by the insistence on the One China principle and, by implication, the PRC's official international recognition as the sovereign representative of China in and by the international society.

Last, Taiwan has participated in both scales. Internationally, after losing its official sovereignty recognition from the majority of states and international organisations, it gradually focused on utilisation of multiple channels for recognition which the international society offers. Taiwanese governments tried to closely interconnect Taiwan with various (primary) institutions of international society and participate in political trends and opportunities they establish, ranging from state-centric (or state-dominated) institutions like international law or diplomacy to global capitalism and democracy and human rights support. In other words, Taiwan's strategy was based on bypassing the official sovereignty recognition and using other institutions and norms as substitutions for sovereignty through which it could scale itself as a legitimate international actor, which is supposed to confirm its *de facto* sovereignty and help guarantee its existence. At the same time, Taiwan largely participated in trans-state space. While Taiwan's identity has been changing and the importance of the view that Taiwan is a political nation distinct from China has been rising, which severely complicates its interactions with China on the common scale of trans-state space, Taiwan also at least partially contributes to it by using diplomatic channels characteristic for the given space, evoking policy principles (e.g. the so-called three nos) compatible with it and often utilising a discourse compatible with China's common-blood discourse.

Figure 11: Sovereignty in the China-Taiwan Relationship

Scaling result	Key scaling moves	Key institutions, discourses, practices	Temporal positioning
Taiwan as a *de facto* state prevented from official sovereignty recognition + entangled with China through constructing common space → contributes to the zonal character	***Inter-state scale*** • PRC connected to official (*de jure*) diplomatic sovereignty recognition **(*)** • ROC prevented from achieving the same; however, connected to many other international institutions and international actors • Background condition/context: both PRC and ROC possess internal control (domestic authority) over mainland China and Taiwan respectively	• ROC connected to some primary institutions: international trade, aspires to connect to human rights, partially connected to diplomacy and international law; backed up by balance of power (great power management – USA role in the region) Also, connected to many secondary institutions (mainly in the economic, cultural, social areas)	• PRC's engagement with both inter-state and trans-state defined by the same goal: • China's projection of the destined re-union with Taiwan • constructed through historical memories (references to common national history), mainly related to trans-state scale – future based on history
	Trans-state scale • a subsidiarising move, creating an exclusive space (two 'local' actors only – China, Taiwan), largely detached from international society and its institutions **(**)**	• Nationalist 'common-blood' discourse and common history ('nation-state'-centric framing) **(***)** • (Semi-)governmental and quasi-diplomatic bodies (institutions) **(***)** • Diplomatic practices (different meetings, contacts, negotiations) – resulting in cooperation in different areas including judicial cooperation **(***)**	
	• However, **(**)** and **(***)** constrained and limited by **(*)**, hence **(**)** and **(***)** may potentially/prospectively help PRC to get sovereignty over Taiwan		

7. India's Approach to Sovereignty

Introduction

Together with India's desire for independence, which came true in 1947, India's leadership also aspired to differentiate India from its colonial past and define it as the modern sovereign state. Reviewing key characteristics of India's approach to sovereignty in the post-independence development, I argue and show that we can identify two modes of India's sovereignty, each of them having a different relationship to the original aspiration. It is argued that they should be understood and characterised as ethical conservative sovereignty and regio-sovereignty. The former is relatively close to the ideal of Westphalian sovereignty but enriched by ethical and progressivist visions, the latter is a largely different mode of gradated sovereignty. While political dynamics of the former is centred around the 'national-global' axis (aspiring to create a strong nationally unified country which connects with and contributes to global order), in the latter, sovereignty constituted around the 'local-national-regional' axis. As India's official (foreign) policy highlighted explicitly or reflected more implicitly, there are dynamics and links going across the region which intimately interconnect the local, national and regional. Regio-sovereignty is, then, defined through such interconnections, being more or less divided from influence of the global international society.

The presence of the two modes reflects a paradoxical situation where India aspired to emerge as a strong sovereign country but inherited and reproduced many characteristics tied with the previous political imperial and colonial organisation. India's (foreign) policy is often explained by pointing to different periods of the rule of certain politicians (Jawaharlal Nehru, Indira Gandhi, etc.) (e.g. Chacko 2012; Ganguly 2001; Singh 2013; similarly Krishna 1999) but I show that the two sovereignty modes have coexisted parallelly from the very inception of independent India. In the chapter, I build on post-colonial works dealing with India's state-formation, foreign policy and identity (esp. Abraham 2014; Chacko 2012; Krishna 1999) which indicated that India's approach to sovereignty could not be exhausted by the Westphalian ideal of sovereignty. Following this stream of literature which highlights hybridity of post-colonial conditions, I show that the two concerned modes are situated in an ambivalent relationship and often critically mirror and accompany each other, rather than being simply parallel and intact. Moreover, it should be noted that I do not see regio-sovereignty as intentionally and comprehensively pre-planned but rather as a set of institutions, discourses and practices which are interconnected with each other for

various reasons, but nevertheless, correspond with each other and form a relatively distinct mode.

To analytically ascertain a mode of India's sovereignty which exceeds the more or less traditional model, I propose the notion of regio-sovereignty, which is loosely inspired by the term 'domo-politics' coined by Walter (2004) and subsequently used by other authors to address the issues related to the topics of security, territory and nationalism (e.g. Darling 2011, 2014; Hynek 2012; Nyers 2013: 193–196). Domo-politics focuses on governing a nationhood as a home, describing a contested process of creating ordered life, which involves reconfiguration of relations between citisenship, state and territory (Walters 2004: 240). As noted by Nyers (2013: 7), this term evokes Deleuze's and Guattari's (1987) view on sovereignty as interiorising, subsuming and making local. Analogously, regio-sovereignty derives from the processes of extending the domestic in terms of discourses, practices or institutions to the regional level or treating the region like it should fall under India's own sovereign authority.

At the same time, however, 'regio' differs from 'domo' in an important way as it does not imply a uniformly homogenised domestic space but varying, differentiated or, if you wish, regionalised space. Thus, regio-sovereignty spells out a sovereignty configuration in which the region of South Asia is approached as intertwined with or falling under India's sovereignty. This produces regionally-varying sovereignty extensions and gradations of sovereignty, including those *within* the national border of India. In other words, Indian practice of this mode of sovereignty turns South Asia into a (quasi-)domestic and (quasi-)local space with differently gradated sovereignty, which appears both inside and outside India. As such, processes related to regio-sovereignty are ambiguous and complex and produce negotiated, shared and divided sovereignty, i.e. they reproduce the way how India came into being. In this way, India's sovereignty is interconnected with a regional scale of political relations and, as such, is divided from some of the key principles pursued by India globally, most notably but not only non-intervention or (sovereign) equality. Regio-sovereignty, hence, rests on the distinction between the regional and global. However, even on the regional scale, regio-sovereignty is contested, firstly, by other states in the region and, secondly, by India's own practice of the other mode of sovereignty.

It should be explained how the chapter's focus is demarcated. Firstly, I discuss a mode of sovereignty which is often presented by India's own (foreign) policy or by academic literature as dominant and as forming the very core of India's sovereignty. This is described as ethical conservative sovereignty. Secondly, while I do not dispute that this mode is important, I also show that there are other important aspects which fall outside this mode. The focus is pre-selected here by the motivation to explore and overview trends, dynamics and perspectives in Indian (foreign) policy that

contextualise the two specific subcases (India's relationship to Kashmir and Bhutan). To put it differently, while the focus here is not on India's relationship to Kashmir and Bhutan *per se*, I review how they fit into wider trends and context of India's state-making and foreign affairs. This leads me to reflect on other cases and areas (India's northeast, Sikkim, Nepal, Sri Lanka, Bangladesh) which evince similarities to what has been happening *vis-à-vis* Kashmir and Bhutan.

As regards a timeframe, I mainly focus on the constitutive periods of both sovereignty modes. The constitutive moment of ethical conservative is the period of India under the rule of Jawaharlal Nehru – the first prime minister, minister of external affairs and a principle architect of independent India and its foreign policy. I also indicate the mode's continuing importance during the rest of the Cold War era and briefly touch on partial changes (but also some continuities) related to this mode since the 1990s. Capturing the post-1990 developments – i.e. a period when the mode of ethical conservative sovereignty is challenged but retains at least some degree of influence – would be highly interesting but it is a topic for further research, rather than a goal in this chapter. When dealing with regio-sovereignty, I discuss its constitutive moment, which starts after India became independent, but I also point to some later happenings and dynamics.

The chapter unfolds in four substantial parts. After discussing and characterising the mode of ethical conservative sovereignty in the first part, I turn to regio-sovereignty. In the chapter, I argue and document that it largely rests on the connections with pre-independence India. Hence, the second part discusses historical sources which precede the actual creation of regio-sovereignty but are crucial for its understanding. The third part characterises regio-sovereignty, which is done in two main steps. Before I actually provide characterisation of regio-sovereignty, I document in which areas and occasions it can be found. The fourth part discusses how ethical conservative sovereignty and regio-sovereignty relate to each other.

Ethical Conservative Sovereignty

The dominant effort and ideal of the Congress politicians was to create a unified, strong and independent state. Domestically, the key goal was to design and materialise a sufficiently powerful domestic centre of authority which would be able to govern the previously largely heteronomous political space under the British colonial supervision (cf. Nehru 2004: 7). Internationally, the imperative was to enter the international society as a fully accepted, equal and also respected actor for which obtaining the form of the modern sovereign nation state was seen as necessary (Mishra 2008). This vision was inspired by the common-sensical model of Westphalian (absolute, conservative) sovereignty. The inspiration by this model, which was clearly expressed even in foreign

policy of Delhi's (i.e. Indian, not British) representation at international fora (e.g. the San Francisco conference in 1945) even before actual India's independence (Khan 2017a), was localised with the help of the Congress elites' progressive ethical vision, mainly but not only Nehru's belief in the positive and legitimate role of international agreements and principles in co-constituting the main principles of sovereignty conduct. Despite (or perhaps due to) this localisation, the mode of ethical conservative sovereignty evinced a strong preference and inclination towards streamlining and channelling politics and issues related to sovereignty along the national-global axis. In other words, this inclination projected that key political steps should take place in the interactions between a nationally unified state represented by a strong authority and legitimate international organisations such as the United Nations which was initially fondly accepted by Indian Congress elites (Nehru 1947; Ogden 2015: 62–64, 2017: 109–111). While this is not surprising especially as India's mainstream discourses heavily linked nation with internationalism and/or cosmopolitanism (Chatterjee 2016), I show below that it largely differs from the local-national-regional axis that could be associated with regio-sovereignty. The overarching goal of these aspirations was to move from the past of colonisation to the present and future of a fully independent actor, leaving the past behind and progressing both domestic and international politics towards a brighter future. In the following paragraphs, I elaborate on these issues more closely through five steps. I firstly discuss ethicality as an aspect which codefined India's conservative sovereignty and through which conservative sovereignty was localised into India. Secondly, I examine how temporality was used to underpin ethical conservative mode of sovereignty. Thirdly and fourthly, I further elaborate on the perspectives on and ties with the domestic and international environment.

India accepted the conservative model of sovereignty with aspirations to contribute to the course of international society as well as to overcome the limits of Western state's politics. Nehru saw India as the biggest moral power (Chacko 2012: 12) that should lead by an example (Hymans 2009). This quest and aspiration influenced and underpinned the ways how India's sovereignty became constituted. It is important to realise that this civilisational mission needs to be understood as interconnecting the internal and the external. Similarly to Kautilya and some other ancient Indian philosophers, Nehru regarded the state as a moral watchman (Singh 2004b). The very identity of India and the raison d'être of its existence as an independent state was seen in its secular identity as opposed to the religious rationale of Pakistan's existence (Singh 2013). This identity underpinned the distinctive existence of India as a sovereign country as well as it was supposed to be developed by the state. A similar rationale of modernity and modernisation can be found in other areas. In general, it can be summarised that '[t]he state was […] designed to be both a catalyst for modernisation and social change as well as its beneficiary' (Mitra 1991: 769). This provided a reason

for a strong and robustly institutionalised state. Secularism, socialism, and social, scientific and economic progressivism were key discursive and ideational sources that codefined India's ethicality under Nehru and, to a large extent, also during the reset of the Cold War (Singh 2013).

More specifically, being such a moral power, India wanted to differentiate itself from the previous colonisers (opposing and disconnecting from colonialism as a primary institution of international society) but also overcome the internal colonial heritage of disintegrated political space differentiated into a high number of different more or less connected or independent polities. Through progressivist anti-communalism and secularism, it aspired to overcome internal diversity to strengthen the country. Or in other words, the foundational discourse of India portrayed newly independent India as achieving 'unity and diversity'. As such India was pursuing pursuing 'practical idealism' or 'enlighted national interest' (Engelmeier 2009: 16; Khilnani 2012) both domestically and internationally. Although the ethical (and modernisation) progressivism was arguably the strongest during the period of Jawaharlal Nehru, it has been reappearing afterwards (Khilnani 2012; Mitra 1991; Sullivan 2014). Nehru's spirit was invoked when Manmohan Singh, a recent Congress prime minister, advocated India's global responsibility, 'avoiding selective approaches' and reaching 'substance and credibility' in his internationalist vision (Singh 2004a). The most recent incarnation of the enlightened national interest appeared in a description of the current Narendra Modi's foreign policy (Haidar 2014; cf. Chatterjee Miller – Sullivan de Estrada 2017).

Ethical conservative sovereignty rested on a combination of three temporal demarcations. Firstly, based on ethical visions, India wanted to contribute to domestic as well as global progress and change. Secondly, this was intertwined with the effort to clearly differentiate from the colonial past, again, domestically and internationally. Thirdly and partly relatedly to the previous point, the Congress leadership put forward a specific imagination of India's history to underpin their nationalist claims. While the first two points were, in principle, outlined above, the third one requires a further elaboration. In contrast to the British who saw India as inherently fragmented and heterogenous (Anand 2012: 77; Wink 1986: 11), Indian political elites constructed an image of India as culturally and geographically united. While recognising that diversity of India is 'tremendous' (Nehru 1985a: 61), Nehru asserted that '[t]he essential unity of that group [i.e. of India or Indian nation] becomes apparent when it is compared to other national groups' (Nehru 1985a: 62).

The accidents of geography have had a powerful effect on determining national character and history. The fact that India was cut off by the tremendous barrier of the Himalayas and by the sea produced a sense of unity in this wide area and at the same time bred exclusiveness. Over this vast territory a vivid and

homogenous civilization grew up which had plenty of scope for expansion and development, and which continued to preserve a strong cultural unity. Yet within that unity geography again produced diversity. (Nehru 1985a: 452)

This view became a foundation of Congress nationalism. Although the discourses centred around the Hinduist nationalist stream in Indian politics altered this view in many ways (see e.g. Ogden 2014), the key tenet, i.e. that there is a united nation as the basis of the Indian state, has never been challenged by mainstream Indian politicians.

Although India was created as a federation and through a federalist process of state-formation (more on that in the following parts), the dominant effort of the Congress was to create a centralised state. Nehru had an ambiguous and varying view on federalism as a suitable form for India (Nehru 1985a: 365, 527). Federalism was often accepted and used reactively during a negotiation on India's independence, including accepting a loose federalist structure as a concession with the purpose to convince the Muslim League not to seek its own independent statehood (Rajashekara 1994). The aloofness towards federalism is reflected in the fact that the Indian constitution does not include the word 'federalism' (Constitution of India 2007) and in the subsequent efforts to create a strong socialist state. Although the institutional framework of the Indian state has never been particularly effective (Ganguly – Thompson 2017; Naseemullah 2016), it was intended to be robust so that it can oversee India's modernisation. While the Indian state has been economically and institutionally restructured and made more flexible since the late 1980s, these changes, which include e.g. the establishment of special economic zones, have not pervaded India's sovereignty to such an extent as it happened in China in relations to Hong Kong.

One of the first occasions on which India and Jawaharlal Nehru outlined their foreign policy was the Asian Relations Conference taking place in March 1947, i.e. before India actually became independent. Nehru's inaugural speech emphasised the values of equality and cooperation (Nehru 1947), which was implicitly underlined by the strife of many Asian nations to become independent nation states. It is noticeable that Nehru's speech and the whole setting of the Conference had various pan-Asianist characteristics rather than being focused on India's relationship to the narrower region of South Asia. As such, India's position at the conference can be understood as preceding two crucial moments of Indian foreign policy, namely the formulation of the five principles of peaceful coexistence (the Panchsheel principles) and the Bandung conference connected with the creation of the non-aligned movement.

The Panchsheel principles expressed a relatively conservative approach to sovereignty. They were fully and explicitly articulated for the first time in the 1954 treaty between India and China and included mutual respect for each other's territorial

integrity and sovereignty, mutual non-aggression, mutual non-interference in each other's internal affairs, equality and cooperation for mutual benefit and peaceful co-existence (United Nations 1958). However, similar principles appeared in Indian politics even before 1954. The article 51 of the Indian constitution, which was adopted in 1949, informs us about very similar values. While India (as well as China) often emphasise the five principles as their contribution to the international order and downplay the fact that Panchsheel largely copies the principles of the UN Charter (cf. e.g. HuffPost 2017), the foreign inspiration for the article 51 was explicitly recognised during the process of drafting the Indian constitution (Verma 1989: 302–303). In other words, while Panchsheel was presented as a bottom-up move influencing (or partially influencing) the international order, it in fact stands for India's mimicking of standard principles and norms of the current international order and consolidating the ethical conservative mode of sovereignty.

At the Bandung conference, which was attended by 29 leaders of Third World countries, one of the crucial topics was connected with (human and states') rights. The discussion on them made it clear that they are conditioned by sovereignty, recognition and independence of Third World nations (Chatterjee 2016: 329). The conference and the formation of the Non-Aligned Movement were important for highlighting and disseminating other principles of an Indian foreign policy approach, especially the eponymous principle of non-alignment derived from India's insistence on its strategic autonomy but also self-reliance, non-violence or non-interference, anti-hegemony, equality, anti-colonialism and others (Ogden 2015). In this way, India – as a leading member of the Non-Aligned Movement – was able to subsidiarise (partially ascending) its visions related to ethical conservative sovereignty internationally and increase the significance of their model in the times of the Cold War.

These efforts were important because they further specified India's connections to the international society. On the one hand, they disconnected India from the primary institutions of balance of power and great powers and their managerial role, while, on the other, strongly interlinked India's ethical conservative sovereignty mode with nationalism as a co-constitutive primary institution for the modern statehood. Strategic principles of non-alignment, strategic autonomy or (more recently) equidistance or equiproximity (Khurana 2017; Schaffer – Schaffer 2016) formed long-term discursively emphasised drivers which prevented India's full 'socialisation' into great power politics and India's definition of its sovereignty prerogatives through positioning itself as a great power (cf. also Basrur – de Estrada 2017). The nationalist endeavour was defined through a peculiar mix of nationalism and internationalism which were seen as compatible (Nehru 1985a: 531) and which occupied an important role in thinking of Indian pro-independence figures even before 1947 (Chatterjee 2016). Internationalism should help mobilise sufficient support and organise a network

of relationships in the anti-colonial struggle and should be the basis of peaceful relations among those nations. Inherently mimicking Woodrow Wilson's model which informed the post-WWI international audience that sovereign states could be created and recognised as independent through forming distinctive nations and asserting their national claims, nationalism was accepted as the dominant model according to which political communities should be established. Hence, these nationalist endeavours must also be understood as creating a connection to nationalism as an institution of international society as famously portrayed by James Mayall (1990, 1999) due to its role in co-defining membership in the international society.

Both non-alignment and Panchsheel have been continuously invoked many times since their formulation. This is also the case of Indira Gandhi. During the early 1970s, she appraised the non-alignment principle stating that while '[m]ost of these superpowers like to have spheres of influence [while] [t]he only sphere of influence we want is one friendship and mutual help' and committed to Panchsheel (Chacko 2012: 112). Alongside that, she also underlined brotherhood as a key principle for organising relations with South Asian countries (Chacko 2012: 112). The Minister of External Affairs of the first government led by a different party than the Congress, Atal Bihari Vajpayee from the Janata Party, discursively tied his government's South Asia policy with friendship, trust, co-operation and mutual equality (Vajpayee 1977: 91–92). In 1978, i.e. one year later, the first president of India from the same party explicitly highlighted the importance of Panchsheel (Reddy 1978: 66). Similarly, a prime minister Rajiv Gandhi reiterated India's 'enduring commitment to Panchsheel' during the 1980s. (Gandhi 1989: 29, similarly 1986: 354). The importance of non-alignment and Panchsheel has decreased since the end of the Cold War. While the former has been diminishing and slowly disappearing (cf. Alam 2017), the latter still retains a noticeable degree of relevance despite the decline (Madan 2014; Mazumdar 2012; Michael 2013: 34–35). Moreover, India's continuing support for UN peacekeeping operations and simultaneous reluctance to humanitarian interventions indicates the relevance of the Panchsheel norm of non-intervention combined with peaceful co-existence (Chacko 2018; Choedon 2017; Krishnasamy 2010).

Origins of Regio-Sovereignty

This part shows that some elements which conditioned the emergence of regio-sovereignty after 1947 preceded and influenced the very creation of independent India. In other words, this part – together with the following one – allows to see a continuity of the factors influencing a constitution of India's sovereignty rather than perceiving the 1947 independence as a sharp break. I focus on two aspects. Firstly, renouncing the notion of empire as a space of homogenisation processes and clear-cut

domination, I discuss the multi-layered, multi-frontier and heterogeneous character of the British Raj, which has been mimicked later on. The character of the British Raj lends itself well to the post-independence regio-sovereignty extensions of the domestic. Secondly and crucially for our purposes, I use the analysis of Rudolph and Hoeber Rudolph (2010) of federalism as a distinctive process of state-formation and as a theory of shared, divided and negotiated sovereignty to highlight the character of India's state-formation and to explicate India's emergence as an independent country in 1947.

James Onley's (2009) article shows that the British Indian Empire (Raj) was larger than usually imagined. The empire is usually regarded to include British India (i.e. seventeen colonial provinces under the direct British rule) and the so-called princely states which comprised about 600 polities of different kinds each of which had its own ruler. Being overseen by a British agent, they fell under British suzerainty. Besides that, there were many other territories or polities which could be included under the British Indian informal empire stretching well beyond South Asia. These were the spheres of influence or quasi-protectorates usually controlled or influenced by British agents or consuls. Among others, these included Bhutan, Nepal or Afghanistan. This account makes us aware of the complexity of the in/formal British Indian empire. Its structure had a patchwork, rather than concentric character as individual princely states were located both at the geographical centre and margins of what we now know as India. Moreover, there were considerable differences as regards their size, importance, internal structure as well their administration by the British or a different British approach to collecting taxes and revenues (Ernst – Pati 2007; Lumby 1954; Naseemullah 2018; Onley 2009). Hence, the system of management produced different extensions of the British rule (i.e. of the power centre).

