

# IMAGINED NATIONS

## TOWARD A FUNCTIONAL APPROACH TO THE FUTURE OF "INTERNATIONAL" RELATIONS

Master of Arts in Law and Diplomacy Thesis

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April 2005

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If perpetual [League of Nations Covenant Article X] would be an attempt to preserve for all time unchanged the distribution of power and territory made in accordance with the views and exigencies of the Allies in this present juncture of affairs. It would necessarily be futile. . . . It would not only be futile; it would be mischievous. Change and growth are the law of life, and no generation can impose its will in regard to the growth of nations and the distribution of power upon succeeding generations.

— Elihu Root, 1919<sup>1</sup>

Let's put our heads together, and start a new country up.

— R.E.M., 1986<sup>2</sup>

## Introduction

The death of Pope John Paul II on 2 April 2005 has had obvious international significance: more than any other pontiff, he was a central figure on the international stage throughout his 26-year tenure. He was a globetrotting pope, a master of modern techniques of global communication, and a symbol of the triumph of personal freedom over oppression in his native Poland, throughout Eastern Europe, and beyond. Yet his death, and in particular the reaction of observant Catholics worldwide to his passing, have shone a spotlight as well on another international phenomenon that is the subject of this thesis: the networked nation.

As the temporal head of the Roman Catholic Church, each pope is both the recognized spiritual leader of a community of believers (currently numbering 1.1 billion<sup>3</sup>), and political leader of a state, the Holy See (also known as the Vatican). The Vatican itself is situated on a tiny geographic area, comprising 109 acres entirely surrounded by the city of Rome, and thus as well the state of

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<sup>1</sup> Correspondence of Elihu Root to Will H. Hays, Chairman of the Republican National Committee, dated 29 March 1919. Reprinted in 66<sup>th</sup> Cong., 1<sup>st</sup> sess., *Congressional Record* 1548 (23 June 1919).

<sup>2</sup> Bill Berry, Peter Buck, Mike Mills and Michael Stipe, “Cuyahoga,” on *Lifes Rich Pageant* (International Record Syndicate, 1986).

<sup>3</sup> British Broadcasting Corporation, “Factfile: Roman Catholics around the World,” *BBC News UK*, 1 April 2005, <http://news.bbc.co.uk/1/hi/world/4243727.stm> (accessed 8 April 2005).

Italy.<sup>4</sup> Though the Church, measured in terms of the location of its members and of its physical manifestations (parish lands, houses of worship, etc.) is truly global, the “national” entity associated therewith maintains only this minute pied-à-terre over which it is sovereign. This oddity of political geography guarantees what would otherwise be considered a nongovernmental religious institution a seat at the table reserved for the international legal entities known as “states.”<sup>5</sup> Ordinarily, the Holy See is thought of in this way – as a tiny (yet influential) sovereign state, that occasionally interacts with other states in the international system (for example, through ambassadors, and through the public pronouncements of its leaders). The legions of Roman Catholic faithful worldwide sit somewhere in the imagination’s background; only the approximately nine hundred clergy and staff who reside within the Vatican’s bounds are ordinarily considered to be its citizens.<sup>6</sup>

In the days leading up to and following Pope John Paul II’s death, however, the world was reminded that legal understandings of sovereignty, political geography, and citizenship notwithstanding, the Vatican is the earthly capital of a vast, geographically discontinuous *network* of Roman Catholic believers. As the pope lay dying, these believers, legal citizens of various states, gathered in Catholic churches worldwide to pray for him. Upon his death, they began the process of mourning their leader. It was as though, at this time of deep religious significance for these believers, one could see in clear relief the noncontiguous realm “Catholica,” represented by its citizens – individual worshippers – superimposed upon the grid of states whose interlocking borders

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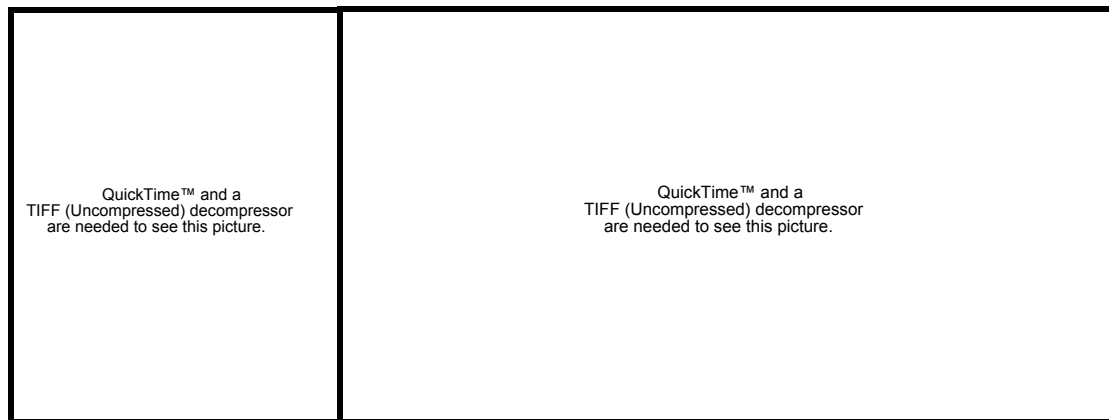
<sup>4</sup> See One World – Nations Online, “Vatican City State,” <http://www.nationsonline.org/oneworld/vatican.htm> (accessed 8 April 2005).

<sup>5</sup> The Holy See additionally possesses various “trappings” of statehood, including a flag, *ibid.*; and a permanent observer mission to the United Nations, The Holy See, “Permanent Observer Mission of the Holy See to the United Nations,” <http://www.holyseemission.org/index2.html> (accessed 8 April 2005). It also engages in various functions commonly understood to be the province of states in the international system, including full diplomatic relations with over 150 nations, Matthew N. Bathon, “The Atypical International Status of the Holy See,” *Vanderbilt Journal of Transnational Law* 34, no. 3 (May 2001): 614; and security and intelligence functions ordinarily employed by sovereign states, Cable News Network, “Remembering the Pope,” *CNN Newsnight Aaron Brown*, 4 April 2005; Cable News Network, “Thousands of Mourners Come to Say Good-bye to Pope,” *CNN Newsnight Aaron Brown*, 5 April 2005.

<sup>6</sup> One World, “Vatican City State.” Cf. Bathon, “Holy See,” 609 (Vatican residents number approximately five hundred, of whom 165 are citizens.).

structure our conception of the political globe. In short, the death of the pope has revealed concretely the bounds of an imagined nation of individual Roman Catholics – a conceptual alternative to our usual way of thinking of nations as territories.

Figure 1: Will the Real “Catholica” Please Stand Up?<sup>7</sup>



Is the Roman Catholic “nation” the geographic territory of the Holy See, depicted in the map on the left, or the set of human beings who are Roman Catholics, depicted in the map on the right?

Unsurprisingly, it being one of law’s tasks to provide as much categorical certainty as possible, international law offers a complex but clear response to questions about the nature of the Catholic Church, the Holy See, and its territory, the Vatican:

The Pope is simultaneously the head of the Holy See and the absolute leader of the Church. The Pope is also the temporal ruler of the State of the Vatican City. When the Lateran Treaty established the State of Vatican City in 1929, it was intended to be clearly distinct from both the Holy See and the Roman Catholic Church. The Holy See acts as the supreme organ of government of the Church; the Holy See is to the Church what the government is to a state. As such, the Catholic Church and the Holy See are actually two entities that must not be confused.<sup>8</sup>

<sup>7</sup> Holy See map reprinted from The Holy See, “The Holy See – Vatican City State,” [http://www.vatican.va/vatican\\_city\\_state/index.htm](http://www.vatican.va/vatican_city_state/index.htm) (accessed 8 April 2005); map of Roman Catholics worldwide reprinted from About.com, “Christians: Who are they; where are they?” <http://christianity.about.com/library/weekly/blchristianswhere.htm> (accessed 8 April 2005); in this map, C indicates Catholics, P Protestants, and O Orthodox Christians.

<sup>8</sup> Bathon, “Holy See,” 599-600. Prior to the Lateran Treaty, popes acted internationally simply as head of the Catholic Church, without any territorially derived authority – in other words, as a sovereign without a state. Ibid. 602.

Law's admonitions against confusing the Church, its government, its territory, and its territory's government notwithstanding, one cannot help but conclude that such distinctions are lost on the laity.<sup>9</sup> For most of the mass of people who followed the events of the papal funeral, an alternative conception – one unstructured by legal niceties – was likely predominant: in their eyes, the Church is a transnational community of believers (who after all do not hold Vatican passports), led by the pope, that has (for reasons probably dimly understood by most) a territorial foothold, and state status. Shown Figure 1 above, they would probably select the second map as more reflective of a Catholic nation than the first, embracing an alternative conception to that engendered by international law.<sup>10</sup>

It is this kind of conceptual alternative to our usual understanding of nations, and the implications of such alternative conceptions for the theory and practice of “international” relations, that this thesis will explore. This thesis begins with a look at the terminology and definitions that it will employ, and moves directly to an examination of the loosening ties between political geography – understood as the superimposition on the globe of territorial boundaries marking the extent of state sovereignty – and the functions and characteristics ordinarily associated with nationhood, in an effort to demonstrate that the requirement of international law that sovereignty and statehood follow control of territory only is increasingly out of step with the needs and verities of world politics and society. It will then survey some theories of networked nations and other nonstate communities, as well as historical and current examples of nonterritorial networks that in various ways present features similar to those commonly understood to be possessed by nations. It will attempt to derive from these examples a “functional” approach to nationhood – that is, an approach

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<sup>9</sup> I refer here both to those who are not admitted to the Church's priesthood, and as well as to those who are not admitted to the law's. It is not coincidence that both priesthoods have historically made a fetish of Latin.

<sup>10</sup> This, by itself, is not particularly surprising: on a wide range of topics the average person's understanding of how things are is quite likely to differ from what law has to say about how things are.

that defines nationhood not with respect to what a candidate nation “is” but rather according to what it does. Having advanced this functional approach to nationhood, this thesis will then describe some candidate imagined nations, and examine two more closely, in an attempt to evaluate the functional model’s ability to track more closely than the legal definition of statehood candidate nations’ international roles and significance. It will conclude with some tentative predictions about the future of the international system understood as one in which states are not the only, or even the primary actors, as well as some prescriptions for future research on the international personality of nonstate networks.

Finally, a note on the limitations of this undertaking: this work is positioned at the horizon of international relations, which is to say that – as its title implies – it largely concerns perceived realities that have not fully ripened into practice or consensus under either international law or diplomacy as these formal categories are currently constructed.<sup>11</sup> Rather, it advocates a way of viewing world politics that quite intentionally chips away at the privileged position in law and diplomacy of the modern sovereign state. It seeks to present an understanding of international relations that is not wedded to Westphalian geography and its insistence that statehood follow territorial control; in the face of the question “What is Catholica?” it picks the second, not the first map presented in Figure 1, despite the insistence of international law and diplomatic practice upon the contrary understanding. Because it is consciously out of step with the current conduct of international relations, this thesis is not focused narrowly on, and will not propose specific changes to, international law or diplomacy. Rather, it will urge that its readers break open their eyes in order

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<sup>11</sup> Compare William E. Connolly, “Democracy and Territoriality,” in *Reimagining the Nation*, ed. Marjorie Ringrose and Adam J. Lerner, 61. (Buckingham, UK: Open University Press, 1993) (“[I]nternational relations is the field where diplomacy, subversion, order through anarchy, war, low intensity conflict, economic interdependence, diplomacy and national security are observed through the optics of *interstate relations*.”) (emphasis added) with the looser and importantly stateless claim in James Der Derian, “S/N: International Theory, Balkanization and the New World Order,” in *Reimagining the Nation*, ed. Marjorie Ringrose and Adam J. Lerner, 120. (Buckingham, UK: Open University Press, 1993) (“[D]iplomacy (like language itself) must negotiate the meaning and values that constitute identity out of difference.”).

to engage the world and its salient political actors on a footing other than that structured by the familiar political maps that illustrate bounded territorial nations.<sup>12</sup> Consequently, it is throughout something of a thought experiment, albeit one grounded in specific evidence that counters the Westphalian perceptions we have inherited.

## I. Imagined vs. Imaginary; Nations vs. States

Before embarking upon this investigation of imagined nations, it would be wise to define the key terms of its title.<sup>13</sup> The choice of “Imagined Nations” is loosely inspired by Benedict Anderson’s seminal work *Imagined Communities*.<sup>14</sup> Stated briefly, Anderson’s central thesis is that the modern nation depends vitally upon the ability of its members to imagine the existence of numerous fellow nationals, a conceptual leap that became possible only with the development of print-capitalism, and resulted in the (sometimes conscious) construction of national identities and the modern nation-state.<sup>15</sup> Anderson asserts that the nation is:

an imagined political community – and imagined as both inherently limited and sovereign.

It is *imagined* because the members of even the smallest nation will never know most of their fellow-members, meet them, or even hear of them, yet in the minds of each lives the image of their communion.<sup>16</sup>

Moreover, according to Anderson, the nation is imagined as *limited* because no matter how large it is, it has boundaries outside the extent of which there are other nations. It is imagined as *sovereign*

“because the concept was born in an age in which Enlightenment and Revolution were destroying

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<sup>12</sup> I adopt the image of breaking open one’s eyes to allow for a new way of seeing from the visual arts. As an example of this kind of breakthrough, I offer the well-known story of painter Vasily Kandinsky’s experience upon viewing in Moscow one of Claude Monet’s Haystack paintings, and seeing in it not a representation, but a pure abstract form. See Sam Hunter and John Jacobus, *Modern Art: Painting/ Sculpture/ Architecture*, 2<sup>nd</sup> ed. (Englewood Cliffs, NJ: Prentice-Hall, 1985), 118.

<sup>13</sup> I refer here to “imagined” and “nations.” An explication of the “functional” approach of this thesis can be found in the text accompanying notes 166 to 187.

<sup>14</sup> Benedict Anderson, *Imagined Communities*, revised ed. (London: Verso, 1991).

<sup>15</sup> See, generally, *ibid.*

<sup>16</sup> *Ibid.* 6.

the legitimacy of the divinely-ordained, hierarchical dynastic realm,” such that nations pursue their freedom, and “[t]he gage and emblem of this freedom is the sovereign state.” And it is, finally, imagined as a *community* because it carries with it a conception of “deep, horizontal comradeship” that makes it possible for its members even to die on its behalf.<sup>17</sup> Fundamentally, and unsurprisingly, nationhood, which “is the most universally legitimate value in the political life of our time,” is understood in Anderson’s conception as a human invention.<sup>18</sup>

These assertions have given rise to protest among scholars who study nations and nationalism. Reading Anderson’s assertions that national communities are fundamentally “imagined,” they apparently take him to be designating such communities “imaginary,” an assertion (in point of fact not made) to which they take some umbrage.<sup>19</sup> Such constructionist views of national identity, they argue, demand reexamination in light of the fact that national communities (including diasporic communities) “reveal ancient origins and continuity” and thus “are neither ‘imagined’ or ‘invented’ communities. Their identities are combinations of primordial, psychological/symbolic, and instrumental elements.”<sup>20</sup>

This reading misconstrues Anderson’s point: he is not arguing that national communities are recent or entire inventions of their members, with the implication that such inventions are essentially gigantic lies. He is simply arguing first that the concept of a nation is fundamentally *constructed*, which is to say not given (i.e. “France,” say, did not arise at the dawn of history as a category to which some people belonged and others did not), and second that these constructed nations are

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<sup>17</sup> Ibid. 7.

<sup>18</sup> Ibid. 3.

<sup>19</sup> To the extent that they read Anderson as opposing “imagined” to “real,” they do not read him carefully. See, for example, ibid. 124 (describing the identity “Indochine” as having a “real, experienced, imagined meaning”).

<sup>20</sup> See, for example, Gabriel Sheffer, *Diaspora Politics: At Home Abroad*. (Cambridge: Cambridge University Press, 2003), 19, 145, 257. Even Sheffer acknowledges that “[s]ome stateless diasporas have nurtured real histories or *imagined legends* about their homelands.” Ibid. 149 (emphasis added). Clearly imagination, be it of a present set of fellow nationals, or of a shared history, is a component part of the construction of national identity.



unthinkable, and thus could not have arisen or existed as we understand nations today, without the ability on the part of a nation's members to imagine legions of fellow nationals one will never know, and that this imaginative ability depends vitally on a means of communication, here print-capitalism, that is a relatively modern invention.

More to the point is Manuel Castells's criticism that the notion of "imagined communities" "is either obvious or empirically inadequate." It is the former if all the notion means is that feelings of belonging and icon worship shared by members of a community, including national communities, are culturally constructed, and the latter if it means that nations are purely and only ideological artifacts created through manipulation of historic myth by intellectuals for the interests of elites.<sup>21</sup> If Anderson really means to say more than the obvious, Castells claims, then his conception of imagined communities, by "reduc[ing] nations and nationalisms to the process of construction of the nation-state[,] makes it impossible to explain the simultaneous rise of postmodern nationalism and decline of the modern state."<sup>22</sup>

This thesis seeks largely to avoid these questions by adopting a straightforward meaning of "imagined." The "nations" it describes are, in fact, not nations, at least not as that term is generally used by theorists of international relations.<sup>23</sup> Although (as will be demonstrated herein) these "imagined nations" are (or are becoming) in many ways the functional equivalents of nations, they are at present only imagined as nations, as a part of the aim of this thesis to "break open the eye" of the observer of world politics. In this sense, too, the use of the modifier "imagined" is meant to alert the reader that the enterprise of identifying imagined nations is in some sense a move toward constructing alternative national identities, on the bases set forth herein.

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<sup>21</sup> Manuel Castells, *The Information Age: Economy, Society and Culture*, 2<sup>nd</sup> ed., vol. 2, *The Power of Identity* (Malden, MA: Blackwell, 2000), 31-32.

<sup>22</sup> Ibid. 34.

<sup>23</sup> This is not to imply that theorists now agree or ever have agreed on the precise contours of what constitutes a nation.

The entities that this thesis will examine are termed “nations” despite the possibility of engendering thereby some conceptual confusion. To some extent, such confusion is inevitable, because international relations scholarship lacks a precise vocabulary for identifying international actors. Only one candidate term – state – admits of substantial definitional certainty, but is clearly the wrong term to apply to the entities this thesis examines. Indeed, the entire point of this work is to highlight the fact that the actors discussed herein are not considered to have international legal personality, or recognized sovereignty, which are the hallmarks of statehood.

The term “nation” is deceptively clear, but close examination reveals it to have been used by various scholars at various times to refer to various groupings of people. In *Nationalism and Social Communication*, Karl W. Deutsch distinguishes a “people” defined as a “group of individuals who have some objective characteristics in common . . . said to include language, territorial residence, traditions, habits, historical memories and the like,” from a “nation,” which he defines as “a people living in a state ‘of its own’ . . . [meaning] that the ruling personnel of this state consists largely of individuals who share the main characteristics of this people, and that the administration of this state is carried on in this people’s language and in line with what are considered to be its characteristic institutions and patterns of custom.”<sup>24</sup> Deutsch thus views a cohesive group of persons as a people; they become a nation only when and if they are living in a sovereign state that they themselves control: thus a nation, for Deutsch, is what we might call a nation-state.<sup>25</sup> For Deutsch, moreover,

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<sup>24</sup> Karl W. Deutsch, *Nationalism and Social Communication: An Inquiry into the Foundations of Nationality*, 2<sup>nd</sup> ed. (Cambridge, MA: MIT Press, 1962), 17.

<sup>25</sup> Deutsch also surveys some alternative understandings of the nation and state, including Edmund Burke’s conception of a people as an amalgam of the sovereign state with a communality of knowledge, the state being the pinnacle of all of civil society, *ibid.* 21; Graham Wallas and Quincy Wright’s understanding of the modern state as an entity of the mind that results from a group of people’s “observable attachment to symbols,” *ibid.* 22-23. Deutsch notes that others have insisted that a state cannot exist without “a stable geographical contiguity,” and that the “nation in its essence is not . . . a voluntary society,” *ibid.* 23, quoting Don Luigi Sturzo, *Nationalism and Internationalism* (New York: Roy, 1946), 13, 16-17, a contention that this thesis seeks to disprove. The subjectivist perspective, however, views a nation’s most important characteristic as a “living and active corporate will. Nationality is formed by the decision to form a nationality,” *ibid.* 25, quoting Hans Kohn, *The Idea of Nationalism* (New York: Macmillan, 1944), 16-17. Still other scholars insist on the

sovereignty inheres in the ability of a nation to resist effective coercion by another power, either through its own power, or because the threats of conflict with other stronger powers prevent another nation-state from seeking to exercise such coercion.<sup>26</sup>

Deutsch rounds out his distinction between peoples and nations by asserting that while a people “forms a social, economic, and political alignment of individuals from different social classes and occupations, around a center and a leading group” on the primary basis of complementarity of communication, and the secondary basis of complementarity of acquired social and economic preferences regarding the mobility of goods or persons (i.e. a preference for things or persons that are of one’s own kind), “[f]or almost any limited group within a competitive market, both security and success can be promoted by effective organization, alignment of preferences, and coordination of behavior. Vast numbers have felt a need for such a group and have answered it by putting their trust in their *nation*.”<sup>27</sup> Deutsch ultimately concludes that “[i]n the age of nationalism, a nationality is a people pressing to acquire a measure of effective control over the behavior of its members,” and that “[o]nce a nationality has added this power to compel to its earlier cohesiveness and attachment to group symbols, it often considers itself a nation and is so considered by others.” When a (legally constructed) state organization is put into the service of this nation, it becomes sovereign, and a nation-state is created.<sup>28</sup> In sum, for Deutsch, a people (or nationality) is a group of persons bound together by language and shared culture, history, and desires. Such a people (or nationality) becomes

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central role of conditions external to the group that chooses nationhood as crystallizing this act of will, *ibid.* We will return to this question of “crystallization” below.

<sup>26</sup> *Ibid.* 79. Note that Deutsch is thus advancing a functional, rather than a legal definition of sovereignty. Governments may be legally, but not substantively (functionally) sovereign. Iraq, for instance, is legally sovereign now. But whether it meets Deutsch’s definition is open to situational question: so long as Iraq’s government pursues interests that do not conflict with those of the United States, the United States will likely offer its continued protection to Iraq, such that Iraq, under Deutsch’s definition, is sovereign because other powers fear conflict with the US should they interfere with Iraq. If, on the other hand, Iraq were seriously to challenge US policy, and absent some other benefactor, it might find itself without the independent ability to resist other powers, and, absent the protection of some other power, unable to resist effective coercion.

<sup>27</sup> *Ibid.* 101 (emphasis added).

<sup>28</sup> *Ibid.* 104-05 (emphasis deleted).

a nation when it is imbued with effective political power on the world stage, and a state when that power is backed by international law.

For Benedict Anderson, the nation-state is one of many imagined or constructed realities that emerged from the Americas and the national systems that developed there.<sup>29</sup> He concludes that as this conception of nations became central to the European understanding of the nature of the state, it became possible for the first time to fashion regimes of self-defense along what were emerging as international legal or quasi-legal norms, in which nations (organized along official nationalist lines) were the central actors.<sup>30</sup> Such official nationalisms in Europe were, he asserts, impossible prior to the development of linguistic nationalisms, because they were “responses by power-groups – primarily, but not exclusively, dynastic and aristocratic – threatened with exclusion from, or marginalization in, popular imagined communities,” i.e. communities imagined in popular languages, by the users of those languages – the general (vernacular-speaking) population, as opposed to the ruling elites (who often spoke formal languages of power, such as Latin).<sup>31</sup> The establishment of the League of Nations at the close of the First World War inaugurated the new nation-state form as the sole legitimate international actor able to engage in governance of populations and interaction with other nation-states, and the nation-state’s legitimacy reaching its full extent at the end of World War II. Thus, according to Anderson, did the nation-state arise as a modular form, adaptable by all future claimants to national status (or at least by those who could meet the territorial thresholds required for statehood by international law).<sup>32</sup> As a consequence of this reification of the nation-state model, Anderson argues, nationality has come to be seen as

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<sup>29</sup> Anderson, *Imagined Communities*, 81 (Americas as source of “these imagined realities: nation-states, republican institutions, common citizenships, popular sovereignty, national flags and anthems, etc.” along with the fall of “their conceptual opposites: dynastic empires, monarchical institutions, absolutisms, subjecthoods, inherited nobilities, serfdoms, ghettoes, and so forth”).

<sup>30</sup> Ibid. 96.

<sup>31</sup> Ibid. 109-10.

<sup>32</sup> Ibid. 113.

“natural” in the sense of being unchosen by the people who possess its characteristics, and is “assimilated to skin-colour, gender, parentage and birth-era,” i.e. those personal characteristics that are most immutable.<sup>33</sup> The resulting perceived immutability of nationality means that “[d]ying for one’s country, which usually one does not choose, assumes a moral grandeur which dying for the Labour Party, the American Medical Association, or perhaps even Amnesty International can not rival, for these are all bodies one can join or leave at easy will.”<sup>34</sup>

Other scholars and international actors have sought to define the nation; all have done so by reference to a group of people, bound together by some set of shared characteristics or circumstances. They disagree, however, about the nature of that which nationals share, and on the source (naturally given, imposed by elites, or arising from nationals’ own activities) of nationhood. Joseph Stalin – himself a forger, manipulator and destroyer of national identities and territories while leading the Soviet Union – defined the nation as “a historically constituted, stable community of people, formed on the basis of a common language, territory, economic life, and psychological make-up manifested in a common culture.”<sup>35</sup> Stalin can thus be seen as embracing a conception of the nation as a naturally given phenomenon. Ernest Gellner, on the other hand, avers that

[t]he basic deception and self-deception practised by nationalism is this: nationalism is, essentially, the general imposition of a high culture on society, where previously low cultures had taken up the lives of the majority, and in some cases of the totality, of the population. . . . It is the establishment of an anonymous, impersonal society, with mutually substitutable atomized individuals, held together above all by a shared culture of this kind, in place of a previously complex structure of local groups, sustained by folk cultures reproduced locally and idiosyncratically by the micro-groups themselves.<sup>36</sup>

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<sup>33</sup> Ibid. 143.

<sup>34</sup> Ibid. 144. In point of fact, this seems exactly backwards: Which is more heroic or morally significant: dying for something that one consciously chooses, such that by choosing differently one could avoid death? Or dying as a result of something that one cannot avoid? Who is more noble, the Jew who is slaughtered because he is “found out” as the result of some immutable characteristic of birth or some physical mark as Jewish? Or the Jew who, despite the opportunity to pass and escape, says “I am Jewish; if that means you will kill me, then so be it.”?

<sup>35</sup> Joseph Stalin, “The Nation,” reprinted in John Hutchinson and Anthony D. Smith, *Nationalism*. (Oxford: Oxford University Press, 1994), 20.

<sup>36</sup> Ernest Gellner, *Nations and Nationalism*. (Oxford: Blackwell, 1983), 57.

For Gellner, then, the nation is not naturally given, but rather superimposed as an abstraction upon a more richly complex web of interactions actually experienced by the “nationals” upon whom the nation is foisted.

Rupert Emerson locates nationhood in the subjective understandings and identifications of a nation’s members, arguing that “[t]he nation is today the largest community, which, when the chips are down, effectively commands men’s loyalty, overriding the claims both of the lesser communities within it and those which cut across it or potentially enfold it within a still greater society, reaching ultimately to mankind as a whole.”<sup>37</sup> Thus, for Emerson, a nation is defined as that group to which a person gives her ultimate loyalty – that group with which, *in extremis*, she most identifies. Manuel Castells posits a similarly subjective conception of nationhood, but one that is nonetheless informed by objective experience, defining nations as “cultural communes constructed in people’s minds and collective memory by the sharing of history and political projects.”<sup>38</sup> He further hypothesizes that “language, and particularly a fully developed language, is a fundamental attribute of self-recognition, and of the establishment of an invisible national boundary less arbitrary than territoriality, and less exclusive than ethnicity.”<sup>39</sup> As an example of a nation as a linguistically linked cultural commune (albeit one without a state of its own), Castells cites Catalunya, the “nation” of Catalans concentrated mostly in northern Spain.<sup>40</sup>

All of these definitions have their merits (although those, such as Stalin’s, that argue from specific and unalterable objective national characteristics are flawed to the degree that they are fixed in the particular circumstances of their times). This thesis, however, adopts the following broader

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<sup>37</sup> Rupert Emerson, *From Empire to Nation: The Rise to Self-Assertion of Asian and African Peoples*. (Cambridge, MA: Harvard University Press, 1960), 95-96.

<sup>38</sup> Castells, *Power of Identity*, 54.

<sup>39</sup> Ibid. 55. The theme of language as constitutive of nationality is one to which this thesis will return. See text accompanying notes 108 to 113.

<sup>40</sup> Ibid. 45-54.

definition given by John Stuart Mill:

A portion of mankind may be said to constitute a Nationality, if they are united among themselves by common sympathies, which do not exist between them and any others – which make them co-operate with each other more willingly than with other people, desire to be under the same government, and desire that it should be government by themselves, or a portion of themselves, exclusively. This feeling of nationality may have been generated by various causes. Sometimes it is the effect of identity of race and descent. Community of language, and community of religion, greatly contribute to it. Geographical limits are one of its causes. But the strongest of all is identity of political antecedents; the possession of a national history, and consequent community of recollections; collective pride and humiliation, pleasure and regret, connected with the same incidents in the past. None of these circumstances, however, are either indispensable, or necessarily sufficient by themselves.<sup>41</sup>

Mill's definition captures the essential moving parts of a national identity: shared sympathies of some sort that outweigh ties to other groups of people and lead to a desire for and conception of self-government, whether these arise from a common language, religion, particular political means or aims, history or collective memory. Nations can be shaped by geography, but geographical connection is not, at least for Mill, central to, necessary for, or sufficient for national identity. Mill's definition of nationhood allows for objective observation of subjective loyalties, thus allowing for study of the phenomenon without seeking to impose "nationhood" as a template on those who do not experience it as a fact of their lives. It is thus suitable as a working definition for the project of this thesis – the identification of functional, networked nations not generally comprehended by current conceptions of nations and states.<sup>42</sup> Indeed, harking back to the introductory example, Mill's definition is sufficient to make of "Catholica" a nation – one united by common religious (and consequent moral) sympathies, and seeking self-government, at least in respect of the religious practices and tenets that unite them.

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<sup>41</sup> John Stuart Mill, *Considerations on Representative Government*, reprinted in *Three Essays*. (Oxford: Oxford University Press, 1975), 380.

<sup>42</sup> Note that Mill's definition is being adopted here as a working definition of "nation" to inform the term "imagined nations" as it is used throughout this thesis. This should not be confused with the tests that will be developed below (see text accompanying notes 166 to 187) to determine whether a given imagined nation deserves consideration as a functional equivalent of a nation-state.

This thesis thus addresses “imagined nations”: they are *imagined* because they are not generally viewed as having national (or concomitant international) personality or existence on a par with either states or stateless nationalities; they are imagined *nations* because they are groups of individuals united by shared beliefs, cultures, religions, languages or other significant sympathies, such that “when the chips are down” the group commands their primary loyalties, since these individuals cooperate more willingly amongst themselves than with outsiders. Like Catholica, these imagined nations cannot be found on political maps, yet they exist at least as networks of shared identity,<sup>43</sup> and to the extent that they behave as nations do they may also be considered the functional equivalents of acknowledged nations, or even states.

## II. Geography Unhinged, and Some Consequences for the State

### *What Maps Are and What Maps Are For*

Maps were designed to show people how to get from point A to point B. They are useful for this purpose. But they have been used for purposes other than this. They have had the effect of creating in our minds this geographical image of world society. What we need is a map or concept that tells us something about behaviour.<sup>44</sup>

Maps are first and foremost abstractions.<sup>45</sup> Consider again Figure 1: neither map purports to depict (or possibly could) the entire set of facts and circumstances of the universe of Catholics, the Holy See, or Catholicism. Any “map” that did so would not be a map of a thing, but the thing itself. The technique of mapping is not limited to geography; it is a form of representational abstraction with applications in geometry, mathematics, and any science that seeks to depict or

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<sup>43</sup> Indeed, if imagined nations had territory, they would be states, and hence not “imagined.” By definition, then, imagined nations are networked nations.

<sup>44</sup> John W. Burton, *World Society*. (Cambridge: Cambridge University Press, 1972), 36.