The imperial system was accompanied with different buffer zones and multi-frontier (rather than border-like) territorial demarcations, which reacted to the geopolitical logic of the 'Great Game' and Russia but also China as fundamental strategic competitors threatening the British Raj. More specifically, we can speak of the three-tier frontier which was derived from the thinking of Lord Curzon as the main architect of the British geopolitical approach (Phanjoubam 2015: 89–93). The structure was underpinned by a system of treaties which British signed with their (quasi-)protectorates like Bhutan, Nepal or Sikkim and which were renewed by independent India.

The process of state-making in India was largely confined by this heterogeneity of the imperial/colonial system. Although Congress leaders aspired to create a strong unified state, the actual formation of independent India can be explicated through a federalist state-formation. As shown in the previous chapter, Historical Sociology usually understands state-formation as a cumulative (sometimes almost teleological)

process of subsuming particular players and units under the central power through gradually increasing power of the centre which often rests on coercion, dominance and elimination of alternative power centres. The culmination of such a process leads to the creation of the domestic locus of sovereignty. However, as argued by Rudolph and Hoeber Rudolph (2010; similarly Tillin 2013), the story of India's state-formation was different. It needs to be understood as a process of sharing, negotiating and dividing sovereignty in the dynamic relations between strong local authorities and weak centres, which problematises the idea of monopoly as the basis for sovereignty. Starting with the history of Indian empires of Ancient times and proceeding to the British Raj, Rudolph and Hoeber Rudolph identified 'two versions of the federal process of state-formation, the subcontinental empire and the regional kingdom' (Rudolph – Hoeber Rudolph 2010: 565), which are both characterised by an unstable equilibrium of power. They mainly stop their historical investigation in the year of 1947 and see the creation of independent India as a significant shift from shared, negotiated and divided sovereignty towards a strong power centre.

While the change is undoubtedly remarkable, focusing on it may obscure that India was actually created through a federalist-like negotiating process. As noted at the beginning of this part, the British Raj was a highly heterogenous political formation which incorporated diverse population(s) and different political units. Connected to that, a possibility of granting a strong local autonomy across India was discussed in Indian (colonial) politics a few times since the beginning of the 20th century. This idea (intention) also informed the 1935 India Act, which served as India's constitution up until 1947. The act committed India to federalism which was vehemently opposed by the Congress (Menon 2017). This set the stage for the actual negotiations over a transfer of power. After convincing Britain that India should become independent, which was achieved through the combination of cooperation and non-cooperation but not through a violent conflict, the main challenge lay in unifying diverse units into one state.

Initially, it became clear that Pakistan would be established as an independent country, which was a decision that Indian leaders could not effectively reverse (Khan 2017b). In January 1947, a general conference of rulers of the princely state adopted a resolution in which they asserted that 'the States would enter the Union [i.e. the independent Indian state] only by negotiation, the final decision resting with each State' (Lumby 1954: 228). In February 1947, Britain announced that it was going to grant British India full self-government by June 1948 at the latest but also that the future of the princely states remained to be decided (Menon 2017: 350). The situation for the Indian (Congress) leaders was not easy because they had no effective power how to enforce the accession of the princely states into India. At the end of the day, they were forced to rely on the discussions with the British and negotiations with the

princely states about creating All-Indian Federation, which were led and mediated by Lord Mountbatten, the last Viceroy of British India, who was authorised to conduct British relations with the princely states on behalf of the Crown (Lumby 1954: 205). Mountbatten's final decision that the princely states have to join either India or Pakistan and cannot become independent must have brought a sense of strong relief among the Indian leaders as it, in fact, helped to bolster their effort to create a strong sovereign authority. Still, particular conditions of accession needed to be agreed. India was in a more difficult position than Pakistan because it needed to negotiate with many more princely states whose character, moreover, was largely heterogenous. In this process, the Congress leadership still relied on Mountbatten's diplomatic help. Mountbatten communicated his position that the princely states should join India as they would transmit the control over their foreign affairs, defence and communications onto India. This was intended to meet the demands of the princes for autonomous position. As Mountbatten noted in his response to the concerned princely state rulers, this 'leaves you with all practical independence you can possibly use' (Lumby 1954: 236).

The negotiations were not smooth during the very last stage partly due to significant time constraints. In June 1947, the Brits announced that they were going to leave India within one month. Under the aforementioned terms, the princely states were convinced to sign the instrument of accession and standstill agreement which made them parts of India. However, thee exceptions appeared; Junagadh, Hyderabad and Kashmir did not accept to become members of the Union. The troubled historical development of Kashmir involving its *de facto* division between India and Pakistan will be discussed in the next chapter. The other two states' independence aspirations were eliminated by military force after Hyderabad unsuccessfully appealed to the United Nations (Afraz 1989; Talbot 1949). While these three cases may resemble the process of a forced state-building, it is hardly imaginable that India would be capable of pacifying the revolt of a higher number of the princely states while, at the same, it is not possible to deny that the nascent Indian authority did rely on achieving agreements in negotiations.

Regio-Sovereignty in India's Post-1947 Politics

With India's independence in 1947, the multi-layered system of the British Raj was transformed into the national boundaries of the modern sovereign state. However, as I document in this part, the previous practices and their rationales, institutional arrangements or perceptions and discourses have not disappeared. Rather, they were adapted to the new realities of the ideal of fixed boundaries and equal sovereigns. It is crucial to point out that Indian political elites shared a belief that India had inherited

strategic interests of the British Raj (Krishna 1999: xxxiii) as well as 'the status from the British' which had become a bedrock upon which India acted in the region (Interview 2; similarly Interview 5). This view has significantly influenced Indian actions in the region as I describe below. To address the issues of continuities, changes and adaptation which came to produce regio-sovereignty, the first section of this part discusses geographical areas which regio-sovereignty is mainly related to and, in the second section, I move to identify its key characteristics. The first section mainly explores and describes while the second one systematises, characterises similarities found in the previous section and links that with scaling and temporal positioning.

Geographical Epicentres of Regio-Sovereignty

Domestically, India's current patchwork structure and unevenly distributed space have been re-produced in two ways – firstly, the lack of India's governing capacities in certain areas and, secondly, creating exceptional spaces. As indicated above, India inherited its composition from the period of the British empire. British imperial politics predominantly focused on the development of certain areas while neglecting others, which contributed to the uneven domestic structure. It has been shown that the areas with the traditionally restrained state capacity have continued to exist up until today (Naseemullah 2018, 2016; Ganguly – Thompson 2017) and that these areas are significantly connected with sovereignty-challenging violence, e.g. rebellions against the state with the motivation of challenging the state's political authority (Naseemullah 2018). The concerned local violence and aspirations are isolated from international audience to a large extent. As such, the acts of local resistance were disconnected from international society and its institutions or norms (potentially, human rights, self-determination, democracy and democratic governance), which significantly decreased the importance of their sovereignty-challenging behaviour for India and its sovereignty demarcation. However, domestically, these actions are still important. They stem from but also contribute to 'the unevenness of the state presence' (Naseemullah 2018: 104), complicating the reach of sovereign authority and creating micro-ruptures of inside challenges to India's sovereignty. As such, these areas can be understood as micro-cases where 'the art of not being governed' (Scott 2009) is materialised in practice. Often alongside that, attempts to restructure India's sovereignty by military separatist (autonomist) movements (in Kashmir, Punjab, Manipur, Mizoram, Nagaland or Assam) are apparent.

The areas with high sovereignty-challenging violence often coincide with the Indian state's practices of creating spaces of exception where the state's government structures are specifically adjusted, exceeding and defying India's federal system. There are mainly two geographical areas where exceptional spaces can be detected –

India's northwest and northeast (now composed of the so-called Seven Sister states – Arunachal Pradesh, Assam, Manipur, Meghalaya, Mizoram, Nagaland and Tripura). Both Kashmir and India's northeast are addressed by the Indian constitution in its articles 370 and 371 falling under the section 'Temporary, Transitional and Special Provisions', which indicates their special or exceptional position. I will focus on India's northeast here while the state of Jammu and Kashmir and its fortunes will be discussed in detail in the next chapter

The northeast area and the state of Sikkim was largely approached as the tribal areas during the colonial times in which cultural tradition of the tribal was supposed to be protected (Misra 2011). The so-called Inner Line (one of the frontier zones) was instituted to restrict the entry of outsiders (including inhabitants of other parts of India) to the areas (Misra 2011). The practice of isolation of this area was largely continued even after India's independence. The Northeast Frontier Agency (NEFA), as one of the political divisions of British India, continued to exist after 1947 as well as it formed a part of the then state of Assam (Baruah 1999). However, NEFA was separated from Assam's government and control from New Delhi. However, after Nehru's policy of the isolation of NEFA was discredited, the northeast area was restructured after 1971 (besides other changes, NEFA transformed into today's state of Arunachal Pradesh). Although these changes meant the inclusion of the area into India's normal federalist structure, New Delhi has continued to enjoy important powers to control political developments (Baruah 1999), which creates continuities with the area's previous exceptional position. In 1980, nine unfavourable governments of Indian states were placed under a direct presidential rule. In Punjab, the central government even supported extremists in order to increase a sense of instability so that it could intervene in local affairs beyond the central state's powers (Jeffrey 1986; Jetly 2008). Interventions in the autonomy of Indian states of various kinds happened especially during the 1980s and the early 1990s and resemble India's international interventions, which will be discussed below (Baruah 1994; Gargan 1993; Hazarika 1994).

The sovereignty-challenging actions of local actors which go clearly against the desire of the Indian state and the practice of instituting space of exceptions derive from the state's decision lead to a similar outcome – gradating sovereignty inside India. The case of the Kashmir conflict and politics related to the Indian state of Jammu and Kashmir can be seen as an extreme one due to the combination of both sovereignty-challenging behaviour and being a zone of exception with specific characteristics and, as such, will be examined later in this thesis.

The northeast area *outside* India's post-independence national borders has been similarly crucial for regio-sovereignty. Mimicking the colonial British practice of managing the relations with Bhutan, Nepal and Sikkim formed the main bedrock of

regio-sovereignty and of India's engagement with these states. In 1958, Jawaharlal Nehru provided his assessment on the topic of India's policy towards Bhutan, Nepal and Sikkim and the relevance of the British legacy.

In India, we as a successor or continuing State inherited British policy in regard to our frontier countries. To this of course was added the grave problems resulting from partition and the creation of Pakistan as an independent State. Naturally, we did not wish to pursue the old British policy, nor indeed could we do so in the circumstances and yet a certain trace of the old outlook continued. (Nehru 2012: 324)

Rather than carefully deliberating how to organise India's relations with these states, India simply signed treaties with them soon after its independence during 1949 and 1950, mimicking the example of the previous colonial ones. A former Indian diplomat previously serving in the concerned area commented on the motivation for renewing the previous treaties appositely: '"if it ain't broke, don't fix it"; so, that really is what it is' (Interview 2). Although each slightly different, these treaties limited foreign or defence policies of all the three states (Dutt 1981; Nayak 2010; Rahul 1976; Rose 1974; Subedi 1994). Political developments of each state differ but they all share a certain interconnection with India. Sikkim's international position was highly dubious. Sikkim possessed a special protectorate status rather than directly belonging into the Indian Union due to Nehru's feeling that Sikkim had possessed a highly distinctive cultural tradition (Interview 1). However, it was neither internally nor externally independent and was fully merged with India in 1975 due to China-related security concerns. It is noticeable that deciding on Sikkim's status was closely interdependent with India's consideration of the domestic aspects, i.e. cultural and security fitness in relations to the membership among Indian states. Bhutan's position, which will be addressed in more details in a separate chapter, was of (quasi-) protectorate which was partially guided by India in its foreign relations.

Although Nepal gained a position relatively independent on India and can hardly be seen as India's protectorate, it has been tied with India by what several people described as a deep and fundamental cultural linkage that makes both states entangled without a real possibility of splitting their political course up (Interview 2; 3; 5; 7; 8). There are three issue areas in which quasi-domestic or domestic-like relations have manifested that. Firstly, there is an open, practically non-existent, border which has been informally institutionalised and there have been almost no serious efforts to change it. The open border is connected with free movement of people between the two states which is provided by the mutual 1950 treaty and supported by very close cultural and family ties. The mutual treaty also allowed the citisens of India and Nepal to work freely in the other country, which includes the eligibility for government jobs. Secondly, there are close army relations. Besides the tradition of conferring honorary

military titles to each other's army chiefs, the Indian army includes a number of Gorkha regiments that are Nepalese nationals. Thirdly and most broadly, India has attempted to influence political developments in Nepal. Although such a practice is not uncommon in international politics, it complements the pictures of mutual relations and their 'domestic-like' character. For example, India supported the establishment of democracy in Nepal in 2006 (Destradi 2012), but also demanded changes to the Nepalese constitution during the constitutional process (Kumar 2015; Ojha 2015) as well as it often tried to influence the selection of Nepal's prime minister (Interview 6).

Even though India often argues for the principle of non-interference into domestic affairs, it intervened in political developments related to the creation of Bangladesh and ethnic conflict in Sri Lanka. In contrast to the issues discussed in a few preceding paragraphs, this topic has not involved a direct continuity of institutions, discourses or practices from the colonial period. However, India's role as the main security manager resembled the previous British practice.

As regards its intervention in Pakistan's civil war in 1971, India justified it by pointing to a need for humanitarian intervention and as a case of self-defence against instability stemming from a political disorder in a neighbouring state and influx of refugees (Chacko 2012: 114; Franck – Rodley 1973; Singh 2013: 61–64). Besides that it wanted to solve the case at the UN, India also unfolded a regionalist or domestic-like rationalisation of its approach. Building on the discourse of a nation in danger which was used by India's political representation during the intervention (Krishna 1999: 24), India's foreign minister Singh highlighted domestic implications for India due to which India simply needed to act (could not afford not to act) (Singh 1971). At the UN, India emphasised that its position in relations to the crisis is different from other states because it is most threatened by its consequences but also because India inevitably needs to deal with the issues based on the principle of 'good neighbourliness' (Sen 1971: 76). The whole issue was understood as inevitably intertwined with the Indian state (Gandhi 1971a). In this sense, 'situated as India is and bound as the peoples of the sub-continent are by centuries old ties of history, culture and tradition, [India] cannot remain indifferent to the macabre tragedy being enacted so close to our border' (Gandhi 1971b: 48). Moreover, after the end of the war and the creation of independent Bangladesh, India continued to influence Bangladeshi politics as India's assistance was vital for building the independent sovereign Bangladeshi state and its capacities (Jha 2010).

While India's engagement with and intervention in the Sri Lankan ethnic conflict were even more complicated and protracted, its rationalisation about its involvement was largely similar to the previous case, highlighting a regional closeness and the interconnected character of the concerned nations' developments as well as dangers for sovereign authority (Krishna 1999). Pre-figuring India's engagement in the conflict,

Indira Gandhi specifically asserted that it was 'clear in every forum and in every possible way that India does not pose any threat to Sri Lanka, nor do we want to interfere in their internal affairs'. However, Gandhi adds that she 'pointed out to President that developments in Sri Lanka affect us also. In this matter, India cannot be regarded as just any country. […] We live in a region where many forces are at work, not all of whom wish India or our neighbours well' (Chacko 2012: 150). Indira Gandhi further developed the reasoning by pointing out that 'because of the historical, cultural and other close ties between the peoples of the two countries […] India cannot remain unaffected' (Singh 2013: 79).

Key Characteristics of Regio-Sovereignty

Based on the aforementioned instances, it is possible to identify several characteristics of regio-sovereignty, which are institutional and identitarian hierarchies, India's control over intervention and non-intervention, and India's centrality in the regional order. All of them are connected with two types of scalar positioning which co-define these characteristics and, especially, the very mode of regio-sovereignty. The first of them is creating different extensions of India's sovereign authority in relations to specific – domestic but also foreign – areas. In this way, India's sovereignty becomes gradated, which leads to the configurations of partially shared or divided sovereignty. In other words, India's sovereign authority is connected with different areas in different ways. Its reach (influence) is increased beyond what would be normally expected (*vis-à-vis* other aforementioned regional countries), hence creating specific transnational configurations (subsidiary spaces, subsidiarising) or designed very specifically in connections to the domestic northeast and northwest areas (exceptional and/or limited internal reach, partial disconnections between local and national authorities accompanied with exceptional measures). In addition, it may be complemented with a partial (though not necessarily complete) disconnection from the international society, its influence or principles (partial encapsulating or, as mentioned above, partial subsidiarising). Hence, how India's sovereignty is demarcated happens mainly along a local-national-regional axis. As India's official foreign policy highlighted explicitly (e.g. in the case of Sri Lanka or Bangladesh but also Kashmir) or reflected more implicitly (e.g. in the case of Nepal), there are dynamics and links going across the region which intimately interconnect the local, national and regional.

As indicated above, institutional hierarchies involve mimicking British colonial models and India's own (re-)construction of hierarchically situated institutions. This shall be understood with the help of two scaling moves. Firstly, it involves mimicking the models related to the primary institution of colonialism. I argue that we should see it as mimicking global, rather than parochial, models because models of unequal

treaties or semi-sovereign protectorates or dependencies are much broadly spread than limited to the colonial situation in South Asia or practice of the British empire (for an excellent illustration of that, cf. Learoyd 2017). Quite obviously, it also involves creating temporal continuities with former political order(s). Secondly, these models are used by India to manage contemporary regional (relatively parochial) aspects and relations and, as such, are put forward as subsidiary types of organisation within the international society but beyond its global level.

A colonial mimicking can be seen in the organisation of the relations between India's sovereign authority and India's northeast international neighbours but also India's northeast domestic states. While the institutional framework of the latter was significantly restructured in the 1970s, the transformation only led to resituating New Delhi's control and special powers. A similar zone with the signs of exception was constructed in Kashmir. During the discussed interventions, India attempted to establish hierarchical institutions yet in an informal way. Firstly, during its engagement in the Bangladesh War, India largely built on the anti-imperialist discourse – one of the traditional discourses of India's post-independence foreign policy – to assert itself as the main promoter of democratic and humanitarian values (as it wanted to bring the attention of the UN to the conflict) but also as the gatekeeper between the global international society and the regional environment which would possess a preferential position in the region (Chowdhury 2013; Prasad 1974). Secondly, during the Sri Lankan conflict, India initially tried to establish itself as a 'principal mediator' (Singh 2013: 82) that would play a privileged role in the conflict. However, it should be noted that both these attempts more or less failed.

Identitarian hierarchies involved situating others as less mature or developed. This often serves to discursively justify and underpin subsidiarising moves as it provides a rationale for India's superiority within the regional space. They very often rest on the combination of familial discourses, in which others possess kindred identities, India's portrayal as an older brother a parent and the focus on political, social and economic modernisation. Interventions to Bangladesh and Sri Lanka were largely framed through helping weaker South Asian defined through such kindred identities (Krishna 1999). The discourse of modernisation and of belonging into one Himalayan family, in which India plays a role of an older brother, has often been used for defining the image of Nepal (Gandhi 1966: 111; Giri 1974: 42; Kumar 2015; Nehru 1959: 163) and Bhutan (see the next chapter) as well as of India's internal northeast (Baruah 1999, 2003). The most peculiar case of identity construction will be discussed in the chapter on Kashmir. Kashmir has been situated at the very heart of India's state-making project due to its alleged secularism and non-communalism. Not only that did it demarcate India's identitarian difference *vis-à-vis* Pakistan, but it also stood for the very justification of the creation of India in its form uniting (religiously and ethnically) different

communities as well as previously semi-independent polities. As such, India needed to retain Kashmir as a symbol of its state project.

Another consistent theme in the regio-sovereignty mode sis India's effort to control possibilities of intervention, which typically involves India's effort to distance (partially encapsulate) the regional space from influence of the international society and global powers. While this creates a connection with the ethical conservative sovereignty mode's scepticism towards great power politics, it also involves India's disconnection from (refusal of) the norm of non-intervention for the purposes of India's regional politics, i.e. something which contrasts India's ethical conservative sovereignty. The mutual combination of these two moves strengthens the disconnection from the global international society and contributes to extending India's sovereign authority beyond its borders within the region.

Generally speaking, this effort has been underlined by India's anti-imperialist discourse and its motivation to preserve the actual independence of India (cf. Michael 2013; Singh 2013). As explained by a former Indian diplomat, India did not fight so hard for independence to become – to use Nehru's phrase – 'a pawn in the hands of great powers' (Interview 3). However, the desire for independence spilled over to the regional affairs. There are three aspects to it. Firstly, as noted above, India claimed that it could intervene in domestic affairs of other countries in certain situations. Secondly and simultaneously, it asserted several times that it cannot tolerate foreign interventions in the region or specific regional countries, which is aptly expressed by Jawaharlal Nehru:

> *it is not possible for any Indian Government to tolerate any invasion of Nepal from anywhere. It is not necessary for us to have a military alliance with Nepal. We do not go about having military alliances with any country. We have none. But apart from any pact or alliance, the fact remains that we cannot tolerate any foreign invasion, from any foreign country, or of any part of this Indian sub-continent or whatever you may like to call it* (Nehru 1984a: 429).

As the passage itself implies, this approach is not limited to Nepal. One of the former Indian diplomats commented on India's foreign policy position as follows: 'any invasion of Nepal or Bhutan, for that matter, would be totally intolerable' while he implied that this position had been a relatively enduring principle of Indian foreign policy (Interview 2). A different former diplomat indicated that Nehru's expressions as the one quoted above should not be taken literally but, in fact, the diplomat admitted that similar motivation had led India to merge with Sikkim (Interview 1). In the case of the Sri Lankan conflict, India attempted to control which other actors might get involved. India eventually agreed with the involvement of Norwegian negotiators in the conflict apparently because it believed they would only play a limited role (Destradi 2013: 75). Moreover, Indira Gandhi's announcement in relations to the

Bangladesh War which states that '[t]oday, the war in Bangla Desh has become a war on India' (New York Times 1971) illustrates that India often centralised its position as the main actor but also the main referential point. Thirdly and related to that, India's position also implied the *de facto* existence of shared borders or frontiers with its northeast neighbours. While this position has been indicated only implicitly and partially in relations to Nepal (Interview 2), it has been expressed more explicitly when it comes to Sikkim and Bhutan. As expressed for example by Apa Pant, an Indian diplomat, who was dealing with Sikkim, 'the frontiers of Sikkim were in fact the frontiers of India'.[16] The same position was declared regarding Bhutan as shown in the chapter on India's relationship with this state.[17]

The above aspects relate to the broad and relatively fluid aspect of India's positioning of itself as central in the regional order. While this also may be more or less tightly connected with subsidiarisation, encapsulation or (partial) disconnection from the international society as discussed above, a temporal positioning plays an important role here. It is remarkable that India's effort to position itself as central in the region is often connected with the imagination of history as inflated with disunity, i.e. some that contrasts the construction of history pushed forward by Indian leaders when they justified the existence of India as an independent sovereign state. Through the picture of the regional disunity, India's efforts to be a central regional actor have often been justified. According to Nehru, British 'took full advantage of the disunity and rivalries of the Indian Powers', which significantly contributed to the colonial subjugation of India (Nehru 1985a: 280, similarly 306). In a similar sense, '[o]ur biggest faults were internal disunity, lack of foresight and our habit of getting involved in petty quarrels. […] Our enemies came and fostered disunity and weakened us by keeping us in separate compartments' (Nehru 2003: 33). Utilising a similar link between India's internal weakness and penetration of foreign powers into the region and India, Indira Gandhi justified the promulgation of national state of emergency which lasted from 1975 to 1977 (New York Times 1975).