<sup>45</sup> See, for example, Anderson, *Imagined Communities*, 171 (comparing Muslim sacral geography to the usual Western map depicting locations as equally significant dots on a plane).



convey select data about observed (or imagined) phenomena.<sup>46</sup> Douglas Hofstadter has illustrated this process of mapping-as-abstraction using the metaphor “The Vice President is the spare tire on the automobile of government.” The metaphor compares (maps onto each other) two facially unrelated concepts: automobile and government. When such a mapping occurs, Hofstadter concludes, “it is almost inevitable that the mapping will involve *functional* aspects. . . . This comes simply from the fact that an auto and a government are so different that they have to be mapped at a high level of abstraction.”<sup>47</sup>

Similarly, though we are not used to seeing it this way, a map or a globe is a very different object from a country or a world. The mapping of particular geographic characteristics from the real world onto a piece of paper (or sphere) necessarily occurs a) at a high level of abstraction, and b) with reference to some particular function or functions. The political maps we are used to seeing map the sovereign control by states over geographical territory *as a matter of law* onto an abstraction (at some mathematical scale) of the geometric physical bounds of that territory (using one of the many available forms of geometry, via a “projection”).<sup>48</sup> It is possible, however, to construct at least mental maps (if not abstractions on paper) of imagined nations, i.e. those that neither possess geographical territory, nor inhabit geographically contiguous areas. These are markedly less conducive to geographic mapping (at least to the extent that they are networked), but can nonetheless be abstracted based upon functionality.

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<sup>46</sup> See Ian Stewart, *Flatterland: Like Flatland, Only More So*. (Cambridge, MA: Perseus, 2001), 131-36 for the proposition that geometries are abstractions, each one “a space together with a group of transformations of that space” in which the legitimate concepts (under the rules of the relevant geometry) are things invariant under all transformations for a given space and transformation group.

<sup>47</sup> Douglas R. Hofstadter, *Gödel, Escher, Bach: An Eternal Golden Braid*. (New York: Vintage Books, 1989), 670.

<sup>48</sup> Note that political maps do not ordinarily look beyond legal sovereignty to map actual control, i.e. nationhood in Deutsch’s sense. See text accompanying notes 26 to 29. Thus “Somalia” appears on contemporary maps and globes, despite that there is at present no government in Somalia that can accurately be said effectively to control the territory whose abstracted form is so labeled.

Geographic maps can be used to represent a variety of characteristics linked to areas of land (or more precisely, to space). Because they are visual symbols, they are capable of deeply structuring our understandings of the characteristics they depict.<sup>49</sup> But because maps are abstractions, these deeply structured internal understandings – or mental maps – will by definition be, to the extent of their abstraction, inaccurate. Maps are thus a convenience, but overreliance upon them for our understandings of the world can be dangerous. “The conventional map of the world is a physical one: it shows geographical relationships, over which are sometimes drawn political boundaries. It does not tell us much about process or behaviour. . . . What we really need to have, *either in map form or conceptually*, is an image of world society that shows behaviour by showing these linkages.”<sup>50</sup>

Maps, by definition, do not tell the whole story, and indeed can be used to manipulate the story. Benedict Anderson describes the combined effect of colonial censuses and the superimposition of Western-style maps on the cultures and territories of Southeast Asia as having irrational and perverse effects on the colonial and postcolonial governance of the states that have arisen in that part of the world: European explorers, arriving in these territories, saw “class structures” and “national origins” that fit their own *a priori* imaginings, but were acontextual to the societies they observed. On the basis of these imagined categories (which, moreover, they insisted that everything they counted fit into – “no fractions”), they developed censuses that enumerated

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<sup>49</sup> See, for example, Alan K. Henrikson, “The Map as an ‘Idea’: The Role of Cartographic Imagery during the Second World War,” *The American Cartographer* 2 no. 1 (April 1975): 23 (World War II era maps as reshaping images of the wartime world “into wholly new configurations, forming basic patterns around which later geographical impressions could be organized”); Anderson, *Imagined Communities*, 175 (describing logo-maps of states’ territories as having “penetrated deep into the popular imagination”); Joel Garreau, *The Nine Nations of North America*. (Boston: Houghton Mifflin, 1981), 3 (describing Colorado as an example of a geographically constructed entity, which in fact is two quite different places, east and west Colorado: “Back when there were few people to speak of in the territory and it didn’t make much difference, ‘Colorado’ was boxed off into a neat, perfect rectangle, and now the idea it represents has been around long enough to become self-perpetuating. People speak and think of Colorado as one identifiable place, despite abundant evidence to the contrary and for little better reason than that their fathers did it that way. That does not, however, make the idea useful.”). To test this “deep structure” hypothesis, think of “India.” If you see the shape of the Indian subcontinent with your mind’s eye, it is safe to say that your mental map of India has been deeply structured by political cartography.

<sup>50</sup> Burton, *World Society*, 35 (emphasis added).

people, places and things with reference not to what mattered to the lives of the people they were counting, but rather what mattered to those who were doing the counting.<sup>51</sup> Then,

Guided by its imagined map [the European-style census] organized the new educational, juridical, public-health, police and immigration bureaucracies . . . on the principle of ethno-racial hierarchies . . . understood in terms of parallel series. . . .

Needless to say, it was not always plain sailing, and the state frequently bumped into discomforting realities. Far and away the most important of these was religious affiliation . . . . [R]ulers were compelled to make messy accommodations, especially to Islam and Buddhism. In particular, religious shrines, schools and courts – access to which was determined by individual popular self-choice, not the census – continued to flourish.<sup>52</sup>

In other words, by superimposing acontextual census maps on Southeast Asia, European colonizers subjected the region's people to governance that was patently out of step with deep-seated cultural mores, and as a consequence were forced to modify their governance to better to conform to realities on the ground. This is one kind of consequence of the misuse of maps. We will now examine another.

### *Maps, Law and Sovereignty*

Since the Montevideo Convention of 1933, customary international law has set forth four requirements for statehood.<sup>53</sup> These requirements form the basis upon which states and international organizations determine whether an entity is a sovereign state at international law, and will be recognized as such. These requirements are: 1) a permanent population, 2) a clearly defined territory, 3) effective government over that territory and 4) demonstrated capacity to engage in

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<sup>51</sup> Anderson, *Imagined Communities*, 164-66, 167. This process of slotting people into a finite list of immutable, allegedly “scientific” ethnic categories is also at work in the modern tendency to equate nationality with ethnicity, despite that both categories are fundamentally constructed, and thus contingent.

<sup>52</sup> Ibid. 169. See also *ibid.* 120-21 (describing the oddity of the ethnic Ambonese, who are geographically, religiously and linguistically closer to Malaysia, becoming, with the advent of Indonesian nationhood, Indonesians in the mental maps of other Indonesians).

<sup>53</sup> Bathon, “Holy See,” 609.

international relations, including the ability to fulfill treaty obligations.<sup>54</sup> As a consequence, in the context of international law, and thus of international relations as currently practiced, there can be no state without a territory.<sup>55</sup> With modern international law giving territory such an essential role in interstate relations, sovereignty is understood to inhere in territorial control (actual, or – in the case of “failed states”<sup>56</sup> – constructive). Indeed, it is thought (and was as well in the middle of the twentieth century, “when practically all the land area of the planet ha[d] been surveyed and apportioned to some national or international authority to administer,” that sovereignty and territory were so bound up with one another as to be two sides of the same coin: sovereignty was thought useless without territory (or else over what would one be sovereign?) and territory was thought useless without the ability to exercise sovereignty over it (or else what would one do with it?).<sup>57</sup>

Yet the strictness of the post-Montevideo conception of sovereignty as wedded to territory is relatively new, the significance of territory having evolved as a result of both technological progress freeing people from tight bonds to land and allowing easy mobility of both people and goods on the one hand, and the increasing vesting of sovereign power in the masses and their elected representatives on the other.<sup>58</sup> The links between political sovereignty and territory – which geographer Jean Gottman has termed a “psychosomatic phenomenon of the community,” and then between territory and the people inhabiting it, have in fact developed over the two hundred years

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<sup>54</sup> *Restatement (Third) of the Foreign Relations Law of the United States* § 201 (1986). The requirements set forth in the Restatement are the same as those agreed upon in Montevideo. Bathon, “Holy See,” 609.

<sup>55</sup> As will be discussed in greater depth below, it has not always been thus. Indeed, the Holy See itself was an acknowledged state without a territory from 1870-1929. After all, it could hardly have signed the Lateran Treaty with Italy in 1929 if it did not then have international personality. Bathon, “Holy See,” 604.

<sup>56</sup> Afghanistan between the withdrawal of Soviet troops and the entry of US troops to oust the Taliban in 2001 is usually offered as an example of a “failed state” whose territory was largely outside its government’s control. The same is true of Somalia today, and probably of a great many other countries such as Yemen and the Democratic Republic of the Congo. See, for example, Hilary Andersson, “DR Congo’s Atrocious Secret,” *BBC News UK*, 9 April 2005, [http://news.bbc.co.uk/1/hi/programmes/from\\_our\\_own\\_correspondent/4424909.stm](http://news.bbc.co.uk/1/hi/programmes/from_our_own_correspondent/4424909.stm) (accessed 9 April 2005).

<sup>57</sup> Jean Gottman, *The Significance of Territory*. (Charlottesville, VA: University Press of Virginia, 1973), 2-3, 125.

<sup>58</sup> *Ibid.* 3.

following the first appearances of geographical and territorial concerns in the writings of European jurists during the late 1500s.<sup>59</sup> These constructed links have gradually come to be part of the conception of virtually all modern peoples of the nature and meaning of territory.<sup>60</sup>

These developing ideas of territorial sovereignty reached a plateau in Europe (whose jurisprudence would give rise to modern international law) in the 1648 Treaties of Westphalia, which put an end to the religious conflicts known as the Thirty Years' War. Though "[t]he obvious relationship between sovereignty and effective settlement of territory [would] be fully established only in the eighteenth century, particularly by the treaties recognizing the independence of the United States[,] . . . the treaties of 1648 may be considered as a prologue."<sup>61</sup> The Westphalia treaties primarily recognized as a matter of international law the de facto situation at the end of the Thirty Years' War, i.e. that effective power over the geography of Europe had come to be divided up among various monarchical sovereigns, largely on the basis of religious affiliation – Catholic or Protestant. The Westphalian settlement replaced the former sacral hierarchy of control over Europe – one that flowed from the Holy See to the Holy Roman Empire – with an order centered on territorially based, sovereign, national states.<sup>62</sup>

In this way, Westphalia began the historical tradition of evidencing shifts in sovereignty as shifts in control over land, marked by shifting political borders, recorded on maps of political geography.<sup>63</sup> In other words, control over territory, as depicted on paper maps, became a graphic representation or marker of the power of the state. This development gave rise to what is

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<sup>59</sup> Ibid. 15, 40.

<sup>60</sup> See, for example, Anderson, *Imagined Communities*, 173. (noting that between 1900 and 1915 the vocabulary of the Thai relating to places changed as they as a people transitioned from “dominion in terms of sacred capitals and visible, discontinuous population centers” to sovereignty inscribed “in the invisible terms of bounded territorial space”).

<sup>61</sup> Ibid. 47.

<sup>62</sup> Ibid. 48.

<sup>63</sup> See Deutsch, *Nationalism and Social Communication*, 80.

commonly called the “Westphalian order.” Though not universally welcomed – French philosopher Blaise Pascal is thought to have been expressing the opinion of a “silent majority” when he objected that man’s thought and reason pervaded the material universe, unheeding of political borders, and that the notion of a political geography’s borders determining modes of law and religion to be observed by the inhabitants of bounded physical locations was irrational – the territorially based Westphalian political order had come to stay, at least for the next 350 years.<sup>64</sup> Its grip on world politics tightened in the late eighteenth century, as “[t]he American and French revolutions opened a new era, in which national states are based on clear-cut territorial sovereignty exercised by the government solely in the name of the nation,”<sup>65</sup> and by the middle of the twentieth century, once the entirety of the earth had been legally bounded and sovereignty over each square inch assigned to one or more powers known as states, it was possible to frame as law the conclusion that sovereignty and territory were inextricable from one another, such that “[a]t the core of the modern conception of state sovereignty is the ontology that a region of physical space – usually though not always contiguous – can be conceived of as a corporate personality.”<sup>66</sup> Which brings us to the present historical moment, in which Westphalia’s dead hand has begun to lose control.

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<sup>64</sup> Gottman, *Significance of Territory*, 67. Note the similarity of Pascal’s objection to that modern rallying cry of the Internet: “Information wants to be free” See also Alec Stone Sweet, “Islands of Transnational Governance,” in *Restructuring Territoriality: Europe and the United States Compared*, ed. Christopher K. Ansell and Giuseppe Di Palma. (Cambridge: Cambridge University Press, 2004), 123 (“The Westphalian state may never have actually existed. Conceptually, political control, however exclusive . . . and sovereignty . . . are not one and the same; empirically, they need not be related at all.”).

<sup>65</sup> Ibid. 75.

<sup>66</sup> Christopher K. Ansell, “Restructuring Authority and Territoriality,” in *Restructuring Territoriality: Europe and the United States Compared*, ed. Christopher K. Ansell and Giuseppe Di Palma. (Cambridge: Cambridge University Press, 2004), 6. Not only does each region of physical space have a corporate personality as a state, but each state must now have, in order to have a corporate personality, claim to and (at least in theory) control over a region of physical space. Cf. Anderson, *Imagined Nations*, 174 (describing European colonizers as seeking to legitimize their exercise of power over territory through reference to legally-based property rights to such territory as acquired in accordance with European understandings of property law).

Pascal's contention that the Westphalian political order sought to confine within geographical borders what it could not possibly constrain – the human mind and spirit, and by extension the fruits thereof – however well founded in his time, is of renewed relevance today. Technology must take the credit (or blame) for this renaissance. Since at least the middle of the twentieth century, scholars have noted that such technological developments as air travel and communication via radio waves have effectively and dramatically reduced the cost of transporting people and things (and, one might add, ideas) across both distances and borders.<sup>67</sup> These effects of technology have been rapidly accelerated by the development and deployment in the late twentieth century of the Internet. “Cyberspace provides the means to bypass and circumvent traditional state sovereignty and transcend geographically bound entities.”<sup>68</sup> The confluence of these new technologies and other trends, such as liberal trade agreements and capital flow policies, the rise of particular cities as global financial, commercial, and population centers, and the emergence of deterritorialized identities has been subsumed under the heading “globalization.”<sup>69</sup>

Globalization's effects upon the interplay of world politics and state power have been legion. In conjunction with, and as a partial consequence of this technology-driven compression of distances, sovereign state authority and territoriality are becoming unbundled. “In some cases, authority is being unbundled within the territorial state – as when public authority is being privatized or deconcentrated – or new forms of authority are being created beyond the state. These new forms

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<sup>67</sup> See, for example, Eugene Staley, “The Myth of the Continents,” in *Compass of the World: A Symposium on Political Geography*, ed. Hans W. Weigert and Vilhjalmur Stefansson. (New York: MacMillan, 1944), 92-93. Cf. Gottman, *Significance of Territory*, 96 (writing of the 1820s that “[w]ith the progress of the technology of transport in speed, reliability, capability to handle larger volumes, and diversity of competing means, distance was bound to become less weighty a factor in politics”) and 127 (noting that the development of aviation and air-borne weaponry including nuclear weapons has brought the security or sheltering function of territory as land into question in the modern era).

<sup>68</sup> James E. Dougherty and Robert L. Pfaltzgraff, Jr., *Contending Theories of International Relations: A Comprehensive Survey*, 5<sup>th</sup> ed. (New York: Longman, 2001), 156.

<sup>69</sup> See Sheffer, *Diaspora Politics*, 116; Gottman, *Significance of Territory*, 133.

of authority may ultimately derive their authority from the territorial state or may be constituted along nonterritorial lines.”<sup>70</sup> This unbundling of authority from territory and the consequent rise of nonstate actors has meant that increasingly “the notion of the State connotes far more authority and autonomy than is empirically the case in today’s decentralized world.”<sup>71</sup>

In light of the decline of the authority of territorially constructed states, contemporary scholars have advanced the idea that identity networks (some ad hoc and ephemeral, and others, such as state-linked diasporas more permanent in nature) have risen to prominence as international actors wielding real, if not legally sanctioned, power. Starting from the commonly held premise that we have witnessed a fundamental transformation of a heretofore material world culture into one organized around information technologies, these observers have identified the consequences of this technological revolution for international relations and world politics.<sup>72</sup> For Gabriel Sheffer, “[o]ne of the consequences of our transformation into a post-modern society, characterized by global flows of wealth, information, power, and images, is that the search for identity, collective or individual, primordial or constructed, becomes the fundamental element in social meaning.”<sup>73</sup> This view is consistent with that articulated by John W. Burton three decades earlier that we will increasingly see groups of individuals united by various common characteristics and goals supplement (though not

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<sup>70</sup> Ansell, “Restructuring Authority,” 7.