In this sense, a strong position of India is crucial for maintaining the regional order. As mentioned by Indira Gandhi in the context of the Sri Lankan civil war, we 'live in a region where many forces are at work, not all of whom wish India or our neighbours well' (Chacko 2012: 150). This position may be understood as directly leading to the Indira doctrine, which, being firstly used in 1983, refers to India's assertive regional behaviour under Indira Gandhi, her effort to solidify India's hegemonic position in the region, preventing other great powers from intervening in regional affairs and domestic affairs of the regional states. However, Sinderpal Singh (2013) convincingly

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[16] Individual Collection of Apa B. Pant, Subject File No. 6, p. 42. Archives at The Nehru Memorial Museum and Library.

[17] The position is also clearly captured in diplomatic files and communication in Individual Collection of N. K. Rustomji, Subject File No. 14, p. 84. Archives at The Nehru Memorial Museum and Library.

shows that the signs of India's aversion to a possible engagement of foreign powers in the region have appeared even before Indira Gandhi and, hence, should be seen as having a broader historical relevance. Moreover, India's regional approach has been mainly bilateral, which reinforces India's centrality and is apparent even in *multilateral* regional organisations. India was initially reluctant to agree with the establishment of SAARC as the first and perhaps most important regional organisation because it worried that other regional countries could bypass or balance India. This resulted in India's approach which aims to control and prevent a deeper multilateral cooperation in significant political-security issues and prefers to deal with them bilaterally (Michael 2013).

Ambivalence, Fluidity and Interconnectedness between the Two Modes of Sovereignty

Although the previous parts of the chapter focused on introducing the main characteristics of both modes of sovereignty, it is important to realise that they are not strictly separated. They are mutually ambivalent. While they undermine each other, they simultaneously stimulate each other's presence, which happens alongside India's identitarian oscillations. Two main directions of interplay can be identified. Firstly, critically mirroring regio-sovereignty, conservative sovereignty may emerge as its critical companion and reflection. Secondly, regio-sovereignty emerges as a response to the weaknesses of conservative sovereignty in such situations where ethical aspirations connected with that seem to lose ground and are seen as ineffective for guiding India's political behaviour.

The first direction appears in the situations like interventions within the region. Once the regio-sovereignty mode is unfolded, a more standard model of sovereignty (i.e. conservative sovereignty) is often preserved as a universal referential point although India is actually acting according to regio-sovereignty. The reasons for the fragility of regio-sovereignty's position may be that regio-sovereignty lacks a supportive justification from the side of international society, may be in conflict with various international institutional models and it does not possess a legitimacy basis in the region (in other words, it is not recognised as legitimate by many other regional actors). When regio-sovereignty is sustained, it is mainly through a specific context and conditions of a bilateral relationship rather than through a regionally accepted basis.

This is apparent in relations to the identities and the understanding of history, which can be discerned in India's (foreign) policy. The familial, kindred and modernisation discourses allow India to situate itself as the dominant actor as well as to assert regio-sovereignty. Doing so rests on the notions of maturation and development which, however, use the model of the modern (and modernised) strong

sovereign state as the ideal end state. The discursive formation informs India's actual foreign policy in which India attempts to help the majority of regional states with their modernisation and strengthening of their state capacities. A similar type of fluidity and political goals can be found when it comes to India's interventions in other states' domestic affairs.

Not surprising to the readers of Cynthia Weber's *Simulating Sovereignty* (1995), which shows that interventions often re-establish the notion of proper sovereignty and hence often contribute to the ideal of the sovereign state, India's interventions had a similar effect. More specifically, India's demands on Nepal to adjust its constitution, its help to build the independent and viable Bangladeshi state during the first few years after the war or its help with modernising Bhutan and introducing it to the international society led to the (re-)establishment of the ideal of the modern sovereign state as the ultimate and proper site of politics and even to its practical support. As such, the discourse and a connected practice go against sovereignty gradation of the regio-sovereignty mode. A specific fluid mutation of both can be found in the case of India's intervention into the Bangladesh war which involved both India's portrayal as a pivotal player that is, in a sense, privileged to carry out the intervention due to its regional interconnection with the crisis but also India's (unsuccessful) effort to mobilise the international society to reconsider global norms of non-intervention and human rights on the basis of the crisis (Wheeler 2003).

Secondly, regio-sovereignty emerges as a response to conservative sovereignty. Two main variants can be discerned. The first one is more speculative and detached from actual foreign policy of India; the second is more pressing and important at the level of practice of India's foreign policy. The first one, which is mainly connected with the person of Jawaharlal Nehru and has been articulated as a philosophical idea rather than the real effort of India's foreign policy, tackles the limits of the modern international system of sovereign states as Nehru feared that the system may reproduce a logic of imperial conquest (Chacko 2012: 85–88). This motivated him to speak of India's role as a moral power but also to contemplate the option of moving beyond the system, which he saw in establishing a world (con)federation (Chacko 2012: 85–88). While this is not an uncommon solution (cf. Bartelson 2009; Shaw 2000; Walker 2009), it is ironic that Nehru who had an ambiguous if not critical view on India's domestic federalism, in fact, advocates it on the global level. This position of Nehru actually copies the way of the negotiated, shared and divided sovereignty, i.e. the way how the Indian state was built. As such Nehru's position presents a domestic analogy (Suganami 2008) for creating a world polity.

The other variant has been much more closely connected with an actual practice of Indian (foreign) policy and the way how India's sovereignty has evolved. It becomes manifested in cases when India's 'unity through diversity', stability or the very identity

of the state is threatened and when ethicality of India's conservative sovereignty loses ground or fails to be effective. Nehru argued that India had 'developed an aristocratic attitude which, secure in its own strength, could afford to be tolerant and broadminded' (Nehru 1938: 234), which was associated with India's evolution of the nation and India's ethical nation state. However, this position is not as unchangeable as Nehru's statement might suggest. When India is confronted with the possibility of radical alteration – a physical or identitarian danger – which challenges this attitude, the regio-sovereignty mode derived from the tradition of managing and imagining a fragile region often gets actualised as something that is more resilient to these radical alterations. In other words, when being confronted with insecurity of its own strength embedded within ethical conservative sovereignty, regio-sovereignty may reappear. The appearance of regio-sovereignty is, thus, often connected with two significant others of India, which are Pakistan and China. It will be shown and argued in the following two chapters on Kashmir and Bhutan that a shift from conservative sovereignty to regio-sovereignty correlates with the fear of internal disunity (or regional quarrels negatively impacting India's domestic unity) which often appears when India's two significant others Pakistan and China enter the scene and challenge India's 'aristocratic strength'. As mentioned above, Nehru was explicitly worried about such situations: '[o]ur biggest faults were internal disunity[…] Our enemies came and fostered disunity and weakened us' (Nehru 2003: 33).

Conclusion

In this chapter, I introduced two modes of Indian sovereignty, ethical conservative sovereignty and regio-sovereignty. While they often exist simultaneously, accompany each other and India's (foreign) policy oscillates between them, they are mutually distinct and based on different institutions, discourses and practice. The dominant effort and ideal of the ethical conservative mode of sovereignty was to create a unified, strong and independent state. Domestically, the key goal was to design and materialise a sufficiently powerful domestic centre of authority which would be able to govern the previously largely heteronomous political space under the British colonial supervision. Internationally, the imperative was to enter the international society as a fully accepted, equal and also respected actor for which obtaining the form of the modern sovereign nation state was seen as necessary. This vision was inspired by the common-sensical model of Westphalian (absolute, conservative) sovereignty. The inspiration by this model was localised with the help of the Congress elites' progressive ethical vision, mainly but not only Nehru's belief in the positive and legitimate role of international agreements and principles in co-constituting the main principles of sovereignty conduct. The overarching goal of these aspirations was to move from the

past of colonisation to the present and future of a fully independent actor, leaving the past behind and progressing both domestic and international politics towards a brighter future.

Regio-sovereignty derives from the processes of extending the domestic in terms of discourses, practice or institutions to the regional level or treating the region like it should fall under India's own sovereign authority. It spells out a sovereignty configuration in which the region of South Asia is approached as intertwined with or falling under India's sovereignty. This produces regionally-varying sovereignty extensions and gradations of sovereignty, including those *within* the national border of India. As such, the processes related to regio-sovereignty are ambiguous and complex and produce the negotiated, shared and divided sovereignty, i.e. reproduce the process how India came into being. In this way, Indian sovereignty is interconnected with a specifically constructed regional scale in which India's sovereign authority extends beyond its national borders and whose operation is not closely interconnected with the international society. It is possible to identify several characteristics of regio-sovereignty, which are institutional and identitarian hierarchies, India's control over intervention and non-intervention, and India's centrality in the regional order.

Figure 12: India's Sovereignty Configuration and Two Modes of Sovereignty

Scaling	A) Ethical conservative sovereignty		B) Regio-sovereignty		Relationship A-B
	Links to internal and external	**Fundamental scaling moves and processes**	**Links to internal and external**	**Fundamental scaling moves and processes**	
Internal, domestic, national locus	Strong state – practices (policies, internal strategies, projects) leading to that *Interconnecting internal/external:* ● Nationalism (primary institution of international society: national unity <-> membership in international society); ● discourses: socialist, progressivist, anti-imperial, anti-colonial	A conservative model of sovereignty localised through ethical visions; Ethicality underpins and co-defines conservative sovereignty (practical idealism: unity through diversity domestically – i.e. national unification; moral influence globally – overcoming colonialism, anti-imperialism increasing link to independence, non-interference into domestic affairs, the conservative model of sovereignty)	Uneven distribution of (domestic) political space / uneven reach of India's central authority	● (partially) encapsulating the region from international society; ● subsidiarising moves internally (special, exceptional domestic spaces) and externally; ● mimicking of global (historical, colonial) models (→ contributes to subsidiarising)	oscillation and fluidity
External, international locus	● UN connections (Panchsheel – connections to the UN Charter principles → supporting the conservative model of sovereignty); ● partial ascending (Non-Alignment Movement) to reform global order (linked with anti-colonial, anti-imperial discourses → supporting the conservative model of sovereignty); ● (partially) disconnected from great power management, balance of power (→ sovereignty not defined through special prerogatives of great powers)		Limited (partial) ties to: ● global actors (UN), global; ● norms (non-intervention); ● those Indian discourses that define India's approach to global politics (anti-colonialism; practically contradicted by mimicking colonial models) → redefining India's approach for the regional space		
Temporality	● disconnecting from the colonial past; ● aspiring to define the future (progressivism); ● historical imagination of India as, in principle, united geographically and culturally (all mainly discursive)		● continuing effects of federal and negotiated state-making (practices); ● mimicking previous/historical colonial models (institutions); ● imagination of history as abounding with disunity (discourse)		

8. India-Kashmir Relationship

Introduction

Being a subject matter of Indo-Pakistani wars and experiencing internal turmoil, Kashmir has been one of the most sensitive parts of India. In the chapter, I concentrate on India's perspective on the Kashmir conflict and especially its relationship to the part of Kashmir that has been controlled by India since the 1947-8 conflict, which now forms the Indian state of Jammu and Kashmir (henceforth, Kashmir). The goal of the chapter is to explore the constitution of sovereignty within the given relationship, mainly focusing on the constitutive period of the late 1940s and the 1950s in which regio-sovereignty started to dominate in the relationship between India and Kashmir. It is argued that Kashmir's position within India is defined by scaling Kashmir aside the foundational structures of the Indian state and Indian central authority, which is connected with a peculiar mixture of separation and intrusion.

On the one hand, India has not been able to achieve its goal of full integration of Kashmir into India, which is manifested by the fact that India had to recognise Kashmir's exceptional domestic position. On the other hand, it has undertaken exceptional measures to control Kashmir's politics and centres of Kashmir's political authority. This configuration is imbued with ambivalence. On the one hand, India's ethical conservative sovereignty approach cherishes Kashmir with its alleged secular and cosmopolitan characteristics as a template for India's own future. After the effective division of Kashmir between India and Pakistan in 1947, India initially allowed Kashmir to decide its own future in a plebiscite, living up to the norm of self-determination as one of the institutional and discursive elements upon which it is based. Similarly, it granted Kashmir a high degree of autonomy to Kashmir to ensure (the likelihood of continuation of) Kashmir's membership in India with the desire to preserve Kashmir as a symbol of its secular (ethical-conservative) statehood. On the other hand, Kashmir is a key domestic example of constructing an exceptional reach of Indian sovereign authority which results in an uneven structuration of India's domestic political space.

The chapter illustrates a close interplay between ethical conservative sovereignty and regio-sovereignty. The Kashmir case is particularly important for this purpose as it reveals and summarises the *problematique* of the conundrum of both modes' interconnection. Jawaharlal Nehru and other elite Indian politicians who were at the helm at the time of India's newly acquired independence understood Kashmir as a multicultural secular space. For them, this symbolised an option that a unity may come

out of diversity. This was intended to be a model for whole India to be founded on. It also showed how India could be transformed from a colonised and fragmented polity which had been highly heterogenous politically and how India may overcome the limits of a weak central authority as present during the history of a federalist state-making in India before 1947. At the same time, such achievements could underpin India's progressive (secular) stance in the international society, its desired goal to influence the international society and its ambition to be a new moral power.

The internal and external side of the aspiration was glued by the vision of becoming an independent modern sovereign state but in a new ethical way in which independence and sovereignty come with progressivism, anti-imperialism and other values. However, failure to fully integrate Kashmir with India, Kashmir's inclusion as a distinct autonomous unit different from the rest of India and, later on, efforts to disconnect the Kashmir issue from the international society led to the situation where the key axis of Kashmir's sovereignty demarcation was bound by interconnection between local, national and regional dynamics, rather than serving as a founding element for nationally unified India's outreach to the international society. A close connection of the case to Pakistan as India's key security and identitarian nemesis contributes to the conundrum and its urgency. While on the one hand Kashmir helped to demarcate India's own identity as fundamentally different from Pakistan (and its own state project), which should come with being broadminded and generous, on the other hand India needed to retain possession of Kashmir which limited such broadmindedness.

The Kashmir case is a hybrid and ironic one largely due to the combination and tension of what I wish to call exceptionalism and exceptionism. As regards the former, Kashmir is understood as a place of exceptional qualities and exceptional identity upon which the very rationale of India's existence as an independent sovereign state is modelled. As regards the latter, India's government has been using non-standard measures of various kinds which resemble the state of exception. These are meant to manage a political development in Kashmir which is unfavourable from Delhi's point of view. Although being logically distant, they politically accompany each other. Together they produce unevenness of a domestic political space in India by creating an area of exceptionality and exception in which a sovereign authority aims to maximise its penetration into the local issues, but which is not fully connected with the rest of India. Moreover, as will be shown in the chapter, the way how India's sovereign authority has been positioned towards Kashmir bolstered the importance of a regional scale of India's sovereignty politics as India gradually distanced itself in this matter from the international (global) scale in the sense of its opposition to the UN's engagement and the principle of self-determination. The regional scale works through interconnecting the questions of sub-national administration, the scope of authority of the central

government, India's sovereign identity intertwined with the discourses of anti-colonialism, anti-imperialism and secularism, a bilateral conflict with Pakistan over Kashmir's possession and India's claimed authority to decide about the legitimacy of (possible) interventions in relations to Kashmir.

In the chapter, I primarily focus on the constitutive moment of the India – Kashmir constitutive moment which unfolded during the late 1940s and the 1950s. During that time, the main contours of the Kashmir conflict were defined as well as the potential for conservative sovereignty and India as a moral power was transformed into the domination of regio-sovereignty. The latter happened alongside a discursive (ideational, identitarian) shift in which Indian elites reassessed what had been previously labelled as India's 'aristocratic strength'. While it is not to say that nothing important has happened since that time, the Kashmir conflict has practically become frozen (Ganguly – Smetana – Abdullah – Karmazin 2019) and the sovereignty configuration – being largely derived from the situation defined during the constitutive period – has also remained complicated.

The chapter is divided into six parts. The first of them provides a historical context of the beginning of the Kashmir conflict in 1947. It shows how a practice of federalist and negotiated state-making, typical for India's previous history, continued to influence politics in 1947 and defined the very beginnings of the Kashmir conflict. In the second part, I elaborate on how Kashmir was seen as a crucial element for achieving ethical conservative sovereignty. In other words, when India adapted the fairly traditional form of sovereignty, it was accompanied with its localisation influenced by ethical visions which were underpinned by Kashmir as an embodiment of them. Thirdly, I discuss how a perspective of the Indian leadership on the Kashmir conflict shifted in a way that regio-sovereignty started to dominate the case. In the fourth part, I turn to exceptionist steps which followed from the given shift. I show how the Indian central authority tried to bypass the previously defined institutional framework and influence Kashmiri politics in extraordinary measures (top-down enforcement through influencing local politics) as well as it tried to encapsulate the Kashmir issue from influence of global actors. In the fifth and sixth part, I outline further developments and Kashmiri resistance respectively. The fifth part shows that India's exceptionist approach has continued *vis-à-vis* Kashmir since the constitutive moment until 21st century. The sixth part illustrates how local resistance has contributed to weakening the potential link between the Kashmir issue and the core of international society over time.

Origins, Context and Determinants of the Kashmir Conflict

In this part, I focus on how the initial friction between freedom aspirations of Kashmir and the Indian National Congress diverged in spite of their close connections, how this friction fitted into the international conflict which unfolded in 1947-8 and also how the practice of federalist and negotiated state-making, as described in the previous chapter, continued to influence politics of the Kashmir issue during the very early stage of the conflict. I specifically argue that the negotiated state-making posed a limit of what was able to achieve. In other words, India's transition to independence was defined by negotiations between the Congress, rulers of princely states and the British, which constrained what the Indian leaders were able to achieve, especially when Pakistani military intrusion into Kashmir appeared.

The formation of Kashmir (or Jammu and Kashmir) is perhaps best seen as a colonial product. The region itself can hardly be understood to be unitary and is notably heterogenous in many respects including religion and ethnicity. In 1846, the British East India Company sold Kashmir to a Hindu maharaja. After the 1857 Indian mutiny, Kashmir became one of the princely states associated with but not directly ruled by the British Raj. During the second half of the 19th century, conflicts inside Kashmir, which were mainly of ethnic character, were growing, largely stemming from the underrepresentation or oppression of the Muslim majority. The conflictual history contributed to future tensions and Kashmir's troubled development.

When the 'Quit India' campaign demanding the departure of the British from India was reaching its peak in 1947, a deliberately similar slogan – 'Quit Kashmir' – was used in Kashmir calling on the unpopular Maharaja Hari Singh and the whole monarchical system to leave (Whitehead 2017: 77). During that time, two key figures of both movements Jawaharlal Nehru, the Congress leader and the soon-to-come first prime minister of India, who himself was born in Kashmir, and Sheikh Abdullah, the leader of the National Conference which served as the main platform of a revolutionary movement in Kashmir, agreed that Kashmir was supposed to get free. The two politicians who were close political allies during that time both favouring socialism, secularism and democracy, however, put different emphasis of 'being free'. While Nehru implied Kashmir's free status within India, Sheikh Abdullah aspired for achieving the complete independence, hence connecting Quit Kashmir with the international norm of self-determination (Whitehead 2017: 79). The Quit India movement and the Congress Party set up the models which the National Conference, Quit Kashmir, and Sheikh Abdullah could mimic and connect to and, hence, increase legitimacy of their freedom aspirations, at least before the friction between the Indian and Kashmiri perspectives became fully articulated and completely understood by the Congress elites (Bamzai 1994: 744–745; Pervez 2013; Whitehead 2017: 84–85). Arguably, this friction prefigured the eventual outcome of the India-Kashmir sovereignty relationship,

i.e. Kashmir's scaling aside – though not a complete separation – from India's state structures.

The Indian Independence Act of 1947 issued by the British contained a provision that the princely states – scattered throughout the subcontinent and partially autonomous under the British rule – had the option to join either India or Pakistan. The decision, hence, relied on Maharaja Hari Singh who declared the complete independence. What followed can be re-told by pointing to two conflicting narratives about the events. In October 1947, armed tribesmen entered the area of Kashmir from Pakistan and encountered with Kashmiri forces. The official response of the Pakistani government was that these tribesmen were acting independently on the Pakistani government to liberate fellow Muslims. On the contrary, the Indian government regarded these tribesmen to be sponsored by the Pakistani government (Bose 2005: 14–44).

The next few days were crucial for the future position of Kashmir as well as they confirmed the importance of a negotiated state-making as this practice spilled over into newly independent India. After Maharaja Hari Singh's initial effort to seek help from the princely state of Patiala did not prove effective, consultations happened between the Maharaja, the Indian government and Lord Mountbatten as the last and departing British Viceroy in India (Ganguly 2008: 10). Mountbatten's role was crucial. The outcome of the negotiations was that Indian troops should help Kashmir but only after the Maharaja's signature of the Instrument of Accession. At the same time, Mountbatten included a condition that the accession then should be ratified by the people of Kashmir with which Nehru quickly agreed (Ganguly 2008: 10). The outcome legitimised India's superiority over Kashmir but also opened space for the decision of the Kashmiris as well as the involvement of the UN that should supervise the plebiscite.

Although India helped Kashmir militarily, the case falls under the negotiated federalist state-making because India did not have capacity to enforce Kashmir's accession and the Indian government at least partially relied on Mountbatten's statements and mutual consultations. While Noorani (2014: 13) argues that Nehru was consistently exerting pressure on the Maharaja trying to convince him that 'Kashmir had no other choice but accession to India' even before 1947, this was an act of coercive diplomacy rather than top-down enforced unification. A potential for such a possible step was limited by the previously negotiated conditions how independence transitions should proceed, including the above-mentioned Independence Act which provided rulers of the princely states with a room for their decision. While the revisionist scholarship on India's approach to Kashmir shows that Indian forces probably arrived in Kashmir shortly before the signature of the Instrument of

Accession (Lamb 2002: 157; Osuri 2017: 2437; Schofield 2010: 55–56),[18] this only increased India's negotiating position *vis-à-vis* the Maharaja in the context when India was previously unable or unwilling to make such coercive steps. Anyway, India's engagement in the conflict and war in 1947 and 1948 led to the *de facto* division of Kashmir into the Pakistani-controlled and Indian-controlled part.

The Principal Indian View

India's localisation of conservative sovereignty was influenced by (happened through) ethical visions, which were closely connected with a discursive portrayal of Kashmir as a secular place. Speaking metaphorically, Kashmir was a prime location for this ethical localisation. This part shows how identity discourses identified Kashmir as key for ethical conservative sovereignty and how they influenced India's initial approach to Kashmir.