<sup>71</sup> James N. Rosenau, “A Pre-Theory Revisited: World Politics in an Era of Cascading Interdependence,” *International Studies Quarterly* 28, no. 3 (September 1984): 264. As but one illustration of this, see Sheffer, *Diaspora Politics*, 182 for the proposition that diasporas’ activities and thus international power have been facilitated and enhanced by revolutions in communications technology, in particular the Internet. This advance of technology, and the resulting effects on state authority, will not necessarily be uniform across the range of states. “The lower the level of equipment and technology, the greater is the power of the different soils and countries over their populations.” Deutsch, *Nationalism and Social Communication*, 175.

<sup>72</sup> Manuel Castells, *The Information Age: Economy, Society and Culture*, 2<sup>nd</sup> ed., vol. 1, *The Rise of Network Society* (Malden, MA: Blackwell, 2000), 28.

<sup>73</sup> Sheffer, *Diaspora Politics*, 183 (citing the 1996 1<sup>st</sup> edition of Castells’s *The Rise of Network Society*).



replace) national societies, forming nonterritorial, transnational units to advance various specific purposes, functions or expressions of values or tastes<sup>74</sup>

In sum,

today we are living in a world almost totally explored and claimed, in which there are limited opportunities for state acquisition. It is a world in which communications have brought about relationships among people and groups in addition to relationships among states. Ideological thinking, tourism, trade, science, the radio and religion jump state boundaries. Perhaps these relationships that cut across state boundaries are even now more influential in world society than the relations that exist among states at a formal government level. Certainly they will become more influential with further increases in communications and learning.<sup>75</sup>

It is as though we have embarked upon an age in which the old understandings of political geography are inadequate mental maps for the emerging international behavior of identifiable nonstate actors. Just as the ability to comprehend non-Euclidian geometric structures required the development of a non-Euclidian geometry, these changed circumstances of world politics cry out for a non-Westphalian political geography – one that does not insist that only legally constituted “states,” i.e. those nations in possession and control of geographic territory, can be considered sovereign nations for purpose of “international” relations analysis and practice.<sup>76</sup>

### *Some Consequences of Networks' Rise*

Despite the questions that have been raised thus far regarding the continued salience of nation-states in world politics, “nationalism and sovereignty are not isolated phenomena of politics.

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<sup>74</sup> Burton, *World Society*, 51 (citing an unpublished work by H.C. Kelman).

<sup>75</sup> Ibid. 34.

<sup>76</sup> See Stewart, *Flatterland*, 160-162 for a discussion of non-Euclidian geometry. In brief, Euclidian geometry is premised on various assumptions, including in particular that given a line and a point not on that line, there is only one unique line through that point parallel to the given line. Mathematicians now agree that there are various non-Euclidian geometries, in which there can be, depending upon the geometry, more or less than one line that fits the stated conditions. Cf. Gottman, *Significance of Territory*, 155 (raising the possibility that on the foundation of territorial nation-states, a “new universal structure may come to rest”).

Rather, they have many deep roots in the multiple social fabric of mankind.”<sup>77</sup> Though nationalism and sovereignty are not likely to fade away anytime soon, they remain in conflict on the level of deep structure with contrary forms of governance, in particular anarchy.<sup>78</sup> Indeed, theorists seeking to take account of nonstate actors are driven then to see them not as rational sovereign beings, but as a part of “anarchy,” which is to be brought under the control of the state. This has led some political theorists to ask what basis those who insist that states are uniquely sovereign, in opposition to alternative conceptions of a multiplicity of sovereignties, have for doing so, apart from a near religious belief in the theoretical primacy of states and their geographic borders.<sup>79</sup> And while this theoretical debate rages, “[p]eople, groupings of people, or social relationships that cannot be so interpreted [as sovereign presences] are . . . denied recognition as actors and marginalised in pluralist narratives of history.”<sup>80</sup>

One specific consequence of the privileged status of territorially constructed sovereign states at international law is that those nations (imagined or otherwise) that do not now possess territory are denied international personality. In part, this is the result of the full enclosure of the global commons: there is not now any portion of the world’s land that is available for the founding of new states (absent a taking of land by force from some extant state). In 1690, when John Locke published his *Second Treatise of Government*, it was still possible to argue that a group that did not wish to be governed by the state in which its members found themselves (whether by birth or otherwise) could “quit the said possession” i.e., the land its members owned, subject to control by

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<sup>77</sup> Deutsch, *Nationalism and Social Communication*, 85.

<sup>78</sup> Richard K. Ashley, “Untying the Sovereign State: A Double Reading of the Anarchy Problematique,” *Millennium: Journal of International Studies* 17, no. 2 (Summer 1988): 230. This dichotomy is “conceived as a deep structure – something fixed and already in place” and the power of the “anarchy problematique” “inheres in its status as a representation of a self-evident truth, and it is accorded the status of self-evidence because it is understood to derive, with the force of logical necessity, from this [dichotomy,] the one inescapable fact of our time.” Ibid. 238-39.

<sup>79</sup> Ibid. 250.

<sup>80</sup> Ibid. 245.

an existing government, and “go and incorporate [ ] into any other commonwealth, or . . . begin a new one *in vacuis locis*, in any part of the world they can find free and unpossessed.”<sup>81</sup> Setting aside for the moment the fact that the prime example of a nation founded on the basis of Locke’s theories of government, the United States of America, was founded on land that was neither “free and unpossessed” when the first British colonists arrived on its shores, nor had that character when said colonists ultimately seceded from Britain, it is certainly the case that there are no such lands available now. As a result, for want of a *locus vacuus*, no new states can be born except in one of two ways: an existing state must voluntarily give up territory for a new state’s founding (an extremely unlikely occurrence), or the nation that would become a state must wrest territory from some extant state or states by force, thus disrupting international peace and security.

International law’s insistence that sovereignty accompany territorial control, and only territorial control, given that territory’s scarcity makes its possession a zero-sum game, creates perverse incentives for nations that would be states to engage in armed conflict, including especially (given nonstates’ lack of access to “legitimate” varieties of force) such asymmetric forms of conflict as terrorism. The ambitions of national minorities who seek self-determination through statehood thus worry theorists, even those whose politics incline them toward freedom and self-determination for all peoples, because such ambitions are (accurately) seen as dangerous to international and regional stability and order. For such theorists, “any further disintegration of states, the essential building blocks for a rational international system, ha[ve] to be prevented in order to ward off even greater global chaos.”<sup>82</sup>

Such theorists, like King Canute, cannot talk back the tide. As a direct result of the fact that

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<sup>81</sup> John Locke, *The Second Treatise of Government*, ed. Thomas P. Peardon (Indianapolis: Bobbs-Merrill, 1952), 69. For an interesting discussion of attempts by various entrepreneurs and seekers of autonomy from established states to form their own states on ocean platforms, slivers of unclaimed or reclaimed land, and the like, see Bryant Urstadt, “Electing to Leave: A Reader’s Guide to Expatriating on November 3,” *Harper’s Magazine*, October 2004. Available online at <http://www.harpers.org /ElectingToLeave.html> (accessed 16 April 2005).

<sup>82</sup> Sheffer, *Diaspora Politics*, 150.

only states (which by definition must hold territory) are granted full participation in international relations, nations that are not states are driven to seek territory, and thus statehood. Although self-determination does not itself require statehood, world politics as currently structured provides no intermediate form of reliably secure self-determination short of statehood, so that even those nations seeking self-determination without claiming territory find that claims to territory are the surest route to recognition and autonomy.<sup>83</sup> Thus such nations as the Roma and Sinti, who constitute a widespread stateless diaspora with distinct cultural traditions and practices, though “a non-territorial people who do not claim a country[, but rather] want to be left alone,” are driven to advance territorial claims not as an end, but rather as a means to achieving autonomy.<sup>84</sup> The sovereign, territorially based state comes to be seen as the primary vehicle for the fulfillment of imagined national communities’ goals, and “even the most determinedly radical revolutionaries always, to some degree, inherit the state from the fallen regime.”<sup>85</sup>

The insistence of international law and practice on state sovereignty through territory has thus become a recipe for conflict on many fronts. Nations seeking a stake must first acquire a state, and so stateless diasporas seek to establish or reestablish sovereign states in their traditional homelands “because of a deeply ingrained veneration of the idea of the nation-state.”<sup>86</sup> Desiring state status, such landless diasporas seek to control land, usually through irredentist and separatist strategies, and often violently.<sup>87</sup> States understandably worry about the successful use of such strategies to chip away at their sovereign territory, and as a consequence tend to be fanatical about

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<sup>83</sup> Suzette Bronkhorst, “Self-Determination – People, Territory, Nationalism & Human Rights: Thoughts on the Situation of South Moluccans, Roma & Sinti,” in *In Pursuit of the Right to Self-Determination: Collected Papers & Proceedings of the First International Conference on the Right to Self-Determination and the United Nations*, ed. Y.N. Kly and D. Kly. (Atlanta: Clarity, 2000), 91.

<sup>84</sup> Ibid. 95. Cf. Sheffer, *Diaspora Politics*, 148, 158.

<sup>85</sup> Anderson, *Imagined Communities*, 149.

<sup>86</sup> Sheffer, *Diaspora Politics*, 156. Think here of Israel circa 1948.

<sup>87</sup> Ibid. 210 (citing as examples the Sikhs, Basques and Kurds).

protecting their sovereignty and their territory, particularly in Asia, the Middle East and Africa, where secessionist and irredentist movements are especially active.<sup>88</sup> Finally, because stateless diasporas have no clear state benefactors to protect them in security terms (i.e. a homeland state), host governments can more easily expel large numbers of them, or even seek to expel them entirely.<sup>89</sup> Knowing this, stateless diasporas themselves “have a considerable interest in creating obstacles to regional integration and stability.”<sup>90</sup> International law’s insistence on sovereignty through territory, combined with the unavailability of territory to stateless nations, thus leads to the proliferation of ongoing, intractable, and dangerously destabilizing conflict between stateless diasporas and their host states.

Proposals have been made for ameliorating this cycle of conflict through reforms to international law and organizations. Françoise Jane Hampson has proposed the establishment of a “General Assembly of Minorities or Nations” within the United Nations, which would not have specific authority, but with which UN organs would be required to engage and consult when formulating policy.<sup>91</sup> In a similar vein, Hans Köchler has noted that under Article 1(2) of the United Nations Charter, self-determination is designated a collective right of “peoples,” (not states), but that because “[t]he concept of UN membership is defined exclusively on the basis of the nation-state as bearer of sovereignty” and “[o]nly states enjoy ‘sovereign equality’” as a result of the UN’s and international law’s insistence upon the reality of “the fictitious concept of a ‘unified’ nation-state,” it is often the case that “minority communities are not adequately represented or integrated into the general nation-state structures” and so “are being denied the right to self-determination to

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<sup>88</sup> Ibid. 166.

<sup>89</sup> Ibid. 144.

<sup>90</sup> Ibid. 212.

<sup>91</sup> Françoise Jane Hampson, “Structures of Governance Rights & a General Assembly of Nations,” in *In Pursuit of the Right to Self-Determination: Collected Papers & Proceedings of the First International Conference on the Right to Self-Determination and the United Nations*, ed. Y.N. Kly and D. Kly. (Atlanta: Clarity, 2000), 128.

create their own sovereign entity.”<sup>92</sup> Köchler’s proposal for a tentative step toward self-determination rights for nonstate nations is to reform the UN by creating a “Peoples’ Assembly” in order to “make of [the UN] an organization that also represents peoples and not only states.”<sup>93</sup> The chances of either of these reforms (or anything like them) being carried out, however, are practically nil, as the world’s sole hegemon is likely to oppose them. As Jeremy Rifkin has observed, “[i]n a globalizing era where allegiance to country is becoming less important in defining individual and collective identity, the fact that Americans remain so passionately committed to the conventional nation-state political model puts us squarely on the side of traditional geopolitics, but hardly in the vanguard of a new global consciousness.”<sup>94</sup>

We have seen in this section that while technology has made authority and practical sovereignty less and less dependent on territory, law makes territory sovereignty’s *sine qua non*. The immediate effects of this on world politics have been that on the one hand our understanding of international relations has been deeply structured by international law, so that we ordinarily view states – i.e. nations with territory – as legitimate international actors, and nations without territory as something less; and that on the other hand any nation that wishes to be taken seriously as an international stakeholder must acquire territory – typically by force – in order to be taken seriously. But though this serious problem arises from the observed unbundling of territory from sovereignty, a process that also creates room for imagined nations on the international stage, it is not itself the primary subject of this thesis. We will now proceed to examine that primary subject by doing what

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<sup>92</sup> Hans Köchler, “Self-Determination as a Means of Democratization of the United Nations & the International System,” in *In Pursuit of the Right to Self-Determination: Collected Papers & Proceedings of the First International Conference on the Right to Self-Determination and the United Nations*, ed. Y.N. Kly and D. Kly. (Atlanta: Clarity, 2000), 137 (emphasis deleted).

<sup>93</sup> Ibid. 139 (emphasis deleted).

<sup>94</sup> Jeremy Rifkin, *The European Dream: How Europe’s Vision of the Future Is Quietly Eclipsing the American Dream*. (New York: Jeremy P. Tarcher/Penguin, 2004), 23.

international relations practitioners generally do not: taking imagined nations, which because they are not states are also necessarily nonterritorial nations, seriously.

### III. Nonterritorial Nations: Precedents and Prospects

#### *Theories of Networks*

How, then, to begin visioning imagined, networked nations? As a starting point for understanding their form and functions, consider Douglas Hofstadter's description of the Buddhist allegory of Indra's net:

an endless net of threads throughout the universe, the horizontal threads running through space, the vertical ones through time. At every crossing of threads is an individual, and every individual is a crystal bead. The great light of "Absolute Being" illuminates and penetrates every crystal bead; moreover, every crystal bead reflects not only the light from every other crystal in the net – but also every reflection of every reflection throughout the universe.<sup>95</sup>

This image is certainly loaded with spiritual significance, but for our purposes it is most descriptively helpful in its depiction of a set of nodes (beads) each connected to an infinite number of other nodes by communicative or symbolic links (threads). Hofstadter's image is meant to explain the interconnectedness of all living things throughout time and space, so it is a bit overinclusive with respect to networked nations. To make more sense of it, take as the nodes each individual "citizen" of a given networked nation, and as the connecting links the set of means by which they can communicate with each other, where communication can be quite broad (i.e., any means by which meaningful information can be conveyed from one node to another). Central to understanding these networked nations as distinct from territorially contiguous nations is that their members, the nodes, can be distributed anywhere in geographic space. Where the nodes are physically should make little difference to their ability to participate in "national" life, so long as sufficient

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<sup>95</sup> Hofstadter, *Gödel, Escher, Bach*, 258.

communicative links remain intact and operable between them to allow them to exchange information. With this image in mind, we can proceed to examine some theoretical observations about the nature of networks.

First, what of networks' size? Since states are often conceived of as encompassing substantial territory,<sup>96</sup> one might well ask whether an imagined networked nation must be large enough (or small enough) to qualify for consideration in this thesis. The short answer is no: recall that this thesis will propose a functional test for imagined nations – one that will look not to such characteristics as size or shape, but rather to the candidate nation's behaviors and their international significance. Nonetheless, the question of size is an important one. Unlike states, the extent of whose habitable territories sets an upper limit on their populations, imagined nations that exist in networked form can, at least in theory, be as large as the total number of humans alive at any given moment. Indeed, the world's major religions can be seen under this paradigm as networked nations, and they are quite large.

Yet recent research indicates that there is probably a limit to the number of other “nodes” that any single person can comprehend, and as a result a relatively small upper limit beyond which networks (and other groups) cease to function optimally. Castells, for instance, has noted that although North Americans generally boast more than a thousand interpersonal connections each, only a half a dozen or so of these are intimate, and only fifty or so are strong, though the rest nonetheless are important for one's information, support, companionship and sense of belonging to a community.<sup>97</sup> Malcolm Gladwell, on the other hand, summarizes the findings of anthropologists

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<sup>96</sup> See Bathon, “Holy See,” 611-12 (noting that although “[s]ome scholars have argued that the Holy See is not eligible for Membership in the United Nations because its tiny size was incapable of obtaining statehood, and only states could be UN members . . . [i]t has never been shown [ ] that the territorial requirement for statehood include some minimal amount of territory”).