The Indo-Pakistani conflict over Kashmir has been derived from its symbolic value for the two emerging nations and the very reason why they should be established as independent sovereign states out of the multi-ethnic British Raj. The rationale for the creation of Pakistan as a state different from India was constructed around Mohammed Ali Jinnah's primordial vision of the Muslim Pakistani nation (Ganguly 2001: 3). Hence, Pakistan would be incomplete without the predominantly Muslim Kashmir. On the contrary, India was founded as a state for all the ethnicities, communities and religions. In this sense, Nehru above all but other Congress leaders as well cherished the principle of secularism and non-communalism which paved the way for such a multi-ethnic and multi-cultural state. Kashmir was crucial as a symbol of that. Together with that, Nehru was clear that it is especially in Kashmir where different communities and religions live together in a symbiotic way. For him, '[i]t is interesting and important to note that Kashmir has kept out of communal troubles during a period when the rest of India has been full of them' (Nehru 1985b: 228) and, as such, Kashmir was 'an example of communal unity and cooperation' (Nehru 1984b: 346). Moreover, as he noted in 1948, '[i]f Kashmir went, the positions of the Muslims in India would become more difficult. In fact there would be a tendency of people to accept a purely communal Hindu viewpoint' (Brown 2005: 213).

Alongside the importance of Kashmir for India, an exceptionalist discourse seeing Kashmir as a unique or extraordinary place has gained an important position. Brought to the fore by Nehru, Kashmir could be seen, for example, as a place 'where loveliness dwells and an enchantment steals over the senses' (Nehru 1985a: 555). The

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[18] This disputes the traditionally acknowledged version (esp. Menon 2014) that the Indian troops entered Kashmir only after the Instrument of Accession as it had been demanded by Mountbatten.

exceptionalist discourse includes a wide variety of portrayals of Kashmir and can be found in politics as well as popular culture (Evans 2008; Kabir 2009), which has apparently increased the value of Kashmir as a 'territory of desire' (Kabir 2009). Typical for the discourse is that it stabilises and essentialises the identity of Kashmir as still. It is especially notable that such essentialising snapshots of Kashmir as an exceptional place stand in a stark contrast to the discourse and practices of exceptionism, i.e. managing political tensions through state-of-exception-like measures, which is treated in other parts of the chapter.

It seems that the Indian leadership initially tried to live up to the standards which its own ethical conservative vision prescribed despite the complicated situation in Kashmir following the 1947 events.

Two key aspects shall be mentioned in this regard – allowing Kashmir to exercise a very high degree of autonomy and cooperating with the international society (the UN) in the endeavour to solve the conflict. The latter involved India's acceptance of the norm of self-determination (i.e. something that India's ethical conservative sovereignty approach defended when India was struggling for its own independence) and, especially, plebiscite as a tool for deciding Kashmir's future. In both aspects, India manifested what Nehru claimed to be a definitional trait of India's ethicality, i.e. 'aristocratic attitude which, secure in its own strength, could afford to be tolerant and broadminded' (Nehru 1938: 234).

After the turbulent events of 1947, Kashmir was accepted into India only provisionally as its accession was supposed to be confirmed by the plebiscite. Reflecting this, the constitutional status of Jammu and Kashmir has been of a special character since the promulgation of the Indian constitution. The key to this special position is article 370, which came into force simultaneously with the whole constitution in 1950. It provides the state of Jammu and Kashmir with special provisions, most importantly the exemption from the full applicability of the Indian constitution as Jammu and Kashmir was allowed to have its own constitution and a significant degree of internal autonomy as it should possess all powers except defence, currency and external affairs and communications. This meant limiting the top-down reach of the Indian central authority and partly encapsulating the Kashmiri institutional framework from the Indian central authority. Hence, providing Jammu and Kashmir with a status different from other Indian states contributed to an asymmetrical form of the Indian federalism (Adeney 2006: 109). In 1952, the Delhi Agreement was signed between the representatives of the central and Kashmir government, which further assured autonomy for Jammu and Kashmir (Bose 1997: 33). While these steps were motivated by the effort to sustain ethicality of the Indian state (cf. Basrur – de Estrada 2017: 38), they, nevertheless, brought about the foundations for Kashmir's scaling aside from India's state structures.

The main international platform where the Kashmir conflict between India and Pakistan was dealt with was at the UN. It was the UN that helped bring the first round of the conflict to a mediated end. And shortly after the first round of the conflict, the UN was recognised as an impartial arbitrator by both India and Pakistan (Husain 1952; Korbel 1953; Singh 2013: 34). It is possible to distinguish two areas in which the UN played an important role: firstly, negotiating the end of violent confrontations, and, secondly, laying down principles for the conflict resolution. Regarding the first area, the UN was initially successful. One of the key conclusions of the mediated end of the violent confrontations was setting up the so-called ceasefire line. The UNMOGIP observer mission was authorised to oversee the ceasefire line. While it did not (and could not) prevent conflicts later on, it – arguably – helped to legitimise the ceasefire line as the *de facto* border between India and Pakistan, indirectly confirming Kashmir's division.

Secondly, the UN produced a considerable effort to find a solution to the conflict. Although India referred to the conflict as an act of Pakistan's aggression, the UN did not approach it as such (Korbel 1953). This meant that the whole case could not be dealt under the Chapter VII which would provide the UN with a more resolute basis for managing the issue. It also undermined the potential of India to internationally legitimise its position as a victim whose sovereignty was disrupted and prevented India from connecting to the international society and seeking a (potentially) far more resolute support. In this light, the UN did not take side with either of the two concerned countries and decided that it was up to the people of Kashmir to determine the question of their sovereignty belonging. Hence, its resolutions from 1948 to 1957, which reflected the norm of self-determination, called for a popular plebiscite to take place (Korbel 1953).

India initially endorsed the option of the plebiscite, which was commented on by Nehru in the following way.

> *We have declared that the fate of Kashmir is ultimately to be decided by the people […] We will not, and cannot back out of it. We are prepared when peace and law and order have been established to have a referendum held under international auspices like the United Nations. We want it to be fair and just Reference to the people, and we shall accept their verdict. I can imagine no fairer and juster offer.* (Osuri 2017: 2438)

However, doubts and weakening of its commitment to the plebiscite started to appear in India's foreign policy very soon. Despite that, India probably remained committed to the plebiscite until 1954 (Shankar 2016).

India's Shifting Approach

As indicated above, Kashmir was supposed to be a crucial symbol for what Nehru labelled as India's 'aristocratic attitude' which should unite India through differences. This vision interconnected the internal and external side of India's ethical conservative sovereignty because it was also supposed to underpin India's status as a big moral power at the global stage. In this part, I focus on the dynamics during the early 1950s which significantly contributed to the process during which the potential of conservative sovereignty to become the main sovereignty mode in India's relationship to Kashmir started to lean to the side of regio-sovereignty. It primarily demonstrates that such a shift involved ethico-identitarian reconsiderations, which happened simultaneously with India's adjustments of its policy towards Kashmir.

In general, it can be said that India's approach to Kashmir has been pervaded with ambivalence since the discussions on India's independence and partition. As noted above, Nehru exerted pressure on Kashmir's ruler to join India even before India actually became independent. It also suggests that India's approach evinced the signs of not being truly broadminded and tolerant as claimed even before the 1950s. An implicit fear that if India loses Kashmir, it could become a second Pakistan seems to underline the approach as well as the shift towards regio-sovereignty in the 1950s. Pakistan was seen by Nehru as the state which 'preferred disunity' (i.e. partition) in contrast to unity (of one common state) and a parochial religious identity over more universal aspirations. In Pakistan 'feudal elements' survive and, as such, Pakistan is 'going back to the Middle Ages of Europe' and is 'bound to suffer' (Chacko 2012: 69–70). It is important to understand that what happens with and in Kashmir was deemed to transcribe into whole India because, as said, Kashmir was seen as a key element for effectively differentiating India from Pakistan. As emphasised by Nehru, '[w]e have always regarded the Kashmir problem as symbolic for us, as it has far-reaching consequences in India' (Varshney 1991: 1002). It is because, as noted above, '[i]f Kashmir went, the positions of the Muslims in India would become more difficult. In fact there would be a tendency of people to accept a purely communal Hindu viewpoint' (Brown 2005: 213). Nehru's thinking suggests that if Kashmir is lost, India may acquire some of the negative traits that were associated with Pakistan.

Regio-sovereignty in India's relationship towards Kashmir gained the edge over conservative sovereignty by the mid-1950s. A 1953 letter of Jawaharlal Nehru's private secretary M. O. Mothai to Indira Gandhi, which reacts to Sheikh Abdullah's imprisonment, captures the atmosphere and reasoning.

I do not believe that Sheikh Abdullah deliberately intended to switch on his band-wagon to Pakistan. […] However it is a patent fact that the speeches and activities of Sheikh Abdullah during the past few months have had the effect […] of encouraging the pro-Pakistani elements among the Muslim population of

[Kashmir]. It was Sheikh Abdullah's activities, assisted by those of Afzal Beg [an important figure of the Plebiscite Front, note by the author], that made the dormant pro-Pakistani elements highly vocal. (Noorani 2014: 443)

The letter also highlights the context of the whole matter: '[w]e are playing for high stakes and not to acquire the mere territory of Kashmir' (Noorani 2014: 444). In this way, a fundamental anxiety stimulated by the (alleged) Pakistani influence was creeping into the Kashmir question and, by extension, to the heart of India's state identity. This was bolstered by Abdullah's help to pro-Pakistani elements but also his argument that India ceased to be a secular state (Hussain 2017: 101; Khan 2018: 25). In this context, the Indian leadership came to realise that the (imagined) inherent identity of Kashmir was fundamentally endangered as well as it endangered the very identity of India (Pervez 2013: 74–75, 84). In other words, rather than a space of opportunity for exceptionality, Kashmir came to be also seen as – figuratively but also literally speaking – a space allowing threats to enter India, due to which India itself could possibly become a second Pakistan. As a mutual damaging intimacy, which defined the Indo-Pakistani relationship (Chacko 2012: 68), transferred into the relationship between the Indian central governing structures and Kashmir, it was needed to stabilise Kashmir.

However, the challenge to India's aristocratic strength, broadmindedness and ethics was not complete. When Pakistan agreed on a mutual coalition with the USA and entered SEATO in 1954, India reassessed its international outlook. It started to understand Pakistan as an informal colony of the USA (Bhasin 2012: 4256), which was prefigured by a concern expressed by Nehru in 1947. 'Kashmir is, of course, of vital significance to this picture of India. What happens in Kashmir will affect the rest of India. (…) On no account do I want Kashmir to become a kind of colony of foreign interests. I fear Pakistan is likely to become that if it survives at all' (Nehru 1985b: 270). The Kashmir question, hence, transformed into an anti-imperial struggle, which increased alertness both in strategic and identitarian terms. 'In this case Nehru believed that India's own immediate regional space was in danger of being controlled by the great powers like the United States' (Singh 2013: 36). But as noted in Mothai's letter, the issue was not merely about territorial gains and losses but rather about what kind of politics should be dominant (similarly Singh 2013: 35–37). Alongside that, India's perception of the UN shifted from seeing the UN as a democratic forum to a forum manipulated by the Cold War, great power and imperialist interests (Nawaz 2018; Singh 2013: 36). In other words, being more and more convinced that the Kashmir issues are not treated fairly at the UN and that the UN presents a platform for continuing imperial interests (Pervez 2013: 35–36), India needed to pull back from the platform.

These developments helped to unfold one of the key characteristics of regio-sovereignty, which is a detachment from the international society combined with

India's focus on the region and controlling interventions in/to the region. Nehru formulated his concerns regarding a possible foreign intervention in his 1952 letter to Sheikh Abdullah, which were accompanied with his claim that 'unless circumstances force us, [India would not let] this part of Kashmir State go to Pakistan. There are no circumstances visible that can force us to do this. Pakistan cannot. The UN cannot override our wishes in this matter' (Noorani 2014: 439). According to Nehru, '[i]f we have that [firm and clear] outlook, it just does not matter what the UN thinks or what Pakistan does' (Noorani 2014: 441). Under given circumstances, the notion of India's strength changes from being tolerant, broadminded, interconnected with the UN and the international society and allowing Kashmir to decide its future to having a 'firm and clear' outlook and minimising intervention(s) from outside.

Consolidating India's Position towards Kashmir

Following the discursive shift described in the previous part, I show here, firstly, how India unfolded a practice of exceptionism to intrude into Kashmir, which had previously been demarcated as a highly autonomous space, so that it could gain some degree of top-down extra-legal influence (top-down enforcing) and, secondly, how India tried to encapsulate the Kashmir issue from the influence of the international society. Both these aspects show a paradoxical combination of separation and intrusion. Moreover, they also induce a shift from the national-global axis at which the Kashmir issue was supposed to play a role of co-defining India's sovereignty, impendence and national unity (despite a local diversity) and lending support to India's ambitions to become a global moral power to the local-national-regional axis which interlinks local and national politics as well as the efforts to deal with the Kashmir conflict within the regional, rather than global, context.

The exceptionist approach of New Delhi can be roughly divided into two phases – before and after 1990 (Junaid 2013: 160–161) – the latter of which will be discussed in the part on a more recent development. The first phase can be characterised by a combination of declaring a largely autonomous position of Kashmir but subsequently limiting it by (mainly) extra-legal measures, intentionally or unintentionally following similar extra-legal practices used by the British empire to rule and manage local politics in India (Kolsky 2011) or, in fact, imitating 'jurisprudence of emergency' as another practice of the British empire in India (Hussain 2003). During the first phase, New Delhi focused on solidifying its influence, further institutional demarcation of Jammu and Kashmir's position as well as electoral manipulation, actions against pro-independence or anti-Indian politicians and at the same time on establishing a loyal group of politicians.

In 1954, two important steps were made in relation to the Kashmir issue. First, the Constitutional order of 1954 was enacted. As its consequence, the state of Jammu and Kashmir acquired powers to limit the citisens' rights and liberties (Adeney 2006: 110; Bose 1997: 33; Hussain 2017). Second, Bakshi Ghulam Mohammad, the then prime minister of Jammu and Kashmir declared Jammu and Kashmir to be a part of India (Bose 1997: 33) which was confirmed by the Jammu and Kashmir Constituent Assembly in 1956 (Varshney 1991: 1011). Both events must be understood on the background of New Delhi's strategy and practice of creating dependency, which has been followed since then and which attempted to make Jammu and Kashmir dependent on the central government in political and economic terms while it tolerated local misgovernment within Kashmir (Anand 2012; Hussain 2017; Noorani 2014). The strategy also included efforts to control Kashmiri politicians. The most prominent of them, Sheikh Abdullah, was dismissed as the prime minister and arrested in 1953 under the Public Security Act in which Nehru – Sheikh's previous friend – probably played a significant role (Hussain 2017: 101; Whitehead 2017: 86). Sheikh was then replaced by the pro-New Delhi prime minister Bakshi Ghulam Mohammad who declared that Jammu and Kashmir was a part of India. Rather than being a one-off issue, New Delhi's extra-legal practices of influencing politics in Jammu and Kashmir continued in the subsequent decades (Bose 1997; Hussain 2017).

As indicated, doubts about the role of international community started to grow in India's approach during the 1950s, especially after 1954 when Pakistan and the USA agreed on an alliance. As Nehru hinted as early as in 1947, Kashmir exhibited a potential to get linked to the interests of great powers, which we might understand as a primary institution of international society (the managerial role of great powers including their ambitions to order and organise the world politics and international conflict). According to him, '[w]e are acting now in Kashmir on a world stage and the greatest interest is being taken by other countries […] especially the Great Powers' (Nehru 1984b: 368–369). Nehru was always sceptical about the managerial role of great powers in international politics and wanted to preclude from connecting to (i.e. scaling towards) this particular primary institution of international society (this is common to his approach in general and appears even in ethical conservative sovereignty).

This scepticism and mistrust were underpinned by a close discursive interconnection of sovereignty and anti-imperialism (Singh 2013: 35). In the Kashmir case, it grew stronger especially after the UN came to be seen as a platform spreading out, rather than preventing, imperial and (neo-)colonial interests and after these worries were discursively interconnected with Kashmir. Although India started to side with the Soviet Union during the 1950s, which contradicted the strategic principle of distancing from great power politics, a key consideration for the closer Indo-Soviet

cooperation was derived from the imperative to be able to ensure freedom from imperialism in the region and from the belief that the cooperation would be able to increase India's chances to achieve that (Basrur – de Estrada 2017: 35–36; Singh 2013: 34–37).

Hence, doubts about and weakening of its commitment to the plebiscite started to appear in India's foreign policy very soon. In 1952, Kashmir was labelled as an 'integral part of India' by Nehru for the first time (Pervez 2013: 74–75). Although this step signalled a change in India's attitude, Nehru remained active in discussing the plebiscite until 1954 (Shankar 2016). However, it was getting more and more obvious that India and Pakistan could not agree on specific terms under which the plebiscite could happen. This led Nehru to assess the situation in the following way: '[a]fter some experience of the UN, I came to the conclusion that nothing substantial could be expected from it' (Noorani 2014: 438). Following the alliance agreement between Pakistan and the USA, the plebiscite was definitely ruled out by Nehru in 1954 (Shankar 2016). After that, India followed a position that the part of Kashmir which is controlled by India legitimately belongs to it and that it cannot allow any change to that. Along with that, the role and influence of the UN on the conflict started to continually decline (Behera 2016; Nawaz 2018). The new position of India effectively meant that India's foreign policy tried to disconnect (encapsulate) Kashmir from the norm of self-determination upon which the idea of plebiscite was based.

Further Developments

In this part, I briefly discuss further developments of the Kashmir issue, outlining developments of exceptionalism and India's perceptions on Kashmir, exceptionism and institutional management, and the links to the international society. While I point to some important changes, the following paragraphs illustrate that the India-Kashmir sovereignty configuration often followed and fitted into the contours introduced above and still could be characterised by the prevalence of the local-national-regional axis.

The importance of Kashmir as a symbol of secularism varied in different periods although it should be said that it has never completely disappeared. Especially during the 1980s, India's normative claims to Kashmir declined as secularism increasingly came under attack within the Indian political context (Ganguly 2001; Mitra 1991). During the post-Cold War era, the identitarian importance of Kashmir was interpreted in various ways but continued to be important. One of the reinterpretations is centred around the Bharatiya Janata Party, the other of the two major political parties in India. Although its insistence on Kashmir as an integral part of India is not so much motivated by a secular vision but rather by a vision of a strong nation, Kashmir is portrayed as an

undeniable part of India, i.e. a discursive mode that emerges after the failure of the UN-led international negotiations in the 1950s (see below). Hence the variations of the expression that 'Jammu & Kashmir was, is and shall remain an integral part of the Union of India [and its] status is non-negotiable' (BJP 2009) can be regularly observed in the party manifestos (e.g. BJP 1998, 1999, 2014) and statements of BJP-led governments (New York Times 2018; The Hindu 2018). According to the BJP prime minister Narendra Modi, Kashmir continues to be a 'matter of our territorial integrity but also defines our nationhood' (The Hindu 2016).

One of the most significant changes relating to Kashmir's position as a part of the Indian state happened in 1975 when Kashmir's autonomy was diminished (Pervez 2013: 88). However, it would be an exaggeration to claim that Kashmir was fully integrated into the Indian state, not only because the article 370 of the Indian constitution has remained in force until today. Kashmir's not so complete integration into India has been acutely manifested since the 1990s. In 1990, the Armed Forces Special Powers Act (AFSPA), which has been in operation in India's northeast since 1956, was extended to Jammu and Kashmir as a reaction to Kashmir's rebellion. Although it was preceded by further legal changes which increased the control of Delhi over Kashmir, the extension of AFSPA to Kashmir can be understood as a change from the emphasis on informal exceptionism defined through extra-legal (extra-institutional) practices supported by tightening an institutional grip to the formalisation of the state of siege. This concept was used by Carl Schmitt before he came up with the notion of the state of exception (Schmitt 2013: 148–179). Although both notions are close relatives, they are not identical. Under the state of siege, which can be understood as a special sub-category of the state of exception, military and executive authorities are given vast powers to protect a given political order (Agamben 2008: 32–33; Schmitt 2013: 148–179; cf. Rossiter – Quirk 2002). Working in the state-of-besiege manner, AFSPA gave the Indian army large powers in controlling the situation in Kashmir, which formed another channel of New Delhi's influence over Jammu and Kashmir (Hussain 2017: 104–105).

During the post-1950s events, the detachment of Kashmir issue from the international society was further confirmed. Although connections to great power politics continued to be important in strategic terms, the sovereignty claims started to be dealt with bilaterally and domestically. As such, the international society's involvement in the conflict gradually decreased with the exception of the 1999 Kargil war in which, however, international actors largely focused on the issue of nuclear weapons (Mistry 2009). A change of the status of the ceasefire line was particularly important. Moreover, it well illustrates the detachment from the international society as the change happened on the basis of a bilateral Indo-Pakistani agreement. The status of the line changed after the Simla Agreement between India and Pakistan in

1972 when it was renamed as the Line of Control. In the agreement, both states recognised it as an unofficial border, claiming that 'neither side shall seek to alter it unilaterally, irrespective of mutual differences and legal interpretations' (Simla Agreement 1972). Although the agreement reflected that 'the principles and purposes of the Charter of the United Nations shall govern the relations between the two countries' (Simla Agreement 1972), the agreement expressed both countries' effort to reframe the conflict and disentangle it from international actors (Snedden 2005).

Kashmiri Resistance and Freedom Aspirations

Besides the contestation with Pakistan, the other crucial challenge for India's sovereignty over Kashmir comes from Kashmir itself. While initially Kashmir's struggle for freedom drew on indigenous sources, it gradually came to incorporate the Wilsonian notion of self-determination but also radical Islamic inspirations for their struggle (Hussain 2017: 90–91). It was noted above that Sheikh Abdullah as a political figure of the Kashmiri struggle for independence or autonomy was initially both personally and ideologically close to Jawaharlal Nehru, which masked small differences in their respective aspirations, i.e. to liberate Kashmir (providing Kashmir with 'freedom') through achieving independence or autonomy and liberate Kashmir through associating it with a democratic India. The differences came to be fully voiced relatively soon after the events of the late 1940s which meant that Kashmir did not have a chance to genuinely decide about its future (to be sure, something that was *not* allowed or expected by Lord Mountbatten's order which aimed to prevent 'Balkanisation' of South Asia). In a series of speeches during the early 1950s (especially 1952), Sheikh Abdullah challenged India's dedication to secularism and argued that Kashmir was becoming a mere satellite of India serving the Indian interests (Hussain 2017: 101; Khan 2018: 25).