<sup>97</sup> Castells, *Rise of Network Society*, 389. Castells goes on to predict that an important effect of the Internet will be to expand the average person's outside circle of nodes, but that it will have little effect on the composition of one's inner circles. Cf. Deutsch, *Nationalism and Social Communication*, 122 (positing that despite then-modern means of



relating the sizes of primates' social groups to the sizes of their brains, the traditions of Hutterite communities, and the business practices of Gore Associates (makers of Gore-Tex fabric, among other things) as independently demonstrating that human beings may well be best suited to working and even living in groups no larger than 150.<sup>98</sup> Gladwell concludes that just as "we are about to enter the age of word of mouth, . . . paradoxically, all of the sophistication and wizardry and limitless access to information of the New Economy is going to lead us to rely more and more on very primitive kinds of social contacts."<sup>99</sup> It would appear that the jury is still out on the optimal size for networked nations; there may in point of fact be a trade-off between the strength of an imagined nation's internal bonds and the number of its members. The most that we can say at present is that there is no obvious size requirement (minimum or maximum) for imagined nations, but that if they are large enough, their members may have to engage in the kind of "imagining" that Benedict Anderson attributes to the members of his imagined communities: that is, they will have to imagine the existence in homogeneous empty time of their numerous networked compatriots, whom they may never come to meet or know, even virtually.<sup>100</sup>

Although size seems not to matter much to the cohesiveness of imagined nations, another attribute, language, is crucial to their existence and functioning. This is conceptually obvious in the sense that because they are networks and not collections of geographically proximate individuals, communication at a distance is quite literally their *modus operandi*. It is also the case, of course, that

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communication, the people with whom a group lives, with whom its members work, and with whom they experience daily proximate communication, will be more decisive in shaping national identity than any group with which they can communicate only through extended space and time).

<sup>98</sup> Malcolm Gladwell, *The Tipping Point*. (Boston: Back Bay Books, 2002), 177-87. Is it mere coincidence that the number of legally recognized states is roughly on a par with this number? The United Nations now has 191 members. United Nations, "List of Member States," <http://www.un.org/Overview/unmember.html> (accessed 14 April 2005). Its membership passed 150 in 1978 with the admission of Dominica and the Solomon Islands. United Nations, "Growth in UN Membership," <http://www.un.org/Overview/growth.htm> (accessed 14 April 2005).

<sup>99</sup> Gladwell, *Tipping Point*, 264-65.

<sup>100</sup> Anderson, *Imagined Communities*, 26.

shared language is a feature central to the modern nation-state, so that it is not surprising that imagined nations too are language-dependent.<sup>101</sup> Indeed, until they act in real space, imagined nations can only exchange words or other linguistic signals; and if they wish to act in real space, they must first engage in such exchanges of language.

Moreover, according to Deutsch, “[c]ultural communities are bounded by relative barriers to communication,” and “[p]rocesses of communication are the basis of the coherence of societies, cultures, and even of the personalities of individuals.”<sup>102</sup> In this sense, differences in language serve as indicators of both the existence and membership of distinct national communities – where one encounters a new community that shares a distinct language, one can conclude that one is onto a new nation, the membership of which comprises each individual who can, and does, converse substantially in that language. Indeed, Benedict Anderson points to language as having had a central role in constructing the communities that came to imagine each other as nations. Prior to the late nineteenth century, he avers, languages did not map uniformly onto territorially clustered groups; rather (taking Europe as an example), various languages were used across the continent in networked rather than geographically contiguous patterns.<sup>103</sup> Soon thereafter, however, languages began to be used to separate communities geographically, allowing for the “confidence of community in anonymity” that Anderson sees as the “hallmark of modern nations.”<sup>104</sup> This was possible precisely because “the most important thing about language is its capacity for generating imagined communities, building in effect *particular solidarities*.”<sup>105</sup> This process, at least in Europe,

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<sup>101</sup> See, for example, Deutsch, *Nationalism and Social Communication*, 17; Stalin, “The Nation,” 20; Anderson, *Imagined Communities*, 13, 68.

<sup>102</sup> Deutsch, *Nationalism and Social Communication*, 38, 87.

<sup>103</sup> Anderson, *Imagined Communities*, 196. (“[T]he major states of nineteenth-century Europe were vast polyglot polities, of which the boundaries almost never coincided with language-communities.”)

<sup>104</sup> Ibid. 36.

<sup>105</sup> Ibid. 133.

unfolded according to Anderson through the gradual recognition by those speaking similar (but not identical) languages of the elemental similarity thereof upon their reduction to writing. Thus did print-capitalism allow members of emerging European nations to communicate with their fellow users of related languages, even when differences in speech dialects posed something of an impediment to efficient conversation.<sup>106</sup> Anderson ultimately concludes in part that because modern communications technologies allow for multilingual broadcasting and communication, “nations can now be imagined without linguistic communality.”<sup>107</sup> Yet even though imagined nations can overcome linguistic barriers, we shall see that they nonetheless tend to develop private languages as a means of differentiating themselves from other communities, and of safeguarding their communications from interlopers.

Karl Deutsch’s substantial consideration of language’s role in constructing and facilitating national communities is also worthy of our consideration. His *Nationalism and Social Communication* is a classic work in the field, and his observations have substantial applicability to the imagined nations to be examined below. Deutsch sees a shared culture as supplying to a community of people a measure of predictability in conducting their affairs, noting that although Western political theorists have often focused on free markets bounded by law as creating predictability through contract, where contracts fail or are rejected as means of structuring community relationships, it is possible to “fall back on predictability from identification and from introspection,” which can be accomplished through shared social communication, as well as by the badges of languages (what one speaks) or geography (where one is from, or now lives).<sup>108</sup>

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<sup>106</sup> Ibid. 44. It is worth noting that the Internet has led to a similarly dramatic revolution in communications. Not only can users of established language now efficiently translate texts using translation software, but as we will see below, the Internet has also allowed for the creation of numerous “private languages” for use among imagined nations.

<sup>107</sup> Ibid. 135.

<sup>108</sup> Deutsch, *Nationalism and Social Communication*, 113-14. Deutsch goes on to note that various Note that though language and social communication are not precisely identical concepts, they map substantially onto one another. For the purposes of this thesis, any “language” may be considered a form of social communication; moreover, this thesis

One form that such social communication as a means of predictability can take has been identified by economist Thomas Schelling. In a series of experiments, Schelling found that people (in particular people who shared similar cultural backgrounds) who are asked to coordinate actions without communicating with one another are able to do so by converging on (presumably acculturated) conventional responses to problems. So, for instance, when two people who are prevented from communicating with each other are asked independently to pick a place and time to meet in New York City on the same day (and are offered a reward if they select the same place and time), a majority, Schelling found, select the information booth at Grand Central Station as their meeting place, and noon as their meeting time.<sup>109</sup> Though these “Schelling points” focus around culturally shared iconography – here, Grand Central Station and noon could be said to be deeply embedded as points of significance in the cultural lives of the players participating in Schelling’s experiment – they nonetheless demonstrate the ease with which strangers, steeped in similar cultural backgrounds, can develop social communication themselves, without having language or meaning imposed by some centralized authority. And indeed, Deutsch has posited that if a group of people does not share an ability to communicate among themselves more easily than with outsiders, then attempts to impose upon them a sense of group membership or national consciousness “will retain an artificial flavor. . . . To permit the rise of national consciousness, then, there must be a minimum, at least, of cohesion and distinctiveness of a people; and these must have acquired at least a minimum of importance in the lives of individuals.”<sup>110</sup> Shared language, then, can be described as arising from the repeated interactions of a group of people who have a common cultural, historical,

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considers any form of social communication (including cultural mores that can communicate meaning, even if not spoken or written) to constitute language.

<sup>109</sup> Thomas C. Schelling, *The Strategy of Conflict*. Cambridge, MA: Harvard University, 1970, 54-57. See also James Surowiecki, *The Wisdom of Crowds*. (New York: Doubleday, 2004), 92 (noting that the conventions Schelling identifies depend upon shared cultural realities of the participants).

<sup>110</sup> Deutsch, *Nationalism and Social Communication*, 173-74.

or teleological vocabulary on which to draw.<sup>111</sup>

Deutsch has also demonstrated that language does not, even in the heyday of the Westphalian order, follow geography. Writing first in 1953 of the cultural boundaries then extant between “Whites” and “Negroes” in the American South, Deutsch showed that though these were geographically contiguous, and indeed, interpenetrating communities, when their members met on the street, their interactions were demonstrably stylized and communicatively different – to the point of involving different language – than those that took place among members of the same racial subculture. As he put it, “communication between [ ] interlocking [but culturally distinct] groups may be throttled down to the narrow range of conventionalized words, subjects, and sentiments permitted by established etiquette.”<sup>112</sup> Sheffer points to a similar phenomenon among diaspora communities, noting that many diasporans (including Hispanics and Asians in the US and Turks in Germany, and especially those who live in enclaves of their own kin), do not feel the need immediately to learn the languages of their host countries.<sup>113</sup> Here again, we see separate communities – imagined nations – living geographically together, and governed on a legal basis by the same sovereign, but notably divided by language, and consequently identifiable as nationally separate.

We have seen that theories of social communication are central to understandings of nationhood and shared community. We will soon revisit from a functional perspective the ways in which language is deployed by imagined nations, and the purposes it serves. Let us now turn briefly to another important characteristic of the networked nations on which this thesis will focus: their

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<sup>111</sup> Cf. Ibid. 164 (“Too often men have viewed language and nationality superficially as an accident, or accepted them submissively as fate. In fact, they are neither accident nor fate, but the outcome of a discoverable process.”).

<sup>112</sup> Ibid. 89. Deutsch’s first edition was published in 1953; the second, cited here, in 1966. Though he does not address in detail the role of institutionalized racism in constructing the separate but interpenetrating communities to which he refers, he does acknowledge the role that social mores, including racial divides, played in constructing the language barriers identified here.

<sup>113</sup> Sheffer, *Diaspora Politics*, 95.

character as mass, grass-roots societies.

Political theorists such as Peter M. Haas have focused attention on a particular subset of what are here referred to as imagined nations, namely “epistemic communities.” These are defined as “elites with a shared understanding of a particular subject who develop a strategy for achieving their goals,” for instance a community of international scientists seeking solutions to global environmental problems.<sup>114</sup> Epistemic communities can be seen as a subset of the networks of elites identified by Deutsch as networks of wealth, power and influence organized in clusters associated directly with “friendships, cliques, and habits of trust, familiarity and financial and political cooperation.”<sup>115</sup> Like Deutsch, this thesis seeks to differentiate between “narrow vocational complementarity” of the kind that allows members of the same profession (e.g. epistemic communities) to communicate with each other even across political, linguistic, cultural and spatial distance on the one hand, and a deeper cultural complementarity of the kind evidenced by ways of organizing familial relationships, standards of beauty, food and drink, games and recreation – in other words matters that form the wide substance of daily life beyond mere communication of technical matters – on the other.<sup>116</sup> Put another way, this thesis assumes that “[w]e find community in networks, not groups.”<sup>117</sup> Consequently, it does not seek to address extensively epistemic communities and their ilk. Harking back to Ernest Gellner’s definition of nationalism, it takes as a reasonable given that members of epistemic communities will, almost to a man, not identify with such communities when the chips are down, but rather with communities commanding substantially more “gut-level” loyalty.<sup>118</sup>

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<sup>114</sup> Dougherty and Pfaltzgraff, *Contending Theories*, 168.

<sup>115</sup> Deutsch, *Nationalism and Social Communication*, 36.

<sup>116</sup> Ibid. 98.

<sup>117</sup> Wellman Barry, “Physical Place and Cyberplace: The Rise of Personalized Networking,” *International Journal of Urban and Regional Research*, 25.2 (June 2001): 227.

<sup>118</sup> See note 36 and accompanying text.

This is not to diminish in any way the importance of epistemic communities in world politics, nor the contributions of those who study them. Rather, this choice of focus is meant to highlight a feature of imagined nations that has been identified by various scholars: their tendency to emerge seemingly spontaneously from the ground up, as a form of society accessible to anyone with access to sufficient technologies of communication, rather than as the result of shared membership in one or another elite, or any other officially sanctioned privilege. Substantial scholarship has been developed indicating that “humans are predisposed to help one another without authoritarian coercion.”<sup>119</sup> That is, that “anarchic” decision making by individuals may not be the threat to peace and stability that it has been held out to be at least since Hobbes described life in anarchy as “solitary, poore, nasty, brutish, and short.”<sup>120</sup>

Regardless whether the anarchic development of imagined nations leads to peace or stability, there is ample scholarly work demonstrating that it is not only possible, but common.<sup>121</sup> Moreover, the very fact that elites and those who have access to or control over the reins of legal power are capable of obtaining state status (i.e. legal sovereignty) or of operating within it, means that they do not typically require recourse to imagined nations in order to achieve their goals. Nation-states need not aspire to statehood; they have achieved it. Elite communities have at their disposal, often through the blessing of established states, the resources and power necessary to pursue their goals,

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<sup>119</sup> Howard Rheingold, *Smart Mobs: The Next Social Revolution*. (Cambridge, MA: Perseus, 2002), 39 (citing Petr Kropotkin’s *Mutual Aid*).

<sup>120</sup> Thomas Hobbes, *Leviathan*, ed. C.B. Macpherson. (London: Penguin, 1968), 186. Thinking of the great many who live in pain and poverty under sovereign governments, one is tempted to ask “Compared to what?” See also Petr Kropotkin, *Mutual Aid: A Factor of Evolution*, reproduction of 1914 ed. (Boston: Porter Sargent Publishers), 78 (characterizing Thomas Huxley and other writers as having incorrectly applied Darwin’s to validate Hobbes’s conclusion that humans are competitive with each other unto death absent a sovereign, top-down power to rein them in).

<sup>121</sup> See, for example, Deutsch, *Nationalism and Social Communication*, 192 (enunciating limits on the effectiveness and longevity of top-down nationalism driven by nationalist parties and leaders, and opining that nationalist movements have historically been waves ridden by their leaders, not rivers that their leaders channel); James Mayall, *Nationalism and International Society*. (Cambridge: Cambridge University Press, 1990), 61 (“In the final analysis, [secession] is a form of mass politics organized from below rather than imposed from above through propaganda and the apparatus of the state.”); Surowiecki, *Wisdom of Crowds*, 91 (noting that Schelling’s research on convention demonstrates that people can reach collectively beneficial results without direction from above).

and have less need to form communities for the purpose of operating outside of state power.<sup>122</sup>

Taking its cue from the focus of theorists on communities that develop from the ground up, this thesis will focus on imagined nations composed of and by the mass of men.

We have seen above some of the metaphors that have been borrowed from religion and technology to describe features shared by networked nations.<sup>123</sup> Before continuing on to identify past and present networked nations, and then to develop a means of evaluating them according to their observable functions, let us briefly examine two more such metaphorical models, borrowed from the biological and physical sciences. The first of these, the “fungus model,” derives its descriptive strength from a rather surprising discovery of the early 1990s. In April 1992, biologists discovered in Michigan’s Upper Peninsula that numerous small mushrooms growing out of the soil of the region’s forest floors were in fact connected – indeed, were in fact the visible surface manifestations of the selfsame giant organism, a 1,500-to-10,000-year-old, thirty-acre, 100-ton fungus.<sup>124</sup> This discovery heralded something of a minor Copernican revolution in biology: suddenly all sorts of mushrooms and plants hitherto thought to be singletons were revealed to be simply the above-ground visible portions of what were essentially the same giant networked organism.<sup>125</sup> Networked nations are like networked organisms in at least two ways. First, both can be quite large and geographically far-flung, but connected by extensive, interpenetrating structures

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<sup>122</sup> Cf. Burton, *World Society*, 20-21 (“[T]here are many transactions in addition to those initiated and regulated by governments within states that cut across state boundaries sometimes despite attempts by governments to prevent this from happening. There is now one world of science. No state can afford to cut itself off from scientific and technological developments. It is not possible to import just a selection of scientific thoughts.”). The epistemic community of scientists, then, has no cause to resort to formation of an extra-state imagined nation; it can extract all the rents it needs from existing states.

<sup>123</sup> See text accompanying notes 95 to 100.

<sup>124</sup> *New York Times*, “Hail to the World’s Largest Organism,” 21 December 1992, A16.