Abdullah's activities prefigured the formation of the Plebiscite Front, which was established in 1954. Its activities directly challenged the Congress nationalist narratives of 'unity and diversity' and of Kashmir as the core of Indian identity. Perhaps most importantly, the Front recalled the principle of popular vote which was emphasised by the UN and the role of the UN as an impartial arbiter (Hussain 2017: 102). In this sense, the UN engagement in the conflict was seen by the Front as a window of opportunity how to change the status quo by linking to the international society and self-determination as a principle for constitution of sovereignty. However, this effort to push the possibility of its own sovereignty through failed. After the 1971 Bangladesh War and 1972 Simla Agreement, which reflected the changing balance of power in South Asia significantly in favour of India as well as a decreasing involvement of the UN, the Front gave up the possibility of independence and focused on the question of

Kashmir's status within India (Hussain 2017: 103). In 1975, Abdullah signed an accord with the central government which practically legitimised previous steps of Indian government leading to the integration of Kashmir within India (Ankit 2018). Thus, the idea and relevance of self-determination lost its significance during the 1970s and the 1980s due to both internal and external developments.

As the Plebiscite Front failed and the National Conference entered into an electoral coalition with the Congress in the second half of the 1980s, a symbolic space was opened for a different type of opposition against the central government. Since the late 1980s, the role of the main protectors of the Kashmiri identity has been played by Muslim agents and parties, centred mainly around the Muslim United Front, Jammu and Kashmir Liberation Front or Hizb-ul-Mujahideen. They re-centred the focal point of Kashmiri nationalism to the religious basis (Behera 2016; cf. Varshney 1991). Alongside that, they also started to seek international connections, but of a very different kind than previously. In their efforts, they often relied on support from Pakistan and radical Islamist ideology (Behera 2016). While this stimulated a violent insurgency in Kashmir since the turn of the 1980s and the 1990s (to which the central government reacted by the extension of AFSPA to Kashmir) and further challenged the unity of India's nation, it did not help construct a legitimate cause of the insurgency in relations to the international society. On the contrary, it provided the central government with an opportunity to frame the insurgency as Pakistani-sponsored terrorist activities (cf. Jacob 2017; Mukherjee 2014).

Although there has been a very high number of cases of human rights abuse in Kashmir very often committed by the Indian army (Rabbani 2014), Kashmiri political elites have not been able to articulate this internationally. In contrast to the cases of Taiwan and Hong Kong in which we can see that the opposition to the central Beijing authority unfolded the strategies of framing their political arguments in connections to what might be understood as international society institutions of democracy and human rights, no internationally significant argument like that has been pushed through by the Kashmiris. Arguably, India's global image of the biggest democracy in the world (which is in a sharp contrast of China's image) in combination with the fact that the Kashmiri opposition to the central government is now centred around radical Islamist ideology probably contributed to that.

Conclusion

Sovereignty in the India-Kashmir relationship as well as Kashmir's position as a part of the Indian state during the constitutive period was given by a combination of different factors. The very initial context in which the Kashmir issue originated, i.e. the 1947 disputes and conflict over Kashmir, was characterised by the continuation of the

parochial model and practice of a federalist and negotiated state-making. This posed a limit of what was possible to achieve for the newly independent India's government. More specifically, India's transition to independence was defined by negotiation between the Congress, rulers of the princely states and the British, which constrained what the Indian leaders were able to achieve. Moreover, even during the first few days of the Kashmir conflict, India relied on the negotiations with the Kashmiri Maharaja and Lord Mountbatten.

Despite these limits, the Indian leaders clearly saw Kashmir as a crucial element for achieving ethical conservative sovereignty. When India adapted the fairly traditional form of sovereignty, it was accompanied with its localisation influenced by ethical visions which were underpinned by Kashmir as an embodiment of them. In other words, Kashmir was seen as a temple of India's future, embodying the potential how India could maintain its ethical sovereignty based on national unity through difference and global moral appeal. Trying to live up to the standards which its own ethical conservative vision prescribed despite the complicated situation, India closely cooperated with the international society (the UN) in the endeavour to solve the conflict and Kashmir was allowed to exercise a very high degree of autonomy. The latter significantly contributed to dividing Kashmir from the reach of India's central authority. Although the Indian leadership retained the ideal of Kashmir as a symbol of India's progressive identity, ethico-identitarian reconsiderations of the situation underpinned a shift in India's approach. In the exceptionist way, the Indian central authority tried to bypass the previously defined institutional framework and influence Kashmiri politics in extraordinary measures (implicating top-down enforcement through influencing local politics) as well as it tried to encapsulate the Kashmir issue from influence of global actors and disconnect the Kashmir issue from the self-determination norm.

The dynamics described above led to a scaling in which Kashmir was set aside from the structures of the Indian state as Kashmir was granted a significant degree of autonomy (exceptional positioning) which, however, was accompanied by exceptionist (often extra-legal) measures, going beyond normal procedures of how the local-national political relations were managed in other parts of India. Moreover, the domestic 'setting aside' also found its counterparts in the effort to distance (again, set aside) Kashmir from the influence of the international society. As such, due to a combination of various reasons, actions and perceptions, the sovereignty demarcation of Kashmir was distanced from the tenets upon which India's ethical conservative sovereignty is based – a domestically and nationally unified state and its strong normative role in international affairs.

Kashmir's positioning contributed to hierarchisation of domestic political space and the uneven reach of India's central authority. In this scaling, Kashmir, in fact, has a role

of pivot through which political dynamics permeate and interconnect Kashmiri local politics, the central government of India, the Indian state and regional relations between India and Pakistan, which is combined with the aforementioned disconnection of Kashmir from the international society and the UN. This gave rise to an axis which streamlines political dynamics between and across local, national and regional spaces as key areas for defining the sovereignty position of Kashmir. As such, this axis stands in opposition to the preferred and imagined national-global scalar axis in which Kashmir would serve as a founding element for nationally unified India's outreach to the international society.

Kashmir's positioning displays a few characteristics, which are typical for regio-sovereignty. Firstly, Kashmir has been one of the crucial areas (besides India's northeast) which contribute to the existence of different levels of reach of India's sovereignty and the domestic authority. The paradoxical combination of a significant level of autonomy recognised for Kashmir and the central government's systematic violations of the autonomy through exceptionist practices and institutional measures establish the continual exceptional hierarchisation of political authority inside India. This exceeds both the model of the federalist and unitary state due to its practical suspension of this model *vis-à-vis* the area (political sub-unit) which, moreover, acceded only provisionally. Secondly, happenings in the region have been closely interconnected with India's statehood, meaning that India's sovereignty is – at least to a certain extent – defined regionally. Above all, the (alleged) rise of political influence of Pakistan in Kashmir and, correspondingly, the fear of becoming a second Pakistan were seen as crucial for the fate of whole India. Thirdly, regio-sovereignty was based on the detachment from the international society and, in this case, the UN as its representative which was active in the Kashmir conflict. Fourthly, and related to that, India's approach evinced the signs of the desire to have control over who and how can intervene in regional affairs. This is manifested in India's dislike of the engagement of global powers in the region of the UN's mediating efforts, which was apparent especially after the mid-1950s.

Figure 13: Sovereignty in the India-Kashmir Relationship

Scaling result	Key scaling moves	Key institutions, discourses, practices	Temporal positioning
Kashmir scaled aside from the desired 'national-global' scale and India's standard state and authority structures; exceptional importance managed through exceptionist measures		• Practice of federalist (negotiated) state-making as a parochial model **(*)**	• Continuity, spill-over of the practice into the 1947 independence negotiation
	• Conservative sovereignty localised into India through ethical consideration, Kashmir as an epicentre of it (exceptionalism)	• Discourses of secularism, anti-colonialism, anti-imperialism, social progressivism	• Kashmir as a temple of India's future **(**)**
	• Higher autonomy for Kashmir (disconnecting from the state-structure, encapsulating aside the reach of central authority); *motivated to sustain:* → **(**)** *predicated by:* → **(*)**	• Institutional (constitutional, legal) autonomy	
	• Further differentiating Kashmir from the rest of India (exceptionism)	• Extra-legal practices (intrusion into Kashmir) • Strategy (practices) of dependency • Later on accompanied by institutionalised measures (AFSPA) • Rationale expressed through discourses: to keep Kashmir still *Links to: the imperative to sustain:* → **(**)**	• These measures: semi-permanent – semi-permanency of situation (semi-permanency also indirectly bolstered by the UN's implicit confirmation of the ceasefire line as a *de facto* border; this strengthened and confirmed by the Simla Agreement later on)
	• Encapsulating Kashmir from influence of international society	• Disconnecting (encapsulating) from the norm: right of self-determination • Disconnecting (encapsulating) from the primary institution of great power management • Reframing anti-imperialist discourse (India and Kashmir need to be protected from international imperial influence)	

9. India-Bhutan Relationship

Introduction

In this chapter, I analyse a sovereignty configuration in the relationship between India and Bhutan. It is argued that as a result of a specific configuration of Indo-Bhutanese relations which fit into the mode of India's regio-sovereignty, India's sovereignty (sovereign authority) has been 'scaled over' Bhutan's foreign policy. Regio-sovereignty in this case can be characterised by the existence of one common security frontier, India's claim that it can act on behalf of Bhutan and partially also India's efforts to control intervention in the region. All these aspects problematise the inside/outside distinction and create a specific extension of India's sovereign authority. Alongside that, two more specific arguments are proposed.

Firstly, the relationship between India and Bhutan is a specific case of ambivalent coexistence of the two sovereignty modes discussed previously – ethical conservative sovereignty and regio-sovereignty. The latter derived from the 1949 treaty (Treaty of Friendship between India and Bhutan), through which a hierarchical colonial setting of political relations formally continued to exist. The treaty was revised in 2007 but I point to further continuities of this setting. This coexisted with a political logic connected with the former. Stimulated largely by the effort to differentiate independent India from the British colonialism that – as argued by many Indians – kept Bhutan underdeveloped and isolated, India offered Bhutan its help to pursue modernisation and achieve contacts with the outside world. However, as there was a strong element of localisation of these contacts and modernisation models (examples) into Bhutan through India – in fact, India played a role of mediator (intermediary) between Bhutan and the international society through which international contacts were filtered –, this process at least temporarily increased the dominance of the regional scale. Moreover, India's effort to help Bhutan in developing attributes of the modern sovereign state were limited by seeing China as India's security nemesis that might cause disunity in Bhutan and India. The reappearance of China as a security nemesis view and discourse brought with itself India's inclination towards the shared hierarchical sovereignty configuration.

Secondly, the discussion of the India-Bhutan case points to the issue that has been largely overlooked by International Relations (IR) studies on the international order, which is that the reach of international society is far from even though we are living in the globalised world. Until the late 1950s, Bhutan hardly had any foreign relations besides the limited contacts with India and residual contacts with Tibet which followed

a religious Buddhist, rather than interstate, logic. Even after developing its ties with India (and completely abandoning its ties with Tibet in 1960), Bhutan largely stayed outside the international society as it entered the United Nations only in 1971. Although the issue is not the primary concern of the chapter, it is revealed as an important factor influencing the case. Bhutan's reliance on India to even arrange its international contacts limited Bhutan's possibilities and strategy. This can be compared to Hong Kong which tries to resist the increase of China's influence over it by utilising its character of being an extremely internationalised place.

The sovereignty configuration had two constitutive moments. Signing the Treaty of Friendship between India and Bhutan in 1949, which was hierarchical and unequal and copied a previous treaty between colonial Britain and Bhutan, provided an important basis upon which the Indo-Bhutan relationship was constructed. However, foreign-political contacts between India and Bhutan were scarce in the following few years. They were intensified in the second half of the 1950s and received a main impetus for development only after the 1958 visit of Jawaharlal Nehru to Bhutan. Hence the main chunk of the chapter focuses on the period from the late 1950s to the first half of the 1960s. It partly reflects dynamics even during the second half of the 1960s and indicates further developments as well. Reflecting on the constitutive moments, two main steps are key to capture how scaling worked – to analyse a positioning of the Indo-Bhutanese relationship *vis-à-vis* the international society and a mutual positioning of their domestic authorities.

The contribution of the chapter also lies in discussing international relations and a position of Bhutan as one of the least covered countries in the Wester IR literature. By discussing the Indo-Bhutanese relationship, which is a fundamental aspect for Bhutan's foreign policy, I hope to at least partially increase knowledge about the country. The chapter might be relevant especially as I conducted research in Indian archives related to the constitutive moments of the Indo-Bhutanese relationship.

In the first part of this chapter, I discuss a historical context of the Indian – Bhutan relationship preceding 1947 and a signature of the mutual treaty in 1949 has been a bedrock of their mutual relations since then. The reason why these issues are connected in one part is that it helps to more clearly show how the imperial (colonial) model of organising relations with Bhutan centred around Bhutan's inclusion into India's security frontier and the mutual treaty partly limiting Bhutan's foreign policy continued to influence politics between India and Bhutan even after India's independence. In other words, it is shown how India mimicked and relied on the imperial (colonial) model. In the second part, I focus on the second part of the constitutive period – the late 1950s and the first half of the 1960s. I show how the India leadership reclaimed control over Bhutan's external affairs and how it started to actually (not only declaratorily) develop into a subsidiarising model (i.e. a

locally/parochially developed model aiming to influence /sub-/regional not global issues) interconnecting India's and Bhutan's sovereignty in regional international affairs. At the same time, however, it started to be accompanied with India's emphasis on Bhutan's strengthening and state-making.

The following parts address why regio-sovereignty continued to be crucially important despite the existence of the discourse emphasising India's support for strong Bhutan. The third part shows that while Bhutan's sovereignty started to be connected with the global international society, this process was 'filtered' (localised) through the regional influence of India which at least temporarily confirmed India's influence over Bhutan. In the fourth part, I examine the discourse on China as a threat, which helped to emphasise and implied the significance of the Indo-Bhutanese cooperation on the basis of mutual foreign and security coordination within the shared frontier. The fifth part provides additional reasons for the continuing influence of India over Bhutan. It also helps to further characterise a position of two domestic authorities *vis-à-vis* each other. It argues that it is possible to identify a shared transnational (sub-regional, bilateral) connection which contributed to and supplemented the specific Indo-Bhutanese authority configuration. In the last part, I characterise the decreased but continuing relevance of regio-sovereignty in the 21st century.

The Continuity and Mimicking in Indo-Bhutanese Relations: From the British Raj to Independent India

In this part, I highlight historical continuities in the India – Bhutan relationship which connect both pre-1947 and post-1947 periods. The history of relations between British India and Bhutan dates back to the 1860s. After the failed diplomatic mission of Ashley Eden to Bhutan in 1863, a subsequent war between British India and Bhutan, and troubled relations between both entities in the second half of the 19th century, British India cognitively included Bhutan in the zone of its geopolitical control largely consisting of the princely states and semi-sovereign polities (Aris 1979: 263–269; Phuntsho 2015: 441–513). The character of the relationship then changed at the very beginning of the 20th century due to a diplomatically productive cooperation between the Brits and the new ruler of Bhutan Ugyen Wangchuk (Kumar 2010: 245; Phuntsho 2015: 479–513).

During the same time Ugyen Wangchuk aspired to change the whole political regime in Bhutan and founded a political regime based on hereditary monarchy (established in 1907) for which he was seeking support outside Bhutan. British India seemed as a natural ally because of his previous cooperation with British diplomats. While British India was reluctant to provide him with explicit support at first, Ugyen Wangchuk was invited to Calcutta to meet the Prince of Wales in 1906. During the

visit, he received the same reverence as other rulers of the princely states, which signaled that he was regarded as the highest ruler of Bhutan. In the following year, the Governor of India was present at Ugyen Wangchuk's coronation, which is usually perceived by historians as *de facto* explicit recognition of his position as the king of Bhutan as well as of the new political regime (Aris 1979; Phuntsho 2015: 479–513). The process of the mutual rapprochement culminated with signing the treaty of Punakha in 1910. This new treaty increased influence of British India over Bhutan as it explicitly declared that Bhutan would be guided by British India when it comes to its foreign policy (Karan 1963; Labh 1974; Rahul 1980).

Doing so, British India institutionally confirmed Bhutan's position in its geopolitical frontier zone. The events of the early 20th century also started a general reorientation of Bhutan from its previous northward bond to Tibet to a very close link to India. The reorientation was happening on the background of Bhutan's effort to consolidate its statehood and independence (cf. Phuntsho 2015). While Bhutan ended up being included in the fringe zone of the Indian empire, this was not understood as the negation of its goal but rather confirmation of it because Bhutan acquired recognition as a legitimate unit within the international/regional order which was in operation in the area during the given time. While it lacked any connections to the global international society – which was in the process of its formation at that time (Bull – Watson 1984; Dunne – Reus-Smit 2017) and of which Bhutan had almost no knowledge – , Bhutan's king seemingly 'happily accepted the role when he was treated like a prince of a British colony' in the early 20th century (Phuntsho 2015: 512).

The contingency of Bhutan's status was revealed during the process of formation of independent India. The importance of this issue was clear: if Bhutan was recognised as a princely state, it would be required to be merged with India. In the context when even British official records sometimes labelled Bhutan as a princely state while sometimes not (e.g. maps in Mansergh – Moon 1981), Bhutan sent diplomatic correspondence[19] as well as a mission (Singh 1978: 99) to India during 1946-1947 to claim its independence, which was relatively readily accepted by Nehru (Coelho 1967: 25–26).

When it came to organising mutual relations, both India and Bhutan similarly readily agreed to sign a treaty in 1949 which was modelled upon the previous 1910 treaty. Establishing a background for complex relations between both states, it also contained two provisions that reasserted a mutually hierarchical relationship. According to Article 2 of the treaty, India 'undertakes to exercise no interference in the internal administration of Bhutan. On its part the Government of Bhutan agrees to be guided by the advice of the Government of India in regard to its external relations'. India's

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[19] India Office Records, Political External Collections, c.1931-50, Collection 8: Bhutan, Collection 21: Nepal, Collection 36: Tibet. British Library, London.

control over Bhutan's foreign and security policy was supplemented by Article 6 which stipulates that Bhutan may import arms and warlike material with the assistance and approval of India (Treaty of Friendship between India and Bhutan 1949). In this sense, the treaty was unequal and hierarchical. It is also for this reason that the treaty was not registered at the United Nations (Dutt 1981: 604–605; Poulose 1971: 204).

Similar treaties were signed with Nepal and Sikkim in 1950, again reproducing colonial models. While these two treaties were clearly motivated by India's alertness to China's actions after it 'reunited Tibet with the motherland', a possibility of Chinese security threat was not apparently discussed very closely when India signed the treaty with Bhutan (Ghosh 1989: 140). It seemed to be simply adopted from the British Raj as 'India inherited that status [of the dominant country] from the British and to replace them, a treaty of peace and friendship was signed with each of the three countries' (Interview 2). The Bhutanese case shows that while security was an important theme in regard to the treaties, the dominant logic lied in mimicking the principles of the previous imperial order. Between 1947 and 1949, the Indian government did not have much time to carefully discuss how exactly to organise these relations. This limitation can be understood as a side effect of the federalist state-making process, which required India's representatives to reach a relatively quick agreement with many entities, and of post-1947 security problems with the former princely states of Kashmir, Junagadh and Hyderabad. When security issues appeared even in Northeast part of South Asia in 1950, Nehru copied the British geopolitical rationale, which however fused the inside/outside distinction and the notion of borders and frontiers. In 1950, he stated: '[f]rom time immemorial the Himalayas have provided us with magnificent frontiers […] We cannot allow that barrier to be penetrated because it is also the *principal barrier to India* [emphasis added]' (Ghosh 1989: 140).

Reclaiming Regio-Sovereignty in the 1950s and the 1960s

Despite the mutual treaty and initial contacts between independent India and Bhutan in the late 1940s, Bhutan stood largely outside the focus of India's foreign policy until the late 1950s. In this part, I show how the previously mentioned issue of India's control over Bhutan's politics evolved, starting to practically (not only declaratorily) develop into a subsidiarising model of sovereignty interconnection (i.e. a locally/parochially developed sub-regional model), while it started to be accompanied with India's support for strengthening Bhutan's state structures. Reclaiming sovereignty was connected with confirming a common security frontier, India's guidance of Bhutan's external affairs as well as with extending these themes through India's emphasis on controlling interventions in the region.

The key moment of the decade can be seen in Jawaharlal Nehru's diplomatic trip on yack-back[20] to Bhutan in 1958, which was often recalled by Bhutan's government as the real foundational moment of the relationship between Bhutan and independent India (e.g. Jigme Dorji 1968: 27; Jigme Singye 1980)[21] and which was the most important diplomatic meeting between India and Bhutan since the foundation of independent India (Rose 1974). The trip started to be planned in 1957 and was pre-figured by Nehru's parliamentary speech in which he emphasised that while India's foreign policy is based on anti-colonialism, it had also inherited its position in relations to Bhutan and Sikkim from the British (Nehru 1957). Nehru's actual visit and discussions with the representatives of Bhutan were dominated by two themes – India's respect and help to Bhutan as an independent state but also Nehru's insistence on the claim that India's and Bhutan's fate is intertwined when it comes to their foreign and security policy.

Explaining one of the key moments of his diplomatic discussion, Nehru notes the following:

I had said that we wanted Bhutan to continue to be free and to exercise no pressure upon it. I was speaking in Hindi and I had used the word Swatantra. This was naturally translated later in press messages, etc., as independence. I referred to this matter in my talks with the Maharaja [i.e. Bhutan's king]. I pointed out to him that while it was our firm opinion that Bhutan must be internally independent and that we, much less any other country, should exercise no pressure on it, it was obvious that Bhutan could not be independent in the external or international sense of the word. (Nehru 2012: 318)

According to Nehru's notes, Bhutan's king 'absolutely agreed' with his position (Nehru 2012: 319), which was also confirmed by the king's later public announcements (Kharat 1999: 6). Nehru connected the insistence of India's actual control over Bhutan's foreign policy with two further aspects which he saw as co-defining the mutual relations. Firstly, both countries were seen as sharing the same frontier, which symbolically broadens the space in which India's authority can effectively operate. For him, '[i]f it was realised that in matters of defence, Bhutan and India stuck together and that in fact the Bhutan-Tibetan frontier might be well considered from that point of view the Indian frontier, then China would hesitate to cross that frontier' (Nehru 2012: 317). Secondly, he recalled the theme of India's control of foreign interventions in the region. 'We are members of the same Himalayan family and should live as friendly neighbours, helping each other. The freedom of both Bhutan and India should be safeguarded so that no one from outside can do any harm to them' (Nehru 2012: 309).

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[20] It was due to a mountainous terrain in Bhutan and the lack of airport connection at that time.
[21] See also an introductory statement on Indo-Bhutanese relations on the webpages of Bhutan's embassy in India (Delhi), http://www.mfa.gov.bt/rbedelhi/?page_id=26.

While the theme and discourse of forming a common security frontier and, in a sense, sharing foreign policy dominated private discussions, the theme of India's support to Bhutan as an independent state dominated public announcements. Nehru, for example, noted: 'Some may think that since India is a great and powerful country and Bhutan is a small one, the former might wish to exercise pressure on Bhutan. It is, therefore, essential that I make it clear to you that our only wish is that you should remain an independent country' (Nehru 2012: 309). While there clearly is a degree of hypocrisy, these two themes should not be read as completely contradictory. India did want to see Bhutan to be a strong, stabilised and modernising country while it apparently wanted to have its influence over Bhutan's foreign policy.

Both themes were reinforced during the upcoming years. After the 1959 uprising in Tibet and its suppression and unrest in the border area between China and Bhutan, India sent China diplomatic notes emphasising the foreign political connection between Bhutan and India. 'The Government of India who are responsible for the external relations of Bhutan protest against the arrest and ill-treatment of Bhutan's couriers'.[22] Similarly, it was claimed that 'any aggression against Bhutan and Sikkim will be considered as aggression against India'.[23] During the 1960s, we can witness both themes to reappear as well as the mutual relations to strengthen. Being closely assisted by India, Bhutan's foreign policy started to dramatically develop at the same time.

In 1963, Bhutan asked India to provide it with a political adviser who could help the country with its modernisation.[24] While this is sometimes read as a reaction of Bhutan to the 1962 war between China and India, the main rationale was apparently connected with the king's effort to modernise the extremely closed and traditional country. While many results of this process are discussed below, it may be noted here that some of the mechanisms of India's current influence in Bhutan, like training of the Bhutanese army or Bhutanese government officials, have their origin in this period or were strengthened during the time. Diplomatic communication and personal notes of two Indian diplomats whose personal paths and professional carriers intersected with Bhutan – Apa B. Pant and especially Nari Rustomji (who became the aforementioned Indian political adviser to Bhutan) – reveal that both themes and discourses continued to coexist in the 1960s. According to Pant, '[t]his process of awakening and re-adjustment to the modern life in Bhutan need not and should not be unduly hastened. It is only through a process of "education" of the present ruling clique [that it can be

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[22] Individual Collection of N. K. Rustomji, Subject File No. 14, p. 83-84. Archives at The Nehru Memorial Museum and Library, Delhi.

[23] Individual Collection of N. K. Rustomji, Subject File No. 14, p. 83-84. Archives at The Nehru Memorial Museum and Library, Delhi.

[24] The position was cancelled later on in the 1960s.

successfully achieved]'.[25] The discourse of India's help to Bhutan in order to modernise and develop it into a modern state was partly accompanied with the emphasis on India's role in protection of Bhutan and the recognition that Bhutan has been India's buffer state.[26]

While the mid-1960s was also a period of political unrest and turbulences in Bhutan, which included the assassination of Bhutan's prime minister Jigme Palden Dorji in 1964, Bhutan's orientation continued to be closely tied with India (Verma 1988). In fact, Bhutan found itself in the situation not dissimilar to that of the early 20th century. On the one hand, India continued to support and guarantee its independence while, on the other, India was limiting Bhutan's international position. By constituting the shared regio-sovereignty mode in which Bhutan's foreign policy was subsumed under India's sovereign authority, India symbolically connected itself with Bhutan. This was specifically done by arguing that any intervention into or aggression against Bhutan is counted as aggression against India and that both countries share the same security frontier despite the fact that there is a recognised international border between them.

India's Role in Bhutan's Engagement with International Society

Until the 1960s, Bhutan was an extremely isolated country which practically did not have any foreign policy with the exception of the relations with India and residual ties with Tibet (Rose 1977: 74–75). If any foreign-political issues impacted on Bhutan, which was mainly the case of security issues related to China and Tibet, India claimed to control Bhutan's foreign policy. Although it can still be regarded as one of the countries which are most separated from international and globalising trends, the modernisation and opening-up process mainly under way during the 1960s represented a tremendous change by Bhutanese standards. In this part, I address why this important change did not lead to disappearance of India's influence over Bhutan's sovereignty. On the contrary, it at least temporarily confirmed it.

The new desire of the Bhutanese elites to modernise the country was connected with the increasing interest of Bhutan in the outside world. During the 1960s, the Bhutanese elites started to 'feel that their status as an independent country should be recognised by the outside world'.[27] The decision was arguably reinforced by the fact that by 1960, historically important ties with Tibet were completely abandoned (Rose 1977). The disappearance of the ties was of a fundamental importance. Historically,

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[25] Individual Collection of Apa B. Pant, Subject File No. 10, p. 20. Archives at The Nehru Memorial Museum and Library, Delhi.
[26] Individual Collection of N. K. Rustomji, esp. Subject File No. 14, 25, 31. Archives at The Nehru Memorial Museum and Library, Delhi. See also Rustomji (1978: 3, 9–17).
[27] Individual Collection of Apa B. Pant, Subject File No. 10, p. 18. Archives at The Nehru Memorial Museum and Library, Delhi.

Tibet was the key gravity centre of trade relations but also of cultural-political models which were imported to Bhutan. The connection was partly disrupted by the creation of hereditary monarchy (in contrast to the previous theocratic system) in Bhutan in 1907 as described above. After 1960, Bhutan fully and unambiguously reoriented to India as the new dominant cultural centre (Mathou 2008; Phuntsho 2015). India came to play an important role during Bhutan's modernisation, guiding it and introducing it to the international society. It is argued here that India played a role of a mediator (intermediary) between Bhutan and the international society alongside which it managed to sustain its privileged position as a source of cultural models and a guide in Bhutan's international interactions. In other words, the key point is that Bhutan was achieving recognition and modernisation *through India*. Hence, while Bhutan's sovereignty started to be connected with (scaled towards) the global level, this process was 'filtered' (localised) through the regional influence of India.

Considering that one of the demonstrative goals of Bhutan's modernisation was to keep its traditional culture and social habits relatively intact and only open to outside influences at a controlled pace, it is remarkable how deeply India's influence has penetrated. The intensification of the mutual ties and India's developmental help followed from India's commitment to be a significant provider of subsidies to Bhutan, which was included in the 1949 treaty and resulted in India's position as the largest external donor. Copying India's example, Bhutan started to organise its economy according to five-year plans in 1961. Since the 1960s and at least until the late 1980s, a relatively large number of different kinds of Indian experts – often being coordinated through India's embassy in Thimphu – planned various projects and closely assisted Bhutan when it came to these projects' implementation (Interview 4). Later on, post-2000 democratic reforms initiated in Bhutan by its king have arguably been inspired by India's cultural influence as well. The influence was not enforced but rather willingly, yet cautiously, accepted (cf. Rustomji 1978). The very idea of socio-economic modernisation of the Bhutanese leaders was apparently transported from India (Mathou 2008: 5) while the Indian government was willing to help with the modernisation (Verma 1988: 61), which India apparently saw as a way how to bolster its anti-imperial and anti-colonial identity. This should be understood in the context of Indian diplomatic claims that a British colonial policy supported Bhutan in its isolation and that India wants to act differently.[28]

An important part of the modernisation efforts was connected with developing Bhutan's foreign relations and connections to the world. For achieving that, Bhutan with the help of India started to build the modern foreign policy apparatus, which culminated in the establishment of Bhutan's Ministry of Foreign Affairs in 1972. During the process, Bhutan opened the official diplomatic relations with the first country that

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[28] Ibid. esp. p. 18.

could not be any other state than India (the mutual relations had been managed by a political officer until then) (Rose 1974). After the initial refusal of Bhutan's potential UN application as 'premature' by Jawaharlal Nehru in 1964, Indira Gandhi allowed Bhutan's King, Jigme Dorji, to apply for a membership at the Universal Postal Union and the UN in the second half of the 1960s and it was decided that Bhutan's application would be sponsored by India (Verma 1988: 214). Indian diplomats (especially Nari Rustomji) were also helping with Bhutan's preparation for the application process and membership. Bhutan entered both organisations in 1969 and 1971 respectively (Rose 1977; Rustomji 1978; Verma 1988).

Since that time, Bhutan has significantly increased its international connections but they still remain relatively limited compared to the usual standards. There are more countries with which Bhutan does not have diplomatic relations, including China, than those with which it does, and Bhutan's global aspirations are limited to the promotion of the concept of gross national happiness (whose emergence could be understood as the result of localisation of the modern developmental and economic models into Bhutan).

Bhutan's international interactions have continued to be concentrated at the regional level. Bhutan entered the Colombo Plan, SAARC and other regional organisations. Most importantly, during the process of regional integration and opening to the world, Bhutan framed its foreign policy principles as per the Indian influence. Bhutan became a member and advocate of the Non-Aligned Movement, active supporter of SAARC which is centred around India's hegemonic influence (Michael 2013) as well as it accepted the values of autonomy, self-sufficiency and self-reliance (Verma 1988: 193–201), i.e. mimicking the values cherished by the then Indian foreign policy.

Later on in 1985, Bhutan's king Jigme Singye described his country's position as follows: '[i]n our view collective self-reliance and independence through inter-dependence within the framework of regional co-operation is not only desirable but imperative in the face of the present global realities' (Kharat 1999: 57). This can be read as a modern restatement of the traditional imperative of Bhutan's foreign policy of neutralising external environment for the sake of internal stability (Mathou 2008: 27) but also as a continuation of the close interconnection with India's foreign policy. In other words, it shows the continual importance of policy and cultural influence of India, which offered examples according to which Bhutan can reinterpret its traditional position as well as practical means through which Bhutan's goals can be achieved. As such, it also confirms the continual significance of 'localising (filtering) through India' moves and processes.

Understanding China, Identitarian Shifts and India's Approach to Sovereignty

In the preceding parts of the chapter, I outlined the interplay between two discourses and types of practice of India towards Bhutan. Firstly, India has approached Bhutan as a partly-sovereign state whose foreign policy at least partially falls under India's sovereign authority. Secondly, India has attempted to help Bhutan to modernise and increase its international contacts. While both positions have been closely interrelated and India has not understood them as necessarily contradictory, a tension between them is apparent. Hence, it is puzzling how we can understand India's inclinations towards either the former or the latter position. I argue that a general underlying condition which has guided India's inclination to the former one is closely related to the identitarian differentiation of India *vis-à-vis* China. At the risk of oversimplification, we can discern two main streams of India's identitarian (Self-Other) demarcation in its relations to China. The first of them sees China as a recurring threat with revanchist attitude towards India. The second position, which may be labelled as 'Chindia', understands China as a great Asian civilisation and as a partner with whom India has many things in common (Wojczewski 2016). These two positions may be combined to produce a middle position (Wojczewski 2016) or oscillations between them.

Oscillation and a close interconnection between them may be identified in Jawaharlal Nehru's thinking during the period when regio-sovereignty was constituted in the India-Bhutan relationship. While it would be possible to lengthily elaborate on the role of the two identities in Nehru's thinking, the topic was concisely summarised and aptly depicted by a former Indian diplomat. While Nehru as a philosopher saw both China and India as two great civilisational nations that emerge out of the colonial process and bear with themselves a great progressive potential, Nehru as a politician was aware of immense threats which China's rebirth may bring about (Interview 3). As numerous documents and records show, China has constantly reappeared in Indian foreign policy discussions related to the Northeast area of South Asia as India's security nemesis whose presence is undeniable and enduring. As noted by Priya Chacko, Nehru attempted to overcome India's 'fear complex' and also the identitarian demarcation of China as India's regional Other (Chacko 2012: 50–75; similarly Singh 2013). Part of this effort was the Sino-Indian agreement on the five principles of peaceful coexistence, which aptly depict India's ethical conservative sovereignty, and the aspiration to 'befriend China' (Chacko 2012: 90–91). This aspiration of Nehru was far from universally accepted within Indian foreign policy but continued to play a significant, perhaps dominant, role due to Nehru's personality (Interview 1; 3).

However, this befriending of China failed in actual policy, which was the most apparent at the end of the 1950s and the very beginning of the 1960s. While he still preserved a certain degree of fondness of China, Nehru's position moved away from the positive view on China around 1960 when both countries unsuccessfully attempted

to resolve mutual tensions (Chatterjee Miller 2013). Nehru started to refer to the mutual relationship between China and India as imbued with inequality, which was framed in terms of honour, dignity and humiliation (Chacko 2012: 94–95; Chatterjee Miller 2013: 65–81).

The change of the identitarian position led Nehru to emphasise the importance of the security frontier defined through the colonial McMahon line (Chacko 2012: 95; Maxwell 1970: 68, 77), which formed an implicit feature of India's regio-sovereignty. In this context, regio-sovereignty came to its prime. Apa Pant's note from 1960, which related to India, Sikkim, and China, indicates that 'I did not remind him [the Maharajakumar of Sikkim] at this stage that the Prime Minister had declared that the frontiers of Sikkim were in fact the frontiers of India'.[29] While Pant speaks about Sikkim only, Rustomji's description shows that this thinking which unfolded in the increasingly suspicious atmosphere between China and India was closely interconnected with Bhutan as well. 'I have had long talks with the Maharaj Kumar of Sikkim and Jigmi Dorji of Bhutan, both of whom are old personal friends, and I feel sure that, provided it is India's intention to have Bhutan and Sikkim as friendly neighbours and *not necessarily to merge them completely* [emphasis added]'.[30] As added by Rustomji, 'Sikkim has realised already, and Bhutan will also come to realise, that it is not possible for a little State to stand entirely alone in the present context of world developments. Neither of these States would, of course, turn to China'.[31] In this context, '[t]he point, however, was that the Chinese government should be made to realise fully that Bhutan's foreign affairs would be dealt with in consultation and on the advice of the Government of India' (Nehru 2012: 320).

Hence, while India often wanted to differentiate itself from the British Raj and expresses a positive and supportive attitude towards Bhutan insisting that it is not like the British, it resorted to the regio-sovereignty position when China as a security nemesis appeared and when its befriending failed. This demonstrates that India's aristocratic strength of magnanimity towards Bhutan and not being like the British was not a truly stable position and that India's oversight of Bhutan's foreign and security position was implied by Indian foreign policy when its (aristocratic) strength was in danger.

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[29] Individual Collection of Apa B. Pant, Subject File No. 6, p. 42. Archives at The Nehru Memorial Museum and Library, Delhi.
[30] Individual Collection of N. K. Rustomji, esp. Subject File No. 3, p. 5. Archives at The Nehru Memorial Museum and Library, Delhi.
[31] Ibid.

Shared Configuration and Linkages

In the preceding text, it was shown that Bhutan's modernisation and engagement with the outside world was dependent on and filtered (localised) through India's support. The renewed mutual bond between the two countries, which came along with the increasing contacts of the late 1950s and 1960s, reinforced the mutual entanglement. In this part, I argue that the mutual entanglement was reinforced by a loose transnational (sub-regional, bilateral) bond connecting domestic authorities of India and Bhutan. This helps to further characterise mutual linkages between India and Bhutan *within* this shared authority (subsidiarising) configuration. Or in other words, having characterised the key moves and tenets of the scaling towards the international society, it allows us to see more closely how two domestic authorities got (transnationally) connected and what factors contributed to their mutual hierarchical positioning.

The bond contributed to and supplemented the hierarchical authority relationship and the subsidiarising model of the Indo-Bhutan interconnection centred around sharing a security frontier and foreign policy. Moreover, it helped to fix and propel regio-sovereignty mode and moderated the signs of Bhutanese resistance against regio-sovereignty. Such Bhutanese resistance appeared in the form of its aspirations to revise the Indo-Bhutanese treaty and leave the article of the treaty stating that Bhutan shall be guided by India in its foreign policy out. This transnational bond is underpinned by and practically works through several channels of Indian influence over Bhutan and congruence of the needs and identities, which allow India's central government to claim authority over Bhutanese foreign policy.

Besides the institutional underpinnings provided by the mutual treaty, India developed certain channels of influence which allowed the practical coordination with and control over Bhutanese foreign policy. Firstly, traditionally diplomatic links between Delhi and Thimphu have been very strong. India usually appointed very senior diplomats to Bhutan that tend to have very (perhaps exceptionally) strong connections to the diplomatic and executive circles in Bhutan (Interview 2; 4; 6). Secondly, India has been training Bhutanese army and officials, which allowed to foster mutual links (Interview 5). Thirdly, a close bond has evolved between the Gandhi family that has formed a family dynasty in Indian politics and the Bhutanese royal family. The bond arguably continues to be strong even during the 21st century (Phuntsho 2015: 573). Fourthly, India has been the most important trading partner of and source of developmental aid to Bhutan, which has sometimes been used as a diplomatic leverage to harmonise both countries' position (Mitra – Thaliyakkattil 2018).

Simultaneously, a congruence between both countries appeared in some issue areas, which was partly described in the preceding part on Bhutan's engagement with

the international society. India's close entanglement with Bhutan and its help to modernise the Bhutanese state fitted both into India's progressivist-educational endeavour as well as Bhutan's desire for 'developing a strong personality' (Giri 1970; Jigme Dorji 1970). Moreover, both countries were brought into accord when it comes to regional geopolitics. The dominant self-understanding of Bhutan as a 'landlocked country' stuck between India and China (cf. Mathou 2008; Rose 1974) evokes its own awareness of its buffer-zone role in-between China and India. While a buffer state can be a source of identitarian instability for both the state itself as well as a great (major, imperial) power as indicated in the part devoted to historical background (cf. Bayly 2015), India and Bhutan have been able to stabilise the mutual relationship through the practices described in this part as well as through building a common identity of a Himalayan familial friendship (e.g. Husain 1968; Jigme Dorji 1968; Nehru 2012: 309; The Bhutanese 2015). While the identity was relatively loose and not strictly binding India and Bhutan into an unwaveringly stable security community, it arguably helped to make sense of the mutual relationship. This must be understood in relations to China because the mutual Himalayan identity implicitly expelled the main source of identity anxieties and insecurities beyond the frontier (buffer) zone.

While all these elements did not necessarily create India's regio-sovereignty *vis-à-vis Bhutan*, they helped to uphold it and also to mitigate mutual differences. The shared authority configuration was apparently the strongest during the 1960s when both countries closely cooperated with each other but as the following part demonstrates, it has preserved its relevance until very recent developments. It is so despite the fact that the mutual configuration also contained sprouts of change and instability. The initial congruence connected with India's help to foster Bhutan's attributes of independence continually evolved into the increasing resistance of Bhutan with the aspiration to be seen as a fully sovereign state.

The Recent State of the Indo-Bhutanese Relationship

Although many aspects of the India-Bhutan relationship have changed, and Bhutan has clearly been aspiring for a more independent international position, this part suggests that regio-sovereignty has not disappeared from the mutual relationship. While some Indian experts still assess Bhutan's current position as that of a *de facto* protectorate or as almost completely coordinated with (by) India (Interview 5; 6; 7), many characteristics of the relationship have changed since the 1960s or the 1970s. One of the most visible changes in the relationship is connected with the revision of the Indo-Bhutanese treaty. Bhutanese efforts to revise the treaty which had appeared and had been rejected by India since the 1960s (Rose 1977; Verma 1988) were successfully reciprocated in 2007 when the contentious formulation that Bhutan shall be guided by

India in its foreign relations was left out. Nevertheless, it was replaced by a new version of the treaty article, which similarly suggests a close foreign policy cooperation. According to it, Bhutan and India 'shall cooperate closely with each other on issues relating to their national interests. Neither Government shall allow the use of its territory for activities harmful to the national security and interest of the other' (India-Bhutan Friendship Treaty 2007).

The resistance towards regio-sovereignty has been growing stronger and 'gradually Bhutan [has] become taking its own foreign relations decisions' (Interview 4). Emphasising and preserving sovereignty has become a *leitmotif* of the Bhutanese political elite (see e.g. Kuensel 2015; The Bhutanese 2017b) and, for example, the first democratically elected prime minister of Bhutan Jigme Thinley tried very hard to increase Bhutan's foreign political independence (Mitra – Thaliyakkattil 2018: 253). While India has been more and more recognising Bhutan's international freedom, the coordination between India and Bhutan in key questions – especially the relationship to China –continues to be very high (Interview 1; 2; 3; 5), which arguably contributed to the fact that Bhutan still does not have diplomatic relations with China. In other words, it seems to be still true that 'on any issue that is of vital interest to India, the Bhutanese will consult India' (Interview 2). Moreover, India's influence over Bhutan continues to be imminent. India still assists Bhutan in regard to its five-year economic plans and economic development (see e.g. MEA India 2017b) and the traditional channels of close diplomatic or army ties have not disappeared. Modi's first prime minister foreign visit, which surprisingly led him to Bhutan, resulted in Bhutan's promise that it would 'not allow its territory to be used against India' (Reuters 2014), indicating the continuing relevance of India's effort to control interventions in the region.

The continuing relevance of the regio-sovereignty mode was mainly manifested during the recent Doklam crisis, which took place from June to August 2017. During the crisis, armies of both countries faced each other after it was discovered that Chinese workers were extending a road in the disputed area. Doklam itself is a part of the disputed territories between Bhutan and China, which is very close to the Indian borders. The stand-off itself happened near Doka La that is claimed by both Bhutan and China and that practically borders India. The stand-off was ended by a diplomatic negotiation after which both armies pulled back (Gettleman – Hernández 2017; Myers – Barry – Fisher 2017). The official foreign policy narratives of the three concerned sides differed relatively significantly during the crisis (cf. Mitra – Thaliyakkattil 2018). Bhutanese public diplomatic statements were relatively general and did not express any (whether positive or negative) stance regarding the presence of the Indian army in the disputed area, i.e. in the area beyond the Indian borders (MOFA Bhutan 2017a, 2017b). China's diplomacy reacted to this situation in the following way, '[w]e hope

that all countries can respect Bhutan's sovereignty. Although the boundary between China and Bhutan is yet to be demarcated, the two sides have been working on that through peaceful negotiation. Any third party must not and does not have the right to interfere' (MOFA PRC 2017).

India's actions invoked the regio-sovereignty mode. '[E]ven though Doklam is not Indian territory, India felt impelled to come to the assistance of Bhutan luckily because there are treaty provisions. But ultimately not so much for the protection of Bhutan's security interest, because […] Doklam is not particularly valuable to Bhutan' (Interview 1). While India's actions probably stimulated uncertainties on the Bhutanese side (Ethirajan 2018; Mitra – Thaliyakkattil 2018; Myers 2017), they have arguably been addressed between diplomats. Hence, one of the strong voices of the Bhutanese press was that Bhutan (and its government) stood by India (The Bhutanese 2017a). The existence of the mutual Indo-Bhutanese coordination was also suggested by India's ministry of external affairs (MEA India 2017a).

The events related to the crisis reminded India of China as its security nemesis. While India's prime minister Modi tried quite hard to improve the relations with China and often portrayed it in positive ways, for example speaking of the 'Asian century' during which India and China will 'influence the situation of the world in the coming decades' and, very much in accordance with Nehru, emphasised their positions as great civilisational states (Heydarian 2017; Xinhua 2018b), the Doklam issue brought about apparent security concerns about China into India's foreign policy. They were largely met with the discourse of management, handling and control as shown by an expression of India's foreign secretary (The Wire 2017). However, India's uneasiness about China's assertiveness, expansionism and establishing military bases around India invoking colonial-like practices were (implicitly) present in India's foreign policy, especially as similar security and sovereignty concerns regarding Chinese activities appeared in the Pakistani-held part of Kashmir during – roughly speaking – the same time (Barry – Huang 2017; Dutta 2017; Pant – Passi 2017; cf. Chatterjee Miller 2013).