<sup>125</sup> Ibid. (describing a then-recent discovery of a 106-acre, 47,000-tree stand of quaking aspens sharing the same root system; *Advertiser*(Adelaide, Australia), “Giant Fungus,” 27 September 2004, 30 (noting the discovery in Switzerland of Europe’s largest fungus, a 35-hectare, 1,000-year-old honey mushroom network).



that allow them to function as one system.<sup>126</sup> Second, though their “nodes” – the people who compose them – are visible, the connections that make them into a network often are not; as a result they can be hard to locate or predict until they make moves that reveal their connectedness.<sup>127</sup>

A second metaphor that will aid our understanding of imagined nations as sometimes ad hoc networks is the physical phenomenon of crystallization, through which, upon the introduction of a catalyzing “seed,” solid crystal structures are seen to form from a liquid solution in which the material from which they are made has been dissolved. States may change alliances, but they do not rapidly change (in any fundamental way) their composition. Immigration and emigration aside, France remains France, yesterday, today and tomorrow. But networked nations can be substantially more fluid: they may appear, disappear, reappear and realign. Communities of interest may change as interests change. Moreover, imagined nations may lie dormant until events or exigencies bring them onto the world stage.<sup>128</sup> Though such fluidity in an imagined “nation” may seem out of step with traditional understandings of nationhood, “pluralistic” theorists have long concluded that, even in the traditional nation-state, the many cross-cutting and overlapping loyalties and identifications with groups that individuals possess would temper tendencies for their governments to pursue (or

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<sup>126</sup> With regard to networked nations, see, for example, Gottman, *Significance of Territory*, 139 (describing flows of information and people facilitated by technologies of transportation and communication as giving rise to “vast interconnected system[s]”); Rheingold, *Smart Mobs*, xii (“Smart mobs consist of people who are able to act in concert even if they don’t know each other” who can cooperate “because they carry devices that possess both communication and computing capabilities.”).

<sup>127</sup> See Rheingold, *Smart Mobs*, xvii (citing, among other examples, the “People Power II” movement that led to the ouster of Philippine president Estrada in 2001 through mass protests mobilized using cell phone text messages; and a web site that allows fans to stalk celebrities in real-time by mobilizing Internet-organized networks, and that can also be used by journalists to organize citizen-reporters on an ad hoc basis – “The site makes it easy for *roving phone tribes* to organize *communities of interest*.”) (emphasis added).

<sup>128</sup> See *ibid.* 170 (describing “mobile ad hoc social networks” as mobile, informally organized groups of individuals in which each is a node with links to other individuals); Sheffer, *Diaspora Politics*, 97 (noting the ability of real-time television coverage and instant modes of communication to expose issues of relevance to diaspora communities, and so to “fuel spontaneous revivals of dormant diasporas,” and noting as recent examples of such revivals the responses of American Jews, Palestinians, Armenians, Kurds, Croatians, Slovenians, Serbs and Albanians to coverage of the plight of their fellow nationals in their homelands).

oppose) for long the interests of any single such loyalty or identity.<sup>129</sup> Individuals have been noted to have a variety of identity affiliations or loyalties, and these may shift from time to time. Often these shifts will occur in response to local or global events (just as crystals form in response to the introduction of a catalyzing seed), with the result that networked nations seem sometimes to be here today, gone tomorrow.<sup>130</sup> In short (and at the cost of mixing metaphors), networked nations display plasticity, by which is meant “the facility with which [ ] relations among people . . . can be constantly shifted in order to suit changing circumstances, resources, and intentions.” This in turn means that imagined nations have the constant opportunity to change in response to external stimuli “by an ongoing, cumulative flow of small-scale innovations.”<sup>131</sup> Returning to the introductory example of Catholica, an imagined nation whose citizens are simultaneously resident in and citizens of legally sovereign states (and which, as a result, may appear “national” only in response to such crystallizing events as the death of a pope), it is noteworthy that the “papabile” Nigerian Cardinal Francis Arinze has written that “[t]he Church has to be at home in every culture, while not being tied down or imprisoned by any.”<sup>132</sup>

Thanks to the work of political and network theorists, we can adduce a list of characteristics common to imagined nations: they share a common language (which may be not be a language of the kind for which dictionaries are ordinarily sold, but is nonetheless understandable within the relevant network); they tend not to be predominately made up of elites; they radically interpenetrate

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<sup>129</sup> Deutsch, *Nationalism and Social Communication*, 75-76. Similarly, “[g]overnments can modify communities, and they can make communities in rare and favorable situations; but on the whole it is the communities which make governments, or rather it is the *distribution of communities at any one time* which both offers and limits the opportunities for governments to consolidate or extend their power.” Ibid. 78-79 (emphasis added).

<sup>130</sup> Ibid. 155 (describing crystallizing of political conflict among diverse groups within the same nation, as where nationals of one group, e.g. Germans in Russia or French in Quebec, etc., resettles within or adjacent to the territories of another).

<sup>131</sup> Roberto Mangabeira Unger, *Plasticity into Power: Comparative-Historical Studies on the Institutional Conditions of Economic and Military Success*. (London: Verso, 2004), 153.

<sup>132</sup> Dulue Mbachu, “Ambassador to Other Faiths,” *Washington Post*, 3 April 2005, A40.

more visible societies, and thus can seem to be hidden until events or their own actions reveal their presence and composition; and they may mobilize in an ad hoc fashion, often as the result of a confluence of events that mobilizes their reaction. Let us now identify some observed imagined nations, past and present.

### *Observed Imagined Nations, Then and Now*

This thesis has prepared the reader for the identification and analysis of imagined nations now extant. But imagined nations, that is to say those not ordinarily credited with having national or sovereign status, have been a feature of world history for quite some time. “In the modern conception, state sovereignty is fully, flatly, and evenly operative over each square centimeter of a legally demarcated territory. But in the old imagining, where states were defined by centres, borders were porous and indistinct, and sovereignties faded imperceptibly into one another.”<sup>133</sup> In medieval Europe, for instance, rule “was not necessarily limited by a conception of permanent borders within which authority applied and outside of which it did not. During the medieval period, territoriality did not have the habitual, seemingly essential, taken-for-granted status that it does today.”<sup>134</sup> Rather, in a process that the Westphalian “moment” heralded (but that as we have seen did not occur in the precise historical moment of 1648, but had been developing before and continued long thereafter) a transformation occurred from aspatial to territorial ontology. “This transformation thoroughly conditioned many of our modern touchstones of society and politics, including, among others, citizenship, nationalism, participation, and modernization.”<sup>135</sup>

So, for example, throughout the first seventeen centuries of the Common Era, “federations

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<sup>133</sup> Anderson, *Imagined Nations*, 19.

<sup>134</sup> James A. Caporaso and Joseph Jupille, “Sovereignty and Territory in the European Union: Transforming the UK Institutional Order,” in *Restructuring Territoriality: Europe and the United States Compared*, ed. Christopher K. Ansell and Giuseppe Di Palma. (Cambridge: Cambridge University Press, 2004), 68.

<sup>135</sup> Ibid.

between small territorial units, as well as *among men united by common pursuits within their respective guilds*, and federations between cities and groups of cities constituted the very essence of life and thought.”<sup>136</sup> This social structure, however, came to be replaced by the Westphalian, territorially defined sovereign state when “as the value of land was increasing, in consequence of the growth of industries, and the nobility had acquired, under the State organization, a power which it never had had under the feudal system, it took possession of the best parts of the communal lands, and did its best to destroy the [competing] communal institutions.”<sup>137</sup>

Other historical examples of networked nations include the medieval Assassins, who founded a “state” consisting of “a network of remote mountain valleys and castles, separated by thousands of miles, strategically invulnerable to invasion, connected by the information flow of secret agents, at war with all governments, and devoted only to knowledge,”<sup>138</sup> and eighteenth century pirates, who created a network of “pirate utopias,” amounting to “an ‘information network’ that spanned the globe.”<sup>139</sup> Finally, one can get a glimpse of the power of one historical imagined nation by considering the case of a nineteenth century Elian Gonzalez:

On the night of June 23, 1858, a squad of policemen arrived at the apartment of Momolo and Marianna Mortara, an Italian Jewish couple in Bologna, then part of the Papal States that formed a swath across the Italian Peninsula, running north and east from Rome to the Po River on the border of Austrian-ruled Veneto. Politely but without regard for the cries of a hysterical mother, the police removed the Mortaras’ 6-year-old son, Edgardo, from the household and put him in the hands of Roman Catholic officials, who whisked him away to Rome.

Five years earlier, a teenage Catholic servant girl had surreptitiously baptized Edgardo, or so she now fearfully said. Church law strictly forbade the baptism of Jewish children without their parents’ consent except when the child was in

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<sup>136</sup> Kropotkin, *Mutual Aid*, 238 (emphasis added).

<sup>137</sup> Ibid. 236.

<sup>138</sup> Hakim Bey, “The Temporary Autonomous Zone,” reprinted in *Crypto Anarchy, Cyberstates, and Pirate Utopias*, ed. Peter Ludlow. (Cambridge, MA: MIT Press, 2001), 402. “State” is Bey’s characterization.

<sup>139</sup> Ibid. 401. (“[P]rimitive and devoted primarily to grim business, the [pirate] net nevertheless functioned admirably. Scattered throughout the net were islands, remote hideouts where ships could be watered and provisioned, booty traded for luxuries and necessities. Some of these islands supported ‘intentional communities,’ whole mini-societies living consciously outside the law and determined to keep it up, even if only for a short but merry life.”)

imminent danger of death, which is exactly what the illiterate maid, who was no longer in the Mortaras' employ, claimed had driven her to baptize the ailing infant.

But once such a child was properly baptized, whether prudently or not, the same church law decreed that he or she must not be raised by the Jewish parents but by Catholics – and in the Papal States of 1858, church law was also civil law.<sup>140</sup>

In this strange tale, which is both history and parable, we see again the imagined nation *Catholica*, this time imbued with territory (the Papal States) and as a result with sufficient sovereignty to engage in what, but for the brief historical conjunction of temporal and spiritual power – of civil and canon law, would have been a clear case of kidnapping. Had an imagined “*Judaica*” sufficient power to resist the power of the pope, the removal of young Edgardo from his home might have sparked a battle of the networked nations. As it happened, the event focused sufficient ire toward the Papal States’ overreaching to cause a backlash that “was a crucial element in the collapse of support for the longstanding papal rule of parts of Italy.”<sup>141</sup>

Other examples of past networked nations could no doubt be adumbrated, but the identification of the many uncataloged imagined nations of history is a project for another work. Let us now turn to the present, and begin by listing and briefly describing some modern networked nations. Once we have these in mind, we can proceed to explore ways of testing their significance on a functional basis.

If, as Manuel Castells has argued, “the new [international] power system is characterized . . . by the plurality of sources of authority (and . . . of power), the nation-state being just one of these sources,” then we would do well to train ourselves to see these other power sources, including those that are not only not depicted on political maps, but also those that will not appear on any list of epistemic communities or nongovernmental organizations.<sup>142</sup> What better place to start than with

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<sup>140</sup> Peter Steinfels, “Beliefs: Long Before Elian Gonzalez, There Was a Case Pitting a Powerful Pope against Jewish Parents,” *New York Times*, 5 February 2000, A13.

<sup>141</sup> Ibid.

<sup>142</sup> Castells, *Power of Identity*, 356 (agreeing with David Held).

that most notorious “nonstate actor” of the nascent twenty-first century, al Qaeda. Here is a conceptual puzzle: the United States of America, the world’s most powerful nation, and indeed its sole “superpower,” is presently at war. Though sometimes styled a “war on terror” (as though one could do battle with an emotion) it is in substance primarily a war against an imagined, networked nation.<sup>143</sup> And though the language in which US leaders have chosen to express themselves does not by itself breathe life into the conceptual shell of imagined nations, it should at least tip us off that something deeper is at work than a conflict between a state and a mere band of rogues.<sup>144</sup>

According to Castells, “[t]he ultimate goal of al-Qaeda is no different from other Islamic fundamentalist movements . . . . It is the construction of the *umma*, or worldwide community of the believers, transcending the boundaries of nation-states.”<sup>145</sup> This community might at first look something like the distinctly Westphalian divide noted by Gottman, in which the medieval world stood divided between Christendom and a territory in which Islam was dominant, a situation that he likens to a “first great ‘iron curtain.’”<sup>146</sup> And indeed, a distinctive core of al Qaeda’s identity is its pursuit of a territorial expression of religious identity – the defense of Islam beginning with its holy sites.<sup>147</sup> But though al Qaeda seeks to liberate (read control) holy land,<sup>148</sup> it is at present indubitably a nonterritorial networked nation. It draws its members from multiple ethnic and state

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<sup>143</sup> There is perhaps no clearer way to distinguish “imagined” from “imaginary” (see text accompanying notes 19 to 22) than to refer here to the very real events of September 11, 2001.

<sup>144</sup> Consider, too, the longstanding US “war on drugs.” Clearly America is not engaged in conflict with substances (drugs) but rather with those who produce and purvey them, i.e., an imagined nation of dealers in illegal drugs.

<sup>145</sup> Castells, *Power of Identity*, 111 (emphasis deleted).

<sup>146</sup> Gottman, *Significance of Territory*, 28. See also Castells, *Power of Identity*, 18 (noting that part of the Ayatollah Khomeini’s revolutionary purpose in Iran was to unite Muslims across state boundaries – thus the revolutionary constitution’s article 10: “All Muslims form a single nation.”).

<sup>147</sup> Castells, *Power of Identity*, 112.

<sup>148</sup> A cynic might recall here that with land (and only with land) comes sovereignty, and a seat at the table of states. See text accompanying notes 53 to 66.

backgrounds;<sup>149</sup> and they interpenetrate (like a gigantic fungus) the universe of sovereign states.<sup>150</sup> Al Qaeda is surely an imagined nation under the rubric of this thesis thus far.

Not all imagined nations need be diabolical: the young European Union has been identified by Jeremy Rifkin as evidence a “new medievalism.”<sup>151</sup> Recalling that medieval political systems were substantially unbundled from territory, it is easy to see how this conglomeration of sovereign states represents a move toward a new conception of sovereignty as based in status rather than territory: one is a “citizen” of the EU because one is a citizen of one of its member states. But the EU is not itself a state, and does not itself possess territory. Writes Rifkin: “[I]ts genius is its indeterminacy. Unlike the traditional nation-state, whose purpose is to integrate, assimilate, and unify the diverse interests *inside its borders*, the EU has no such mission. . . . The EU’s political cachet is bound up in facilitating and regulating a competing flow of *divergent activities and interests*.”<sup>152</sup> Using a different vocabulary than this thesis has chosen, Castells too views unified Europe as a “network state.”<sup>153</sup>

One further networked nation deserves special mention, though it is more a type comprising various identifiable imagined nations. Moreover, many of its exemplars are cognizable as elites, thus facially violating the focus on popularly based imagined nations announced above. Nonetheless, and though this thesis will not address them in detail, transstate global business networks are a significant force in contemporary world politics. These have created, and appear to be expanding, what Alec Stone Sweet calls “islands of transnational governance.”<sup>154</sup> Perhaps better termed “islands of transnational self-governance,” these refer to the development by a community of transnational

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<sup>149</sup> Castells, *Power of Identity*, 119. Cf. *ibid.* 122, noting that al Qaeda’s core leadership and most trusted activists have thus far come exclusively from the Arabian peninsula and Egypt.

<sup>150</sup> *Ibid.* 135 (noting that a networked structure is critical to al Qaeda’s success).

<sup>151</sup> Rifkin, *European Dream*, 228, quoting Hedley Bull.

<sup>152</sup> *Ibid.* 228-29 (emphasis added).

<sup>153</sup> Manuel Castells, *The Information Age: Economy, Society and Culture*, 2<sup>nd</sup> ed., vol. 3, *End of Millennium* (Malden, MA: Blackwell, 2000), 339.

<sup>154</sup> Sweet, “Transnational Governance,” 123.

business actors, specifically firms, their lawyers, and arbitration houses, of a modern law merchant that coalesces a set of rules for doing business embodied in standard form contracts and dispute resolution mechanisms.<sup>155</sup> Thus do transnational corporations turn to a medieval, networked remedy for a modern, Westphalian problem: as business is increasingly conducted on a global scale, individual corporations, which are necessarily located in geographically bounded, legally sovereign states, seek ways to transact business with certainty in the face of myriad, and sometimes conflicting, state laws. Turning to the age-old mechanism of contract, they reach private arrangements, and over time develop consensus as to the best content for such arrangements. Out of this consensus comes a body of law, initially for use only among those corporations who have chosen it for resolution of their disputes. This law may later be adopted by states for similar purposes. Much the same process occurred in Europe during the late eleventh and twelfth centuries, when a law merchant, initially developed by merchants and circulated among them, was gradually accepted as authoritative law in towns and cities among merchants at fairs, markets and seaports and in mercantile towns, and was ultimately integrated into the laws of nascent state jurisdictions.<sup>156</sup> Their use of this very specialized form of language (or custom as social communication) is but one good reason to see transnational corporations as nascent imagined nations of their own.