The recent developments indicate that while regio-sovereignty has been weakened, it still continues to be relevant. While previously Bhutan's foreign policy used to be controlled by India completely or almost completely, now it seems to be divided – on the one hand, it is largely independent but, on the other, there are certain issues which reactivate India's effort to control and coordinate Bhutan's foreign policy.

Conclusion

The fortunes of the polity organisation of Bhutan and India have been closely connected since the turn of the 19th and 20th century when Bhutan was included in the fringe zone of the British empire in India. Since then, Bhutan's position has been

stained between an independent state and a polity of an inferior status within the political order centred around India. The same position of Bhutan was established by signing the 1949 treaty of an unequal character, which was modelled upon the previous treaty between the British Raj and Bhutan and which provided that India should guide Bhutan in its foreign policy. Based on that, India and Bhutan got entangled in an ambivalent sovereignty relationship. Bhutan was seeking recognition of its independence but was dependent on India for its provision. India, on the one hand, aspired to control Bhutan's foreign policy and regarded Bhutan to belong to the Indian security frontier but, on the other, it also aspired to assist Bhutan in its modernisation and development into a strong modern state. While these two positions existed congruently, the former leaned to the side of regio-sovereignty, while the other was heading to ethical conservative sovereignty.

Derived from the former, a specific sovereignty (foreign policy, security) configuration between India and Bhutan was created. The given sovereignty configuration rested on its scaling *vis-à-vis* the international society and between India's and Bhutan's domestic authorities. Scaling *vis-à-vis* the international society rests on the initial mimicking of colonial models (the mutual treaty, security frontier and buffer zone) and their subsequent 'application' in a subsidiarising way for organising a specific (sub-)regional space centred around India's authority 'scaled over' Bhutan. Perhaps paradoxically, the given subsidiarising space was at least temporarily strengthened by India's help to Bhutan when it comes to modernisation and acquiring contacts with the international society as these processes were filtered (localised) through India. While a scaling between India's and Bhutan's domestic authorities rested on these factors, it was further underpinned and co-specified by transitional links (like close diplomatic ties, a complementary geopolitical identity or Indian training of Bhutanese army and officials). In other words, these transnational links helped to consolidate and stabilise a positioning of India's and Bhutan's central authorities within the subsidiarising space.

As such, regio-sovereignty in the mutual relationship can be characterised by the existence of one common security frontier, India's claim that it can act on behalf of Bhutan and India's partial efforts to control intervention in the region which all problematise the inside/outside distinction and create another specific extension of India's sovereign authority. The prominence of this regio-sovereignty configuration was bolstered by the Indian discourse built on perceiving China as a threat and India's key security nemesis, which implied that this configuration should be maintained. Alongside that, factors like close diplomatic ties, India's economic assistance or complementary identity (geopolitical) perspectives helped to mitigate Bhutan's resistance to the given configuration.

Although regio-sovereignty in the relationship between India and Bhutan has arguably been weakening recently as Bhutan's foreign policy has been becoming more independent, which is reflected in the revised treaty between the two states, its relevance has been preserved as demonstrated by the 2017 Doklam crisis during which India acted largely on behalf of Bhutan and the Indian army operated in the area that is claimed by Bhutan (as well as China). While previously Bhutan's foreign policy used to be controlled by India completely or almost completely, now it seems to be divided – on the one hand, it is largely independent but, on the other, there are certain issues which reactivate India's effort to control and coordinate Bhutan's foreign policy. Simultaneously, India continues to be *the* key player who supports Bhutan's socio-economic modernisation, which gives India the ability to influence Bhutanese state-building (or, perhaps more precisely, state-management and state-strengthening) as well as one of the key leverages over its political course. However, it was also through this process that India has helped enhance and cultivate Bhutan's status of a modern nation state.

Figure 14: Sovereignty in the India-Bhutan Relationship

Scaling result	Key scaling moves	Key institutions, discourses, practices	Temporal positioning
India's sovereignty scaled over Bhutan, esp. in foreign policy; creating a subsidiarising sovereignty (foreign policy, security) configuration within international society Demarcating India's influence over political/security space, Bhutan's inclusion into this space	• Bhutan's partial but noticeable disconnection from international society • As part of that, India's hierarchical positioning *vis-à-vis* Bhutan, allowing to exert influence in the top-down way	• Bhutan (initially) highly dependent on India's recognition of its independence (diplomatic practices, discourse but also institution – the mutual treaty, see below: → **) • Modernisation, economic assistance of India to Bhutan (practices)	• Continuity with imperial/colonial history
	• Mimicking colonial models ↓ • Their subsidiary 'application' *vis-à-vis* current international society, i.e. creating a subsidiary space **(*)**	• mutual treaty giving India an option to guide Bhutan's foreign policy (institution) **(**)** • common security frontier (Bhutan as a part of India's security frontier); being signalled mainly towards China (discourse, practices) **(***)** • India's diplomatic practices, built on: → **(**)** and **(***)**	
	• Bhutan's increasing ties with international society – localised/filtered through India (India as a mediator/intermediary between Bhutan and international society); Bhutan mimics (or partly adapts) Indian examples; contributing to: → **(*)**	• style of economic development and modernisation (practices, institutions) • accepting Indian values like strategic independence, self-reliance (discourse, practices) • contributing to: → **(*)**	• progressive development towards the modern state (as an end state)
		Additional aspects: • China threat discourse: renewing, emphasising the importance of cooperation within: → **(***)**, contributing to: → **(*)** • additional factors like common Himalayan identity (discourse), other institutional links (governance, army training), practice of economic subsidies; contributing to: → **(*)**	

10. Conclusion

The investigation of sovereignty in this thesis was motivated by a desire to uncover the localisation and variance of sovereignty in the context of global isomorphic institutional pressures and to answer how sovereignty is constituted if we move beyond the Western context. I focused on countries that claim to be rigid followers of sovereignty but that also possess a relatively unique cultural heritage, and I attempted to show how approaches to and the constitution of sovereignty may differ within these states. As an initial starting point, I suggested thinking of sovereignty as a liquid phenomenon. This was further elaborated upon in a theoretical framework based on the reassessment of the debate between Hans Kelsen and Carl Schmitt. I argue that what sovereignty is must be traced (or traceable) back to two loci: 1) a domestic centre of authority and 2) an international society. By taking the moment of final indecision seriously in terms of the eventual primacy of 1) or 2), which stems from the debate, and refusing to believe that sovereignty could be the mere personification/hypostatisation of the (international) legal order or the domestic sovereign (he who decides), I proposed looking at the constitution of sovereignty by establishing links (ties, relations) between 1) and 2). Two analytical axes were stipulated: a primary spatial axis focused on scaling and a complementary axis concerned with temporal positioning. Proceeding in this way allowed us to see how links connecting China and India to a relatively wide range of institutions, discourses and types of practices were established, largely problematising the idea that these two countries are states with 'Westphalian' sovereignty.

The Three Main Arguments

Based on the theoretical framework and the exposition of the given cases, I put forward three main arguments. The first argument claims that both China and India have more than one mode of sovereignty. As previously noted, modes of sovereignty stand for different and distinctive configurations of sovereignty based on the combination of institutions, discourses and practices. My argument points out that, besides the main (general) mode of sovereignty of China and India that in both cases resembles yet not completely copies the Westphalian ideal of sovereignty, there is another one present as well. I call these modes zonal sovereignty in the case of China and regio-sovereignty in the case of India. The former establishes a zone adjacent to mainland China that is comprised of Hong Kong, Macau and Taiwan, whereby these three polities co-exist with China under a highly flexible political framework allowing

them to functionally share and divide sovereignty. The latter relates to India's organisation of sovereignty in the region of South Asia and involves the processes of extending the domestic in terms of institutions, discourses or practices to the regional level. It also includes the different reaches of India's sovereign authority, which creates a space of sovereignty gradations both inside and outside India. Both of these modes largely stem from the two states' historical experience with colonialism and imperialism. Showing the possibility of the coexistence of more modes of sovereignty, which has not been reflected in the scholarly literature, predicates the plasticity and complexity of sovereignty, which is really singled-out by the second argument.

Secondly, I argue that the cases of China and India properly illustrate that sovereignty is a liquid phenomenon despite the fact that these two states discursively defend the Westphalian conception of sovereignty as well as its inviolability and indivisibility. I specifically argue that sovereignty can easily get entangled and coexist with (e.g., colonial-like) principles, models or practices which are usually seen as different from or contradicting sovereignty. While a generalisation from these two cases is obviously limited, the cases provide us with significant indications such that we can reasonably expect that something similar may happen in other cases as well. Two specific aspects stem from perceiving and analysing sovereignty as liquid in these two cases.

First, what is seen by some as violations of the traditional model of sovereignty is often connected with the creative remodelling of polity organisations. In the cases of both China and India, the creative and productive remodelling led to the formation of subsidiarising models of zonal sovereignty and regio-sovereignty respectively. In regard to zonal sovereignty, China's distinction between *de jure* and *de facto* sovereignty allows it to construct the *de facto* side of sovereignty as highly flexible, but it also involves the final limit of *de jure* sovereignty with an emphasis on the formal recognition of sovereignty. This has created a basis for positioning Hong Kong as semi-sovereign and semi-autonomous, both internally and externally, as well as for establishing a unique system of 'diplomatic' relations with Taiwan based on the official and mutual non-recognition but simultaneously the cooperation of the two governing loci. In regard to regio-sovereignty, India's practice of its sovereign supremacy, largely adopting and mimicking colonial practices, creates exceptions from what is seen as standard sovereignty conduct and/or attempts to hierarchically position its own sovereign authority *vis-à-vis* other authorities. This is clearly visible in the Bhutan case, and it further contributes to the uneven structure of domestic political space within the case of Kashmir, which works as an illustrative example (due to its specific, partially autonomous positions and the simultaneous usage of exceptionist measures to control it).

The second aspect of the argument points out that specific cases of contested sovereignty are also imbued with the sense and perception of specificity or tentativeness, which – from the perspective of political actors – reconfirms the importance of sovereignty (understood in its generalised or symbolic meaning) as the ultimate political ideal. Hence, while I attempted to show sovereignty as a liquid phenomenon, it is, perhaps paradoxically, necessary to recognise that sovereignty 'silently frames the conduct of much of modern politics' (Jackson 2007: 21). In other words, while sovereignty is liquid and may often be creatively rendered in political practice, actors continue to express their visions about the proper political authority and organisation as per the generalised understanding of sovereignty (sovereignty in its symbolic form). The combination of the two aspects is important *vis-à-vis* Krasner's (1999) work on sovereignty as organised hypocrisy. While I show that 'problematic' sovereignty often involves creativity and the re-constitution of the political order (the first aspect) rather than 'violations'. I also suggest the reasons for why sovereignty has persisted despite such 'violations', which is because a symbolic form of sovereignty guides what is seen as the ideal endpoints of political conduct. A similar reason was even hinted by Krasner at some points in his book (Krasner 1999: e.g. 63). Nevertheless, what really elucidates the relationship between the first and second aspect is that symbolic (idealised) forms exist in their perfect (ideal) shape in political imaginaries but not necessarily in actual social practice.

Moreover, I argue that the focus on liquidity implies one further and very fundamental issue, which is that sovereignty coexists with heteronomy in the international order. In his seminal article, Ruggie (1993) demarcated heteronomy as the existence of elements defined by divergent ways or laws of development or operation, which can be understood here as elements originating from or defined by different rationales, systems of practices or political orders, including those exceeding the system of modern sovereign states, as well as its logic and spatio-temporal demarcation (e.g., colonial, imperial, traditional elements). While Ruggie's account is structured around the vision of systemic ruptures, which leaves little room for the actual importance of heteronomy, some newer works elucidate that heteronomy has been a key feature of the international order (esp. Bátora – Hynek 2014) and, hence, problematise the ontologically suspect claim about unambiguous systemic ruptures. In other words, sovereignty may incorporate or subsume various non-sovereign logics or elements under itself, largely because it serves as the imagined endpoint and referent. The four sub-cases suggest that as long as the traditional view of sovereignty is held as referential and, at the same time, heteronomous elements and practices are framed as transitional, these heteronomous elements help to maintain the relevance and importance of the (more or less) standard account of sovereignty. It is in this way that sovereignty may coexist with heteronomy in the political order.

Thirdly, I argue that we should move beyond the either-or understanding of sovereignty despite the fact that international borders continue to be crucial for demarcating sovereign states. The framework of the thesis opens a way for doing so through theoretically and analytically overcoming the clear-cut inside/outside distinction. Moreover, as empirically documented, sovereignty often operates without a neatly defined dividing line between the domestic and the international. Realising that sovereignty is not necessarily spatially enclosed helps us get over theoretical difficulties predicated by the 'territorial trap' (Agnew 1994), the prevalence of the inside/outside distinction and the Euclidean conception of space in theoretical thinking about sovereignty (cf. Karmazin 2014; Walker 2009). In contrast to the majority of academic International Relations (IR) literature, it was shown that sovereignty can practically work across and in between the inside/outside distinction, which has traditionally been thought to be constitutive for sovereignty, the modern state and the modern system of states. The distinction, in principle, separates the domestic and the international as two distinct planes of political space in a clear-cut manner. Since the idea of modern borders has been constructed on the basis of the Euclidean notion of lines with no width, a political subject must either be here or there but not in between.

The modes of zonal sovereignty and regio-sovereignty serve as illustrations that break up the clear-cut inside/outside distinction, showing how sovereignty can be scattered and how it can be interconnected with different kinds of physical or symbolic spaces. While these modes are particularly strong cases of this, the theoretical perspective on sovereignty as liquid and analytically approaching it through scaling potentially allows one to see even more subtle examples. However, this is rather a task for future research. In this regard, it is also useful to be aware of the claim from some authors that modern states have been becoming increasingly fragmented, internationalised or decentralised (see esp. Hameiri – Jones 2016). While their argument is mainly related to state actors and not sovereignty as such, this thesis complements that. I similarly show that the modern nation state is neither unitary nor coherent and that it is so even in relation to the founding principles of its sovereignty (polity) structures, which consist of contradictory or diverse elements.

The Liquidity of China's and India's Sovereignty

In this thesis, I argued that sovereignty should be understood as a liquid phenomenon. By summarising the discussed cases, I wish to show that a specific form and an expression of the liquidity in the cases of China and India is that their sovereignty formations blend different aspects and influences derived from divergent logics, portrayals or temporalities of polity organisation. Corresponding to non-Westernity, which is an essentially amalgamated experience as discussed in the introduction, the

sovereignty of China and India are also amalgamated constructs. This amalgamation consists of the coexistence of two modes of sovereignty in each country and of various blended spatial and temporal links.

I illustrated that China's and India's statehoods are defined through the existence of two modes of sovereignty. Each of the two states practices one mode that is relatively similar to the traditional notion of sovereignty and one mode that is much more contested (practically and especially when it comes to its liminal or not-so-standard meaning and constitution). In regard to the former, I call it socialist sovereignty, whereas I use the term ethical conservative sovereignty in the case of India. Both are loosely inspired by the common-sensical ideal of Westphalian sovereignty and built upon the two states' preference for a clear distinction between domestic and international politics and a domestically strong state authority. However, in both cases, the traditional (Westphalian-like) form of sovereignty was localised through the influence of specific demarcations in political projects within the two countries: firstly, revolutionary and then pragmatic socialism (communism) in China; secondly, the Nehruvian ethical progressivist vision of modernisation in India. Hence, these two factors adapted (adjusted) to how sovereignty was constituted in the two countries. In other words, after their creation, China and India opposed the Western world to a certain extent, which led them, on the one hand, to strongly accept sovereignty as a key primary institution of the international society but, on the other, to adjust it according to axioms stemming from their own political projects.

China's sovereignty was constituted as socialist sovereignty during Mao Zedong's rule and has been based on a compound of the general model of nation-states and a socialist approach to the state. Domestically, the Chinese state combined its efforts to create a modern nation state using the soviet model of the party-state, in which the communist party almost completely permeated state structures. Internationally, the People's Republic of China followed many internationalist characteristics of socialist brotherhood under Mao that went beyond the ideal of the Westphalian state and aspired to eventually revolutionise the whole system of sovereign states. Taken together with China's practical support for communist revolutions all around the world, its insistence on non-intervention should not be overestimated. While Deng de-emphasised the revolutionary aspirations and focused more on 'peace and development', which in practice led to a closer adherence to the so-called fiver principles of peaceful coexistence, the domestic demarcation of sovereign authority defined through the fusion of the nation-state and the party-state has remained the same. In the case of India's ethical conservative sovereignty, the key goal was to design and materialise a sufficiently powerful domestic centre of authority that would in turn be able to govern the largely heteronomous political space of previous British colonial oversight. Internationally, the imperative was to enter into the international society as

an equal and fully respected actor, for which obtaining the form of the modern sovereign nation state was seen as necessary. The overarching goal of these aspirations was to move from a past of colonisation to a present and a future of a fully independent actor and, alongside that, to contribute to a progressive and fairer social and political order.

China's zonal sovereignty, which was intended to manage the mainland's relationship with Hong Kong, Macau and Taiwan, was initially motivated by an effort to interconnect China with global capitalism. This was discursively underpinned by the pragmatic and flexible peace and development discourse, and the highly nationalist aspiration of reuniting the concerned territories with the motherland. Combined with the implicit distinction between *de jure* and *de facto* sovereignty, these motivations produced the institutional framework of one country two systems (OCTS) underpinning zonal sovereignty and positioned *vis-à-vis* a global environment in the subsidiary (limited ascending) manner. As China hurried to catch up with developed countries, it mimicked the institutional models and practices of zoning with an effort to rescale areas under zonal sovereignty as international actors. This brought about the existence of multiple loci of governing authorities and their coexistence in the multi-layered conception of space in which one area may share some characteristics of sovereignty or polity organisation with another area. While China's emphasis on *de jure* sovereignty and its symbolic recognition still implies the indivisibility of sovereignty, the *de facto* side means that sovereignty can be functionally shared and divided up as per practical needs and individual policy (cf. Ringmar 2012: esp. 13).

India's regio-sovereignty, which is relevant in the context of South Asia, is characterised by the creation of different extensions of India's sovereign authority in relation to specific areas both inside and outside China. In this way, India's sovereignty became gradated, which led to configurations of partially shared or divided sovereignty. India's sovereignty may overlap with (scale over) the sovereignty of other polities in a temporally limited or relatively stabilised way, while it also limits what could or would be traditionally understood as the sovereign domains of these polities. A crucial aspect of this mode is a partial disconnection of regional sovereignty organisation from the (influence of) global international society. In this way, regio-sovereignty acquires a subsidiary character as a distinctively regional (parochial) model. This mode of sovereignty rests on the following additional characteristics: institutional hierarchies (including mimicking British colonial models and India's own re-construction of hierarchically situated institutions), identitarian hierarchies (which involve situating others as less matured or developed), India's control over intervention and non-intervention and India's centrality in the regional order. All of these permeate the geographical epicentres of regio-sovereignty, i.e., India's internal

northeast and northwest areas and some areas in South Asia, esp. Bhutan, partly or previously Bangladesh, Sikkim, Sri Lanka and, to a very limited extent, Nepal.

A key aspect to highlight is that there is a striking difference between how zonal sovereignty and regio-sovereignty relate to the main modes of sovereignty in China and India and to their respective state-management projects. While China's zonal sovereignty exists in parallel with the socialist conservative sovereignty mode, India's regio-sovereignty fluidly coexists with the ethical conservative sovereignty of India as India's (foreign) policy oscillates between these two modes in the South Asian context. Since its inception, zonal sovereignty has invoked exceptions from socialist sovereignty, both in terms of its distinction from the socialist constitution and the constitutional principles as well as in terms of economic and cultural differences. Regio-sovereignty has simultaneously co-existed with ethical conservative sovereignty in South Asia and, thus, has produced a hybrid and fluid political constellation in the context of identitarian and security anxieties and indecisiveness, especially towards Pakistan and China.

In this thesis, I focus on four specific and contested cases from which the two modes of sovereignty are primarily derived. My theoretical framework specified the dimension of scaling as the key analytical line by which to assess how sovereignty is constituted. China's zonal sovereignty is constructed around the possibility of the parallel coexistence (parallel positioning) of different governing centres that can become international agents. After the initial mimicking (and partial adaptation) of the model of zoning as an institutional framework and practice, which creates an exception from the standard conduct of politics and which was intended to strengthen a state's connection to global trade and capitalism, zoning was recrafted (spilled over) into the political realm. What allowed for the transformation of zoning into the realm of polity was the utilisation of the distinction between *de jure* sovereignty (symbolically recognised authority) and *de facto* sovereignty (governing authority). This arguably relied upon the residual and implicit inspiration from a specifically Chinese (parochial) model – particularly, the fundamental logic upon which the ideal of the Chinese imperial order was built. Due to such demarcations, distinctive governing loci can connect to the international society as specifically demarcated actors but without possessing their complete sovereignty recognition. Hong Kong's position as part of China can be characterised by its semi-sovereign scaling parallel to the Chinese-party state, both internally and externally. Hong Kong has been scaled-up toward the international society as an international actor. It has gone hand in hand with the creation of a distinctive locus of Hong Kong's governing authority, which has been constituted as largely, though not completely, separated from and especially parallel with China's communist party-state.

The Taiwan case is different from the position of Hong Kong since Taiwan has actually formed a *de facto* state and consolidated its domestic authority independent from China. I point out that in this situation, two different scales, along which the interactions between China (the People's Republic of China, PRC) and Taiwan (the Republic of China, ROC) take place, are constituted. Firstly, on the scale of inter-state relations, the PRC and ROC clash over the issue of the official diplomatic recognition of their sovereign status, which mainly affects what Krasner would label as international legal sovereignty. Secondly, this interaction on the fairly traditional international scale has been accompanied by a mutual and provisional entanglement at the very specific scale of trans-state space, which can be seen as loosely derived from the OCTS. It tentatively interconnects China and Taiwan based on the combination of institutions (governmental and semi-governmental agencies), practices (the specific type of contacts and negotiations) and discourses (centred around a common nation and history). It should be noted that all these elements are more or less disconnected from the broader dynamics of international society and constructed exclusively for the China-Taiwan relationship. In this sense, they form a highly subsidiarising spatial positioning of the mutual relationship.

India's regio-sovereignty creates exceptions from what is seen as the standard sovereign conduct and/or attempts to hierarchically position its own sovereign authority *vis-à-vis* others (scaling over). In the case of the Indo-Bhutanese relationship, we could see the extension of India's sovereignty, which is scaled over Bhutan since it partially controls its foreign policy. The initial definitional aspect of the configuration was related to the signing of a treaty in 1949 according to which Bhutan was supposed to be guided by India in its foreign policy and which perfectly mimicked a previous treaty between colonial Britain and Bhutan. Moreover, the recognition of Bhutan's political status as a modern sovereign state was initially provided by India without stronger links to an international society (i.e., based on a disconnection from it). When Bhutan started to approach the international society to receive broader international recognition and to establish a wider range of contacts, the process was 'filtered' through the regional influence and assistance of India. It was in this way that India could underpin its partial sovereign authority over Bhutan.