As the universe of possible imagined nations is potentially infinite, and this thesis is not, a smattering of additional imagined nations, some of them quite colorful, is provided in table form, together with references and some small detail regarding their attributes. As this brief sample will illustrate, some imagined nations will be of greater interest than others to students of international relations. The section that immediately follows the table below will thus begin the process of enunciating functional tests to separate the wheat from the chaff.

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<sup>155</sup> Ibid. 123, 133-44.

<sup>156</sup> See John Henry Merryman, David S. Clark and John O. Haley, *The Civil Law Tradition: Europe, Latin America, and East Asia*. (Charlottesville, VA: Michie, 1994), 316-24.



**Table 1: Some Imagined Nations**

<i>Nation</i>	<i>Composition and Goals</i>	<i>Geographic Penetration</i>	<i>Relevance to International Relations</i>
Hippies <sup>157</sup>	Diverse community commonly associated with 1960s and youth culture, the pursuit of alternative (especially anarchic) lifestyles, “peace and love”	Worldwide	Moderate
Diasporas <sup>158</sup>	Nationals of states (or members of stateless nations) living outside their homelands (or in the case of stateless diasporas, in various other states)	Worldwide	High
Biker Gangs <sup>159</sup>	Motorcycle enthusiasts banded together in often violent groups; often organized as outlaws	Worldwide	Moderate
RV Nation <sup>160</sup>	Peripatetic; dwellers in mobile housing; able to transcend borders with comparative ease	North America	Moderate
Cockfighters <sup>161</sup>	Participants in a recreational activity banned by many states	Worldwide, but especially North America	Low
Jedis <sup>162</sup>	Anarchic modern religion, based on fictitious <i>Star Wars</i> series	Worldwide	Low
Cannibals <sup>163</sup>	Seek to eat other human beings or to be eaten by them – activities usually criminalized by states.	Worldwide	Low
Ethnic/National Gangs <sup>164</sup>	Criminal networks connected to nations; typically involved in drug trade and engaged in violence competitive with states’ alleged monopoly thereon	Worldwide	High
Supporters of the Confederate States of America <sup>165</sup>	Seek a revival of the nation that briefly existed in the US Southeast, and unsuccessfully attempted secession	United States	Low

<sup>157</sup> Hippies and anarchists, are among the tens of thousands of “free spirits” who gather annually to erect a temporary city in the Nevada desert each summer. See “The Burning Man Project,” <http://www.burningman.com> (accessed 15 April 2005); hippies have also since 1971 occupied a small portion of Copenhagen known as Christiania. See <http://www.christiania.org> (accessed 17 April 2005).

<sup>158</sup> See generally Sheffer, *Diaspora Politics*. For a discussion of the Arab diaspora in Dearborn, MI as a currently significant example, see Singer 99-111.

<sup>159</sup> Mark Singer, *Somewhere in America: Under the Radar with Chicken Warriors, Left-Wing Patriots, Angry Nudists, and Others*. (Boston: Houghton Mifflin, 2004) 241-55; Andrew Anthony, “Going up in Smoke,” *Observer*, 22 February 2004, 26; Alex Bellos, “Second Front: Some Kind of Freedom,” *Guardian* (London), 25 September 1996, T2.

<sup>160</sup> Michelle Clock, “Getting around the High Cost of Living: RV Dwellers Find Affordable Housing in Pricey Suburbs,” *Washington Post*, 4 April 2005, B1.

<sup>161</sup> Singer, *Somewhere in America*, 8-21.

<sup>162</sup> Liam Houlihan, “Jedis a Growing Force in Religion,” *Herald Sun* (Melbourne, Australia), 30 December 2004, 30; Tania Branihan, “Forced Out: No Place for Jedi in Survey,” *Guardian* (London), 14 February 2003, 3.

<sup>163</sup> Deutsche Presse-Agentur, “Roundup: German Cannibal Had over 200 ‘Applicants,’ Court Is Told,” 16 January 2004 (Accessed via LEXIS/NEXIS); *Edmonton Journal*, “Cannibal Given Eight Years for Dining on Internet Friend: Victim Was Willing, Court Heard,” 31 January 2004, A4.

<sup>164</sup> Sheridan, Mary Beth and David Cho, “MS-13 Crackdown Nets 35 in Region,” *Washington Post*, 15 March 2005, B1.

<sup>165</sup> Singer, *Somewhere in America*, 61-72.

#### IV. A Functional Approach to Nationhood

The imagined nations proposed in the foregoing table are intentionally rather fanciful – some more than others. The goal in presenting them is not to advocate for their significance, but quite the opposite: to point out that while some (diasporas and international criminal gangs) might be of special concern to those engaged in the making of international relations policy, others (cockfighters and would-be confederates) will barely appear on the radar, and rightly so. In order better to understand imagined nations, this thesis now undertakes the project of developing a functional test for imagined nations. This is not advanced as a test of their existence or reality. Rather it is meant to identify those imagined nations that have developed a robust internal sense of community, and a national self-consciousness. Only these imagined nations are likely to present much in the way of competition to the sovereign authority of territorial states.

##### *The Functional Approach Described*

The functional approach that this thesis will take to identifying significant imagined nations comprises five distinct parts, each of which will be taken up in turn. Each part asks not what such a nation “is,” but rather what it does – i.e. whether it demonstrates behaviors consistent with substantial nationhood. The behavioral questions that will be asked here are: 1) Does the imagined nation engage in communication through “private language”? 2) Do its members demonstrate an awareness of a shared identity, i.e. do they consciously identify themselves as members of the relevant group? 3) Does the candidate nation actively pursue national goals or objectives? 4) Does it have the capacity for internally directed economic behavior, whether trade or otherwise? 5) Lastly and most importantly, does the candidate imagined nation have the capacity to provide security to its members? Imagined nations that do not substantially meet these tests, while of possible general interest, do not present much competition to existing legally sovereign states, and may well be

considered little more than international affinity or interest groups – essentially very large clubs. Imagined nations that do actively demonstrate these abilities, however, are likely to compete with states for the loyalties of their members, often in ways that will force such members to choose, when the chips are down, between their affiliation with sovereign states, and their commitment to the communities that imagined nations constitute.

The test for an imagined nation's functional language must, of course, ask more than whether its members share a common mode of communication. As demonstrated above, shared language is a feature of *any* nation.<sup>166</sup> Rather, this test asks whether the imagined nation in question shares a “private language,” that is, one that creates barriers to outsiders' ability to understand the messages it carries.<sup>167</sup> Such a language need not be “code” in the cryptographic sense. Nor need it necessarily be the kind of communication ordinarily understood as language.<sup>168</sup> Members of an imagined nation might, for instance, communicate with each other using symbols or means that will have no independent significance to the casual observer, but by prearrangement are understood differently among themselves, say by whistling a particular tune (or, to take a page from *All the President's Men*, putting a flowerpot in a window).<sup>169</sup> In some cases, this may make private language quite hard to detect without access to the relevant imagined nation's playbook. In any event, membership in a functional imagined nation involves, in essence, ability to communicate more

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<sup>166</sup> See text accompanying notes 101 to 113.

<sup>167</sup> The effect is a bit like that ascribed by legal scholar Lawrence Lessig to architecture: the harder an imagined nation's private language is for outsiders to understand, the greater the cost to outsiders of cracking it. The point is not that the language is impenetrable, but that it is at least sufficiently difficult to penetrate so as to deter at least casual observers. See Lawrence Lessig, *Code, and Other Laws of Cyberspace*. (New York: BasicBooks, 1999), 91-92. Cf. Anderson, *Imagined Communities*, 134 (noting that language is not exclusive, in the sense that anyone can, given enough time, learn any language).

<sup>168</sup> See, for example, Gladwell, *Tipping Point*, 216-20, 225, for evidence of suicide epidemics as “private language between members of a common subculture.”

<sup>169</sup> Or an imagined nation's members might simply use sets of words or symbols that seem benign to ordinary listeners, but have particular coded meanings within the imagined nation itself. Something like this is being deployed by political parties on both sides of the Atlantic, who seek to reach over the heads of interlocutors directly to voters through coded language in what is being termed “dog-whistle politics.” See *Economist* (US Edition), “High Pitch, Low Politics,” 23 March 2005.

effectively within the nation's membership than outside it, and "[t]his overall result can be achieved by a variety of functionally equivalent arrangements." Indeed, this important function of nationality is counterposed to "old attempts to specify nationality in terms of some particular ingredient, somewhat as modern technological trends towards evaluating materials in terms of their performance differ from the older practice of evaluating materials in terms of their composition."<sup>170</sup> Our job as interlocutors of candidate imagined nations will be to ask whether they ordinarily communicate using a language that is to some significant degree impenetrable. For the purposes of this thesis, the need of a functional dictionary as an aid to understanding such a language will be taken as *prima facie* evidence that the language in question is sufficiently impenetrable, and the existence of a functional dictionary as *prima facie* evidence of the need therefor.

Any serious imagined nation must also possess a significant degree of shared identity among its members, where significance is indicated by the nation's consciousness of this shared identity. According to Castells, "[t]he construction of identities uses building materials from history, from geography, from biology, from productive and reproductive institutions, from collective memory and from personal fantasies, from power apparatuses and religious revelations."<sup>171</sup> In other words, a wide variety of shared circumstances can construct a shared identity. Castells further distinguishes among three types of identity: *legitimizing* (introduced by dominant societal institutions to reinforce their dominance), *resistance* (created by actors who are devalued or stigmatized and create identities in resistance to the permeating institutions of society that devalue or stigmatize them), and *project* (used by social actors to build identities redefining their position in society and seeking to transform the society overall, e.g. feminism moving beyond the mode of resistance to challenge in an active way

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<sup>170</sup> Deutsch, *Nationalism and Social Communication*, 97.

<sup>171</sup> Castells, *Power of Identity*, 7.

patriarchalism and the societal structures that it permeates).<sup>172</sup> Obviously an imagined nation demonstrating a legitimizing identity will not be taken seriously under this functional test – networked nations introduced by dominant elites to reinforce their dominance do not fit within the purview of this thesis.<sup>173</sup> This leaves, if Castells is right, only resistance and project identities. As will be observed below, many imagined nations indeed develop goals that constitute either resistance to one or more existing societal structures or pursue a common project. Imagined nations having one or both of these qualities will thus have met this functional identity test.

So too will those imagined nations that demonstrate a consciousness of themselves as nations, either through word or deed. Though the fact that fans of the Boston Red Sox refer to themselves as “Red Sox Nation” does not in and of itself mean that they constitute a functional imagined nation, it is sufficient to demonstrate that they are conscious of their shared “national” identity. A person, organization or social group can achieve “consciousness” by attaching symbols about symbols to outside information and information from memory; that is, watching an object without thinking about it becomes consciousness when one is aware that one is watching said object.<sup>174</sup> This functional test for a self-conscious national identity among members of an imagined nation will thus be the easiest for candidate nations to pass, but this will not, by itself, be sufficient evidence of a functional imagined nation.

The third functional test, too, will be relatively easily met, though by no means will all imagined nations meet it. It will ask whether, in each case, the candidate imagined nation’s members are mobilized in the service of one or more identifiable goals. These goals need not be “projects” in Castellan terms, although certainly those will qualify. They may also be “resistance” goals as Castells identifies them. Two examples may help here. Take, again, Red Sox Nation: united by a

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<sup>172</sup> Ibid. 8.

<sup>173</sup> See text accompanying notes 114 to 118.

<sup>174</sup> Deutsch, *Nationalism and Social Communication*, 170.

shared identity, it cannot be said to be united by the pursuit of a common goal. Sure, Red Sox Nation wants to see the Red Sox win games, and if it is very lucky, see them win baseball's World Series. But apart from the marginal assistance Red Sox Nation's members can lend by attending and cheering at games, or showing up for victory parades, there really is very little they can do to cause their team to be victorious. Now take Howard Rheingold's description of the original hackers: creators, not disablers, of computer systems, they were bound together by adherence to an "informal social contract called 'the hacker ethic'" whose key principles were: "Access to computers should be unlimited and total. Always yield to the Hands-On Imperative. All information should be free. [And m]istrust authority – promote decentralization."<sup>175</sup> This is an anarchic goal, but a goal toward which hacker nation was actively mobilized nonetheless. Hacker nation passes the telos test.

A fourth functional test appropriate for application to imagined nations is economic: to what extent does the candidate engage in transfer of resources? Answering this question should help differentiate fan clubs (such as self-described Jedis) from networks capable of influencing world markets. Two examples of imagined nations engaged in functional economic transactions will serve to flesh this test out; both demonstrate sufficient economic activity.

First, diasporas are well known (though as-yet inadequately measured) market actors, contributing flows of both money and goods, not all of them above-board. Sheffer notes that "according to various analysts, remittances soon may outstrip the financing provided to homelands by multilateral institutions like the World Bank and the IMF and the aid given by rich countries."<sup>176</sup> But he also makes clear that diasporas' transstate networks can be and have been used to transfer "combatants, weapons, military intelligence, and money," all of which can be used to achieve political aims through violence, and that "[e]fforts made by single host governments, by coalitions of

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<sup>175</sup> Rheingold, *Smart Mobs*, 47, quoting Steven Levy, *Hackers: Heroes of the Computer Revolution* (New York: Doubleday, 1984).

<sup>176</sup> Sheffer, *Diaspora Politics*, 189-90.

host countries, and by international organizations such as Interpol to contain such networks and put an end to their activities have been almost futile.”<sup>177</sup> Diasporas pass the economic test with flying colors.

Second, Eric Posner describes a practice of informal resource pooling among Korean diasporans in the United States that amounts to the functional equivalent of banking. Korean immigrants and their descendants form a rotating credit group called a “kye,” in which approximately ten to thirty participants make regular monetary contributions to a pot that, at specified periodic intervals, is given to one member (chosen by lottery or bidding) entire. “As a result,” Posner explains, “early takers effectively borrow, and late takers save.”<sup>178</sup> The kye, too, is a sufficiently sophisticated and participatory method of monetary transfer to demonstrate its imagined nation’s economic functionality.

The fifth and final test for an imagined nation’s significance is its ability to perform the “security function.” Consistent with Jean Gottman’s claim that the chief political aim of organizing territory is the provision of security, the territory being organized against outsiders first, and internally only thereafter, we will look for analogous functions in candidate imagined nations.<sup>179</sup> As Roberto Unger has written, even multinational corporations need to fulfill the security function, as without the backing of a “great power,” those transstate actors would be vulnerable to rent-seeking (at the very least) and even violence unto dismantling at the hands of those possessing sufficient power to extort them.<sup>180</sup> Thus do diasporas engage in communal defense through small groups of

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<sup>177</sup> Ibid. 159

<sup>178</sup> Eric A. Posner, “The Regulation of Groups: The Influence of Legal and Nonlegal Sanctions on Collective Action,” *The University of Chicago Law Review* 63, no. 1 (Winter 1996): 135-36, n. 7. Cf. Kropotkin, *Mutual Aid*, 274 (describing a somewhat different method of economic cooperation among contemporary “friendly societies, the unities of odd-fellows, the village and town clubs organized for meeting the doctors’ bills, the dress and burial clubs, the small clubs very common among factory girls, to which they contribute a few pence every week, and afterwards draw by lot the sum of one pound”).

<sup>179</sup> Gottman, *Significance of Territory*, 7.

<sup>180</sup> Unger, *Plasticity into Power*, 120.

vigilantes as well as formal organizations that may clash violently with other diaspora communities, and too in political and legal activities to secure the protection of host states.<sup>181</sup> More direct examples exist: it is also “known that the Israeli secret services, especially the Mossad, maintain ongoing contacts with the security officers of major Jewish organizations all over the world.”<sup>182</sup>

An imagined nation’s fulfillment of the security function may take many forms, some of them quite novel. These may involve the formation of internal “law,” backed by use of force, to structure the relationships and resolve disputes among an imagined nation’s members. For instance, Castells describes how militia and “Patriot” groups in the United States have established Common Law” courts to allow their members to reject the traditional legal system and resolve disputes using their own judges, trials and juries:

They have even established a national “Supreme Court of Common Law” with 23 justices, based on the Bible and on their own interpretation of law. Common Law followers declare themselves “sovereign,” that is freemen, and refuse accordingly to pay taxes and social security, to comply with driving licensing, and to submit to all other government controls not contemplated in the original American legal body. To protect their sovereignty, and retaliate against public officials, they often file commercial liens against targeted public officials and judges, creating a nightmarish confusion in a number of county courts.<sup>183</sup>

An imagined nation’s performance of the security function need not be quite so dramatic, however, in order to satisfy this final functional test. Much more benign forms of self-policing, including those that occur entirely online and involve only restrictions on information, are possible. For example, an online community’s termination of a member’s privileges to participate therein provides sufficient evidence of a security function in that context: if a member can effectively be banished,

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<sup>181</sup> Sheffer, *Diaspora Politics*, 174-75. Note that for purposes of this thesis, an imagined nation’s ability to provide security for its members through the mechanism of a state’s power counts as fulfillment of the security function.