The case of Kashmir's position within the Indian federation is characterised by a considerable degree of exceptionality expressed in the ambivalence of Kashmir's scaling of separation and intrusion. On the one hand, India has not been able to achieve its goal of fully integrating Kashmir into India, which is manifested by the fact that India had to recognise Kashmir's exceptional domestic position. On the other hand, it has undertaken exceptional measures to control Kashmir's politics and the centres of Kashmir's political authority. This was connected to India's efforts to disconnect the Kashmir issue from the norm of self-determination and from a higher

influence from the UN on the Kashmir conflict. Together, these issues resulted in scaling Kashmir aside from India's standard (central) state and authority structures and contributing to the uneven domestic reach of India's central authority.

The scaling of all of the four sub-cases involves their subsidiarised positioning *vis-à-vis* the political order (China's or India's internal structures or an international society) in one way or another, which is not entirely surprising because the sub-cases were chosen as very specific examples that do not easily fit the global models and the established categories. However, a closer juxtaposition of the cases reveals a further point that should be noted. Schematically speaking, we may see that the subsidiary character is constituted on the basis of connecting a specifically demarcated polity (entity) to the international society or, by contrast, disconnecting such an entity from it. The former option involves establishing partial links to an international society (limited ascending) such that a given entity can perform as an international actor, but its recognition as a fully sovereign international actor is complicated by some points of view. On the other hand, the latter scenario rests on disconnecting a given entity from an international society and retaining a specific (sub-)regional way of organising and managing political actorness and sovereignty demarcation (encapsulating). Hong Kong and Kashmir – both supposed to be internal parts of China and India (i.e., tied to them from the inside) – serve as extreme examples of this. While the former is extremely globalised and intentionally interconnected with international institutions, the latter has gradually been disconnected from international society. The cases of Taiwan and Bhutan – representing a pair that is tied to China and India from the outside – are more mixed. The China-Taiwan relationship involves both the aspect of international interactions (conflict over sovereignty recognition) and the aspect of the subsidiary interconnection on the scale of trans-state space. While Bhutan is a largely independent state, the India-Bhutan relationship also evinced signs of a specific arrangement partially distanced from the international society (the mutual treaty limiting Bhutan's foreign policy, the close bilateral interconnections, India 'filtering' of international influences, etc.).

Understood as a complementary analytical axis, temporal positioning has largely co-defined sovereignty configurations in the addressed cases. The discussion of the aspect of temporality in the cases helps to further illustrate the argument of coexistence between sovereignty and heteronomy because it highlights the entanglements of different temporal continuities with the different periods and social elements created during them.

Based on Hong Kong's colonial modernisation and economic successes, the specific modelling of Hong Kong's polity status after its handover to China was derived from the adaptation and partial mimicking of Hong Kong's previous colonial polity demarcation. While this fitted China's economic motivation, it has been at odds with

the dominant framing of the Hong Kong question as an issue related to the history and discourse of national humiliation through which sovereignty arised as a general notion which structures China's history. While the implicit distinction between *de jure* and *de facto* sovereignty inscribed into the concept of the OCTS has largely mediated this tension, the continuing or arguably even increasing importance of the national humiliation discourse implies sovereignty in its symbolic form as an ultimate referent of the sovereignty configuration. Hong Kong is particularly illustrative as regards heteronomy because it interconnects a residual inspiration by principles of the Sino-centric world order, the continuation of the colonial model of the Hong Kong political organisation, China's post-1970s inspiration from capitalism and, in some ways, even neo-liberalism as well as the effort to overcome the century of humiliation. China's approach to Taiwan has been connected with the construction of a common space in which the imagination of a common national history serves as a vision of the future. While nationalism is an enabling force within this relationship, allowing almost anything to be discussed and facilitating an arrangement where China and Taiwan can cooperate despite mutual tensions, sovereignty is the final limit of such cooperation.

India's relationship with Bhutan has been defined by two different and ambivalent political orientations. On the one hand, India has played an important role in developing Bhutan as a modern nation-state; on the other hand, it organised its relationship within Bhutan based on mimicking principles and institutional aspects of the colonial relationship between British India and Bhutan. While both of these orientations – at least at certain points in history – helped increase India's influence over Bhutan's foreign policy (i.e., it scaled India and its sovereign authority as superior), it has also preserved the ideal of the appropriate polity configuration and authority location in the form of the modern sovereign state. Kashmir's position within India, as noted, has been a peculiar one. Kashmir has been a symbol of India's sovereignty as well as 'a temple of the future', expressing how India's identity should evolve. However, because of a plethora of pressing political problems, including Kashmir's internal destabilisation and its potential for separatism or irredentism, India has adopted a state of exception-like measures to stabilise happenings in Kashmir, which – as a consequence – has contributed to freezing the identity image of Kashmir. While these measures are exceptionist in their character and provisional in their temporal framing (yet semi-permanent in their actual duration), they help contribute to the image of normalcy which is very much connected with India's conservative mode of ethical sovereignty.

Figure 15: Sovereignty in the Four Contested Cases Summarized

Cases	Scaling	Temporality
China – Hong Kong: Hong Kong as a parallel semi-sovereign actor	<u>Parallel scaling:</u> Hong Kong scaled-up as an international actor with distinct locus of governing authority, which is parallel to the communist party-state; existing as a specific political zone tied to the PRC	Progressivist modernisation purpose (especially economy) – which was to be ensured by the adaptation of Hong Kong's colonial polity organisation, but nationalist (national humiliation) efforts to overcome colonialism
China – Taiwan: Taiwan as a *de facto* state prevented from official sovereignty recognition and entangled with China through constructing common space	<u>Two-scale game:</u> International dispute (inter-state scale) and trans-state scale; the latter to serve purposes of integrating with Taiwan; Moreover, the latter contributes to the zonal character; the former ensures that Taiwan remains tied to China	China's projection of the destined re-union – constructed through historical memories (references to common national history) – future based on history
India – Kashmir: Kashmir's exceptional importance for India managed through exceptionist measures	<u>Scaling of separation and intrusion:</u> Kashmir scaled aside from India's standard (central) state and authority structures; Kashmir's exclusion from normal politics of the Indian federation and full (normalised) integration into India; accompanied with the exceptional reach of India's sovereign authority and intrusion	A temple of India's future identity (secularism) + semi-permanent exceptionalism to protect Kashmir's integration with India
India – Bhutan: Bhutan's partial delegation of its foreign policy to India	<u>Sovereign authority 'scaled over' another one:</u> India's sovereignty scaled over Bhutan's foreign policy + Bhutan's contacts with international society (partly) filtered through	Modernisation and progressivism towards the ideal of the modern state intertwined with models and practice mimicking colonialism

Sovereignty Gradations and Dependencies in the Sub-Global Environment

The aforementioned cases elucidate how sovereignty may vary across different political and spatial contexts in international politics. They also expose the regional

gradations of sovereignty in the Chinese and Indian contexts. The previous chapter as well as the above-mentioned summary explicate how their form came into being. However, are such sovereignty gradations something that should interest us, especially as a critic might argue that they are peculiar exceptions that are going to disappear? Two key points should be mentioned in this regard. First, in agreement with Andrew Linklater, I acknowledge that 'principles of international society are bound to change' (Linklater 2012), and these specific cases, in a similar way, are bound to transform or disappear sooner or later. To be sure, the four specific sub-cases are exposed to systemic pressures privileging more typical forms of political actorness (cf. Meyer 2000; Spruyt 1994). Moreover, none of the discussed cases coined a generally acceptable model for a new type of political actorness. As we could see, the four specific cases were based on a partial linking to an international society or a subsidiary positioning *vis-à-vis* an international society rather than on fully influencing its structure and institutions. What is more, both states admired and largely continue to admire sovereignty in its traditional (relatively conservative) understanding. However, as shown by this thesis, all four of the sub-cases have endured for a considerable amount of time, and their specific configurations are more or less relevant even today, despite all of these pressures. Hence, these sovereignty gradations are relatively long-lasting and resemble what has been discussed in a different academic context as a phenomenon of (semi-)permanent liminality (cf. Johnsen – Sørensen 2015).

Second, not only are these sovereignty gradations relatively stable attributes of China's and India's statehoods, but they also help to characterise the two states' regional foreign policies and elucidate some of the ways in which the two states secure their zones of influence. In other words, they are relevant as regards sovereignty but also the foreign policy of these two states. More specifically, the discussed cases show how the two former colonies create, manage and organise what might be called sovereignty dependencies. The term signifies the relationships of China and India and their central sovereign authorities with other entities possessing their own political authority and polity frameworks while demarcations of the sovereignty of China or India and these entities are interconnected. Obviously, each particular case discussed in this thesis is different. The framework proposed here is not intended to measure a degree of dependency or autonomy, but it is clear that Taiwan and Bhutan are more independent than Hong Kong and Kashmir, and it is also clear that Taiwan's position is different from Bhutan's just as Hong Kong's position is different from Kashmir's. Nevertheless, China's and India's approaches to these sovereign dependencies and to power projection in the region can be juxtaposed.

As implied throughout this text, China's and India's approaches to demarcating such sovereignty gradations and delineating the modes of zonal sovereignty and regio-sovereignty differ in the way that they are connected to the region and regional

politics. China's sovereignty gradation is constructed as a distinctive zone largely separated from the regional politics of Southeast Asia. Alongside that, China's key considerations in relations to Hong Kong and Taiwan are tied with global politics and international global organisations. By contrast, India's sovereignty gradation is closely intertwined with regional politics and cuts through various regional affairs, ranging from the issue of regional wars or interventions to India's politics in regional South Asian organisations in which India is a dominant actor and fulfils the role of a 'normative hegemon' (Michael 2013).

To be sure, there are clear historical and geopolitical reasons for these differences. However, rather than being inevitably predetermined by them, the discussed cases allow us to see how China and India reacted to these conditions as well as how they adjusted their motives and rationalities for managing regional sovereignty gradations. China focused on the unification of the motherland and the consolidation of its international position, both in the sense of connecting to global capitalism through Hong Kong and limiting Taiwan's diplomatic recognition. In this way, it combined a strong national(ist) orientation prescribed by the national humiliation discourse and the incorporation of a capitalist, and partly even neo-liberal, rationale. To make this combination practically feasible and to show the flexibility in its approach to sovereignty in the Greater China zone with the goal of mitigating the concerns of other relevant actors (UK, Taiwan), it reconstructed a Sino-centric (*Tianxia*) model of organising relations between political authorities. In the case of India, we can identify a geopolitical continuation when India understood itself as the geopolitical inheritor of the British Raj. However, this was combined with an anti-colonial and anti-imperial orientation which partly and perhaps paradoxically strengthened India's aspiration to control regional affairs and the projection of its sovereign authority onto the region, as in the cases of the (alleged) intrusion of great global powers in the region.

Although the two states' approaches exhibit signs of and aspirations for achieving their domination and hegemony in the respective sub-global contexts, the characters of such domination and hegemony are different. While with Chinese power, political ambitions were decidedly driven and oriented, India's approach is more mixed and less streamlined. Despite this, there were different actors and motivations in Chinese foreign policy *vis-à-vis* Hong Kong and Taiwan. China's approach was brought into line with a discourse on national humiliation that served as a common and clear-cut bottom line. Adjacent to this, India's approach was affected by its ambivalent position towards its history and colonialism (opposing colonialism and imperialism vs. understanding itself as an inheritor of the British Raj), an ambivalence in its goals (developing a strong modern sovereign state in India but also elsewhere in the region vs. India's inclination towards geopolitical control over regional affairs, preserving

hierarchical relationships and influencing other polities) and a discursive (identitarian) ambivalence towards other regionally-relevant states (China, Pakistan).

Despite the mutual differences, the cases of China and India allow us to draw a limited generalisation informing us as to how similar sovereignty gradations, sovereign dependencies and polities with highly stretched sovereignty configurations may come into existence in sub-global, especially non-Western contexts. However, it is necessary to emphasise that the generalisation is limited for two reasons. Firstly, it is derived from a limited number of cases. Secondly, the four specific sub-cases which formed the core of this thesis are highly contested, and it is precisely the contestation and their highly specific character that limits possible generalisations. Nevertheless, the discussed cases indicate what might lead to the creation of similar formations. Although completely new institutions, discourses and types of practices may contribute to this, our cases suggest the importance of history, specifically of the four historical stages that may influence present sovereignty formations. These particular stages can bring about different characteristics in different cases. However, at the same time, they prefigure a more general type of such characteristics (a type of non-Western experience which is likely to be actualised and seen as influential) and influences while indicating how they might contribute to sovereignty gradations in non-Western political contexts.

First, such formations may draw from the institutions, discourses or practices of the pre-colonial or indigenous imperial eras because memories of and links to such periods can serve to demarcate (would-be) national uniqueness and distinctness *vis-à-vis* the West. Second, institutions, discourses or practices from the colonial era are likely to be utilised or recrafted. While colonialism was formally abandoned and delegitimised in the global international society no later than during the 1960s (Jackson 1993b), institutions, discourses and practices directly following or indirectly derived from the colonial period may be preserved in sub-global contexts. They may be adopted or adapted by those regimes which replaced previous colonial administrations and which, in some cases, may have directly inherited some of the organisational frameworks. Elements from the first as well as the second stage may be highly important for such sovereignty gradations because they are likely to involve residues of hierarchical political organisation (including institutions and discursively defined identities), the demarcations of polities through frontiers rather than borders and other institutions, discourses or practices that go against key tenets of sovereignty in its symbolic form. Moreover, the first and the second stages create room for subsidiary scaling moves derived from parochial contexts or for localising global influences on the basis of more or less unique local perceptions.

Third, after gaining independence, many non-Western countries came up with grand modernisation projects based on a combination of rejecting the Western style of

politics in some ways and mimicking it in others. Very often, states cherished the idea of sovereignty while they had problems practically securing it. Thus, it is important to pay attention to the influence of this historical stage as well. Fourth, the continual integration into a Western-led global international society usually came with an integration into the global capitalist (liberal) trade, which could pose further motivations to adjust a state's sovereignty. The third and fourth stages will be specifically relevant for seeing how given states were socialised into the Western-led international society and how they mimicked and connected to its institutions, discourses and practices. It can be hypothesised that we are most likely to see a combination of all or some of these elements in the cases of non-Western regional powers because they have sometimes formed strong pre-colonial polities and, hence, might possess a strong parochial political-cultural heritage (related to the first stage), which often replaced or partly inherited colonial empires (related to the second stage). This means that they may have tried to coin their own distinctive directions (related to the third and partly the fourth stages).

A brief overview of the rest of the BRICS platform, which is often seen as a grouping of the most important non-Western or anti-Western powers, preliminarily confirms the relevance of such expectations. South Africa's relationships with Lesotho, Botswana and Eswatini (Swaziland) exhibit signs of sovereignty compromises on the side of the smaller states and is partly built on the restructuring of the previous colonial organisation (Mbembe 2000; Weisfelder 1992). The former peculiar case of Bantustans as racially segregated autonomous territories complements the picture of zonality in the South African context. Although Russia has at least been a partly Western state, it also significantly contended with the West throughout its history (cf. Neumann 1995, 2011). Russia's 'near abroad' examples of Crimea or the Caucasus are perhaps two of the most visible areas with signs of sovereignty gradation. Moreover, they should be understood as relevant for our discussion since even Russia is often seen as the product of a specific type of colonisation – internal colonisation (Etkind 2011; Kyst 2003) – in which the two specific geographical areas were located rather peripherally (despite their strategic importance). While the case of Brazil is not so telling, partial signs of sovereignty gradations can be detected in its (historically often contested) borderlands, in which international cooperation recently took or takes place and impinges on questions related to the sovereignty, constitutionality or rights of the indigenous people (e.g. Bruslé 2013). Moreover, other similar examples, such as those of Nigeria or Indonesia, could be found. Nigeria's exportation of (the Western/liberal model of) democracy through interventions into neighbouring states happens along Nigeria's consolidation of its regional geopolitical influence in the context of vestiges of colonial empires (Fasakin 2015). Indonesia invaded, occupied

and semi-integrated East Timor from 1975 to 1999 under the pretext of Suharto's anti-colonial struggle (Kammen 2015).

Although the four-stage perspective indicates the main constitutive influences and types of characteristics impacting sovereignty gradations in non-Western contexts, its further exploration, specification or confirmation remains a theme for further research. While specific political motivations definitely need to be taken into account, the introduced theoretical framework of liquid sovereignty may serve to more closely explicate specific forms of such sovereignty gradations. The theoretical framework may also be used for analysing other similar cases, even in contexts more closely connected with Western countries (e.g., Australia's legal buffer zone for managing migration or France's relationship with territories with a special status like New Caledonia, to mention just two examples). However, we may expect that these kinds of sovereignty gradations would be characterised more or less differently than through attributes derived from the four-stage perspective.

Implications for the International Order: Sovereignty/Heteronomy, Colonial/Post-Colonial

In relation to sovereignty and political order, I offer four sets of observations. Obviously, there are limits to their generalisation since they are derived from the cases of China and India. However, even these two specific cases are indicative when it comes to the role of sovereignty in the international order. First, as implied above, the relationship between sovereignty and heteronomy is mutually compatible. I presented four specific cases in which sovereignty has interacted with institutions, practices or discourses that exceed sovereignty in its symbolic form and that have often been directly or implicitly derived from colonial or imperial political orders. Their interconnections proved to be creative, especially when it came to zonal sovereignty where the combination of neo-liberal rationales, the partial mimicking of the demarcation of Hong Kong's agency during colonialism, nationalist aspirations and the distinction between symbolic and governing authority resembling the character of the Chinese empire produced Hong Kong's unique status and, speaking more broadly, coined the concept of OCTS. There are two remarkable aspects related to this innovation and creativity. Firstly, despite the fact that such innovations change sovereignty, it is noteworthy to mention that sovereignty is able to subsume them under its framework (we still speak of *one country* two systems), which proves a high degree of its resilience. In other words, sovereignty in its symbolic form can coexist relatively easily with such innovations. Obviously, it is possible that such changes may completely disrupt sovereignty or the modern system of sovereign states at a certain point, but the stability of this system through the acceptance and the incorporation of

changes should be taken seriously. Secondly, these innovations, combined with sovereignty resilience, contribute to a systemic heteronomy in the international order (similarly Bátora – Hynek 2014). This should be accepted as the normal state of affairs rather than what Krasner labelled 'organised hypocrisy'.

Second, the very existence of zonal sovereignty and regio-sovereignty illustrates that the current political order is multi-layered in various ways. Regio-sovereignty and zonal sovereignty show that the sovereignty of one state may be scaled differently throughout different layers of political space (e.g., having a certain regional configuration that is not present globally), which might then be underpinned by multi-layered, overlapping or specifically demarcated authority configurations. It is possible to see this in the case of Hong Kong and the OCTS, which consists of multiple governing loci as well as, in the cases of Bhutan and Kashmir, which show a specific reach or sovereign authority. Moreover, my investigation of the China-Taiwan relationship detected the existence of a very specific symbolic political space that I preferred to call the trans-state space, which is a derivative of the fact that China's and Taiwan's governments do not recognise each other and are constructed as detached from the rest of the international society. Due to this, this space cannot be understood as a form of usual inter-state (inter-national) relations.

Still more than this, Bhutan as a country only partially opened to the outside world whereas Hong Kong, as a highly globalised place, serves as contrasting scenario, which brings our attention to the topic that stands largely outside the research interests of scholars focused on the international order, i.e., the reach of international society. Despite the fact that we live in the globalised world, the case of Bhutan shows us that there are places which are on the margins of interest and awareness within the international society. This, however, does not mean that institutions or models of international society do not reach such places because they might be 'delivered' there through intermediary (regional mediating) actors. In relation to the Bhutan case, it is specifically striking that the role of international society in providing international legitimacy and recognition was supplemented by India until the 1960s.

Third, the signs of a multi-layered political space go hand in hand with multi-temporality, which was indicated in the discussion on heteronomy. In the discussed cases, we can see ties with or continuities to some aspects of China's and India's empires before they were subjugated by Western powers as well as colonial orders. Hence, being inspired by Derek Gregory's (2004) 'colonial present' argument, I contend that the influences of colonialism are still present in contemporary politics. While some have argued that China and India are the new *de facto* colonial empires (Anand 2012; Osuri 2017), I limit myself to a more restricted claim. I want to highlight that models which were coined during the colonial era or which came to be prominently used during that time have continued to be used in the same or in very similar forms

today. To mention a few examples, India has replicated and only partially changed unequal treaties originally signed between British India and Bhutan, Nepal or Sikkim. Similarly, India largely followed the geostrategic imaginations of the South Asian space, which originated during colonialism and which, among other things, led to the adoption of the definition of India's Northeast as politically detached from the rest of India. As noted above, Hong Kong's current demarcation is intentionally copied from its previous position under the British Empire because it was (at least) economically one of the most successful colonies. These rather practical examples also indicate that it was important to include the temporal axis into my theoretical framework because it helps to highlight such historical continuities that percolate into sovereignty configurations.

Fourth, the Stanford School of Sociological Institutionalism based its decades-long research program on documenting institutional isomorphism across a wide variety of functional arenas throughout the whole world, and they also documented that this happens on the basis of cultural models originating in the West. This thesis indicates that their conclusion is correct in a very general sense, but not exactly accurate when we observe the more specific details of sovereignty politics. Despite the fact that countries like China or India are the inheritors of great civilisations and despite the fact that there has been a lot of talk by both Chinese and Western authors about re-claiming the theoretical or practical benefits of the type of political order similar to the previous Sino-centric empire (Acharya – Buzan 2010, 2017; Zhao 2006, 2009; for a critical perspective see e.g. Callahan – Barabantseva 2012), China's and India's fundamental political imaginations have thus far remained primarily tied to sovereignty. This indicates the continuing dominance of Western cultural models in the world polity, as suggested by the Stanford School. However, the cases examined in this thesis show that the Stanford School has a constrained understanding of where cultural models come from while also underestimating local creativity. Cultural models and inspirations may also come from non-Western areas and systems of political organisation as well as different, seemingly outdated historical periods. Elements stemming from both of these contexts can complement current political organisation backed up by the Western domination and can often be incorporated in a creative way, as documented by the interplay of different models in the case of Hong Kong mentioned in the previous paragraph.

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Interviews

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Interview 2. Interview with Former Indian Diplomat, 28 February 2017.
Interview 3. Interview with Former Indian Diplomat, New Delhi, 13 February 2018.
Interview 4. Interview with Vinod C. Khanna, Former Indian Diplomat, New Delhi, 17 February 2018.
Interview 5. Interview with Indian Expert, Institute of Chinese Studies, New Delhi, 21 October 2016.
Interview 6. Interview with Indian Expert, New Delhi, 22 October 2016.
Interview 7. Interview with Indian Expert, New Delhi, 20 October 2016.
Interview 8. Interview with Indian Expert, New Delhi, 19 October 2016.
Interview 9. Interview with Frank Ching, Journalist, Hong Kong, 12 June 2017.
Interview 10. Interview with two Chinese experts, Shanghai Institute of International Relations, Shanghai 7 April 2016.
Interview 11. Interview with Chinese academic, 6 April 2016.