<sup>182</sup> Ibid. 187.

<sup>183</sup> Castells, *Power of Identity*, 93.



the security function test has been met.<sup>184</sup> Online communities have been especially creative at mobilizing the power of reputational capital to the ends of self-policing. Howard Rheingold thus argues that “[r]eputation marks the spot where technology and cooperation converge,” though of course use of reputation to keep community members in line must be backed by some form of force (such as effective banishment) in order to qualify as performing a security function.<sup>185</sup>

Perhaps surprisingly, imagined nations’ fulfillment of the security function is neither rare nor new. Petr Kropotkin adduces several examples of historical performance of this function among networked nations now no longer extant. Among these are the use by networks of North African Kabyle tribes of an associational form known as the *ɣof*, which was organized for mutual protection of its members, as well as to meet intellectual, political and emotional needs that could not be satisfied by territorial organizations such as the village, clan or confederation. The *ɣof* knew no territorial bounds, and protected its members in all areas of life. “Altogether, it is an attempt at supplementing the territorial grouping by an extra-territorial grouping intended to give an expression to mutual affinities of all kinds across the frontiers.”<sup>186</sup>

Kropotkin also reports that on Hanseatic League trading ships that had been out of port for half a day on a new voyage, crews would form temporary leagues, and elect judges and an administering official who served to keep order and resolve shipboard disputes throughout the voyage. At its end, these officers abdicated, and decreed that as to what had transpired on the voyage all should be pardoned by each other and should consider any disputes dead and done (“*todt und ab sein lassen*”). This appeal, however, included a reminder that if anyone did not consent to do

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<sup>184</sup> Peter Ludlow, “New Foundations: On the Emergence of Sovereign Cyberstates and Their Governance Structures,” in *Crypto Anarchy, Cyberstates, and Pirate Utopias*, ed. Peter Ludlow. (Cambridge, MA: MIT Press, 2001): 13-14 (describing one online community (a MOO) as suspending a member’s privileges on the basis of another MOO’s suspension thereof). (A MOO is a MUD-object oriented, and a MUD is a multiuser dimension or domain; *ibid.* 10.)

<sup>185</sup> Rheingold, *Smart Mobs*, 114. See also *ibid.* 119-23 for a discussion of reputation as a self-organizing principle in various online communities.

<sup>186</sup> Kropotkin, *Mutual Aid*, 145.

so, he must seek recourse from a land judge before sunset, or lose any right to make claims at local law arising from the voyage.<sup>187</sup> Such forms of internal law, so long as backed by meaningful enforcement, will be considered to have satisfied the test for an imagined nation's security functionality.

### *The Functional Approach Defended*

This functional approach to imagined nations accomplishes at least two significant goals: first, as noted above, it allows us to distinguish imagined nations that are essentially mere affinity groups from those that engage in activities that make them competitive with such legally established and sovereign entities as the modern state. Students and theorists of international relations will find such functionally viable imagined nations of greatest interest as players on the world stage. Second, a functional approach to imagined nations avoids the category confusion inherent in asking whether a candidate nation partakes of certain essential qualities, which are both manipulable, and symptomatic of the problem with our Westphalian lenses that creates the need to study imagined nations in the first instance. To illustrate this point, let us revisit the question of al Qaeda: from everything we have come to know about that organization, it meets the five-part functionality test for imagined nations: it is known to communicate through private language (thus, every time Osama bin Laden releases a video statement, CIA analysts pore over it in a search for hidden meanings); its members clearly share a self-conscious identity; it has enumerated goals, toward which it is actively working;<sup>188</sup> it engages in substantial economic transactions in order to finance its activities; and, as witness the fact that most of its key leaders are still at large, it is actively engaged in performing the security function vis-à-vis its members. Yet obviously al Qaeda is no sovereign state.

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<sup>187</sup> Ibid. 170.

<sup>188</sup> See text accompanying notes 145 to 150.

Note the “is-ness” of this latter conclusion: al Qaeda does not meet the status tests of the Montevideo Convention (in particular, it does not hold territory). Therefore, despite its centrality to world politics, it is a nonstate, and consequently has no “seat at the table” in international affairs. This does not, however, prevent sovereign states from justifying “war” with al Qaeda on the basis of al Qaeda’s failure to abide by “rules of war” set forth in international law. We have here something of a paradox, in that al Qaeda, an organization barred from participation in diplomacy because of its nonstate status, is nonetheless actively expected to follow the rules applicable to states.

One need not agree at all with al Qaeda’s goals or methods in order to see the tautology in expecting an imagined nation that one never intends to allow to participate legally in international affairs nonetheless to act in accordance with the very rules that block its participation. This problem is not new: “Barbarians and infidels were those who had different values, cultural habits and religious beliefs. The reference international lawyers make to practices of ‘civilized societies’ is of the same type: cultures that do not observe our rules are uncivilized.”<sup>189</sup> An approach to nonstate actors that diminishes their importance based on their legal (non)status may have the virtue of being clear, but insistence on unchanging legal forms of statehood that exclude nonstate actors from effective participation merely encourages them to act extralegally, and thus to evade rules put in place to secure peace and stability. Moreover, it ignores the inevitability of fundamental changes in the international system, by assuming that the Westphalian order will be eternal. Insisting that forms trump function in this way is a recipe for more conflict between nations with state status, and those that will literally kill to obtain such status. A functional approach to understanding imagined nations can help us begin the process of seeing these functional equivalents of states as full participants, which should help us avoid minimizing their relevance, and their potential to cause harm.

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<sup>189</sup> Burton, *World Society*, 8.

## V. Imagined Nations, Functionally Analyzed

### *The Functional Approach Applied: Prison Nation*

Finally, having described and defended a functional approach to understanding imagined nations, this thesis will apply that approach to two distinct candidates: prison nation (that is, the world's imprisoned population, to the extent that it engages in networked activity), and queer nation. Both of these transcend political borders, though much (but by no means all) of the discussion here will relate to their membership in the United States. At the conclusion of this section, we will be in a good position to evaluate these two imagined nations as functionally significant, or not.

We begin with prison networks, which are perforce related to criminal networks. In fact, prison is just one way that states have historically sought to address criminal activity, and is a recent innovation at that. Legal historian Lawrence Friedman has traced the development of criminal law in America, and has detailed the evolution of a prison system in that state. A brief discussion of his findings will help put prison nation into better context for further examination.

Regimes of crime and punishment in the British colonies in North America would be almost unrecognizable in the modern United States. Colonial methods were more suited to communal existence in small, isolated settlements: each community was constantly watchful of its members' actions, and punishment of crimes was designed to teach perpetrators a lesson "so that the sinful sheep would want to get back to the flock" – that is, punishment was aimed at reintegrating the law-breaker into her community.<sup>190</sup> This did not mean, however, that punishments were necessarily light: branding, mutilation, and the requirement that an offender perpetually wear a badge on his clothing indicating his crime were common forms of permanent punishment; banishment, and ultimately death were the only worse punishments, but were infrequently applied.<sup>191</sup>

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<sup>190</sup> Lawrence M. Friedman, *Crime and Punishment in American History*. (New York: BasicBooks, 1993).

<sup>191</sup> Ibid. 40-41.

Not until the nineteenth century did the penitentiary system develop in America, the preference of colonial authorities being to “rub[] the noses of offenders in community context” rather than to segregate criminals behind bars, where they could no longer contribute usefully to societies short of manpower.<sup>192</sup> When physical confinement was employed, usually to restrain the movement of debtors, it often meant the ability to come and go as one pleased within “prison bounds,” which could be quite liberal and include such common areas as Main Street, so long as one spent one’s nights in jail.<sup>193</sup> “Houses of correction,” or workhouses were at this time used to house the “lumpenproletariat”: vagrants, idlers, paupers and the like; those incarcerated in workhouses were by definition not contributing to the commonweal, and their imprisonment in workhouses was meant to correct that situation.<sup>194</sup> Colonial criminals were primarily “men at the bottom of the heap,” who were punished for petty crimes, fornication, idleness and other miscellaneous misconduct.<sup>195</sup>

These sorts of community-oriented punishment gave way by the nineteenth century to a strict separation of prisoner from society under the penitentiary system introduced throughout the US, but especially in the North, under which prisoners were kept locked up in jail buildings both throughout day (when they engaged in forced labor) and at night. Prisoners were kept in total silence, and under regimented circumstances, and often were compelled to wear hoods whenever they were outside their private cells, emphasizing the separation between them and the living world

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<sup>192</sup> Ibid. 48.

<sup>193</sup> Ibid. 49.

<sup>194</sup> Ibid. 49-50. Friedman cites a New Hampshire law (Laws N.H. 1718, 73-74) consigning to workhouses “Rogues, Vagabonds, and common Beggars, and other Lewd, Idle and Disorderly Persons . . . Persons using any subtle Craft, Jugling, or unlawful Games, or Plays, or feigning themselves to have knowledge in Physiognomy, Palmestry, or pretending that they can tell Destinies, Fortunes, or discover where lost or stolen Goods may be found; Common Pipers, Fiddlers, Runaways, Stubborn Servants, or Children, Common Drunkards, Common Night-walkers, Pilferers, Wanton, and Lascivious Persons, either in Speech, or Behavior . . . Railers, or Brawlers [who] neglect their Callings, Mispending what they earn, and do not provide for themselves, or the support of their Families.”

<sup>195</sup> Ibid. 50-51.

of society.<sup>196</sup> By this point in American history, criminal law had taken on a function it bears still: that of “labeling and identifying who is in and who is out, who is deviant and who is mainstream.”<sup>197</sup> By the late nineteenth century, American prisons were in scandalous condition, and had become “a lesson on the meaning of race, poverty, and lack of power – and the terrible indifference of respectable people to the miseries of life underneath their feet.”<sup>198</sup>

The situation today is not any better. Friedman notes that in modern prisons, gangs, organized racially or along other lines, predominate, murder rates are high, and drugs and weapons are readily available.<sup>199</sup> He speculates that American prisons are now headed toward an internal, radical Hobbesian anarchy, a kind of prison self-government that has been foreshadowed since at least as early as 1923, when a report on conditions in Kentucky jails noted that prisoners had begun running their own kangaroo courts.<sup>200</sup> Today, according to Friedman, as a result of an overwhelming (and probably irrational) fear of crime, “[w]e throw people into prison at an astonishing rate. There has never been anything like it in American history. Penology is overwhelmed by the sheer pressure of bodies.”<sup>201</sup> And indeed, while in 1880 about 61 of every 100,000 US residents was incarcerated in a prison or reformatory (about 170 of every 100,000 US residents aged 20-44), by 1983 this figure had risen to 179 per 100,000 (469 per 100,000 among those 20-44).<sup>202</sup> The prison population, at least in America, is thus becoming increasingly significant in terms of numbers alone.

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<sup>196</sup> Ibid. 80-81.

<sup>197</sup> Ibid. 84.

<sup>198</sup> Ibid. 168.

<sup>199</sup> Ibid. 314.

<sup>200</sup> Ibid. 315 and n. \*.

<sup>201</sup> Ibid. 316.

<sup>202</sup> Ibid. 460.

Meanwhile, the same forces of globalization that have facilitated the rise of networks generally have equally aided the aims of those who engage in activity the law deems criminal. Internet tools, especially cryptography, can be deployed by criminal networks to evade detection by law enforcement authorities, and to further their nefarious ends.<sup>203</sup> As a result, criminal networks have proliferated. Castells notes that a 1994 United Nations Conference on Global Criminal Economy concluded that as much as US \$750 billion in capital from illegal sources was being laundered in the global financial system annually.<sup>204</sup> He goes on to note that international criminal networks have direct impacts on sovereign states along three lines: 1) in many instances, the entire structure of the state, including the pinnacles of government, is “penetrated by criminal networks”; 2) international relations are increasingly dependent to various degrees on the extent to which less powerful states cooperate with more powerful states in fighting criminal networks (think here of the relationship between the US and Colombia); and 3) financial flows of criminal origin now can by themselves stimulate, or destabilize, national economies.<sup>205</sup>

Castells explains that global criminal organizations have adopted a strategy of basing management and production activities in geographical locations that present a lower risk, while targeting as markets those areas with most affluent demand, and then using globalized communication and transportation to transfer their goods and services from one site to the other.<sup>206</sup> He further details numerous global criminal networks, including the Sicilian and American mafias (the former of which he notes has established trading ties with Colombian coca cartels), Chinese Triads, Japanese *Yakuza*, Russian mafia emerging from the traditional *vorovskoi mir* thieves’ community, drug cartels throughout Latin America, Turkish organized crime networks, Albanian

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<sup>203</sup> Denning, Dorothy E. and William E. Baugh, Jr., “Hiding Crimes in Cyberspace,” reprinted in *Crypto Anarchy, Cyberstates, and Pirate Utopias*, ed. Peter Ludlow. (Cambridge, MA: MIT Press, 2001): 115-42.

<sup>204</sup> Castells, *Power of Identity*, 321.

<sup>205</sup> Ibid. 322.

<sup>206</sup> Castells, *End of Millennium*, 171.

mafias, and diversified Nigerian criminal networks (which excel at credit card fraud).<sup>207</sup> Though each of these is nationally affiliated, each operates internationally. Key criminal activities for such networks include weapons trafficking, trafficking in nuclear material, smuggling of illegal immigrants, trafficking in women and children, trafficking in body parts, and money laundering.<sup>208</sup>

As previously noted, such criminal networks' activities have direct effects on national economies, often overwhelming the national economies of small states, conditioning macroeconomic processes in others such as Colombia, Peru, Bolivia and Nigeria, and in such states as Russia and Italy making the economic environment sufficiently unpredictable so as to skew investment toward the short term. Even in Japan, the 1995 savings and loans defaults were partially blamed on bad loans forced on bankers by the *Yakuza*.<sup>209</sup> Gabriel Sheffer has detailed some of the connections among these international outlaw networks, noting cooperation among Palestinian terrorist groups, the Red Army in Japan, and Germany's Baader Meinhof gang. As is well known, Palestinian groups often trained members of other ethnic groups in conflict with their homelands, including Shiite Lebanese, Kurds in Europe, and Albanian and Irish "freedom fighters."<sup>210</sup> Moreover, according to Sheffer, "[m]afia-like organizations in homelands maintain close connections with their counterparts in diasporas." Through these networks, crime organizations such as those enumerated here can have worldwide reach, with transfers of money, information, and contraband flowing in both directions.<sup>211</sup> Castells sees the situation as increasingly dire: "The state is not only being bypassed from outside by organized crime. It is disintegrating from within."<sup>212</sup> Worse still, he avers, international criminal networks are having a permanent impact on future

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<sup>207</sup> Ibid. 173-76.

<sup>208</sup> Ibid. 176-80.

<sup>209</sup> Ibid. 207.

<sup>210</sup> Sheffer, *Diaspora Politics*, 157.

<sup>211</sup> Ibid. 187.

<sup>212</sup> Castells, *End of Millennium*, 209.



generations. “[T]he main cultural impact of global crime networks on societies at large, beyond the expression of their own cultural identity, is in *the new culture they induce*,” when, for example, such networks’ leaders serve as role models for youth who have very few prospects otherwise, and who thirst for a life of consumption and adventure.<sup>213</sup>

Criminal networks are thus a significant force in contemporary international relations. But what of the imagined nation we were preparing to evaluate, prison nation? The two are inextricably linked. Criminals who are caught and convicted are usually sent to prison. Ideally, this takes them sufficiently out of the public that they can no longer engage in criminal activity, but this ideal is not always achieved. In some cases, criminal gangs are made up in part of illegal immigrants, and these are often rounded up, put in jail with other criminals, and then deported. Or in some cases, people who are jailed for relatively minor offenses wind up incarcerated with inmates who encourage (or sometimes force) them to join gangs. In both cases, prisons serve not to reduce, but to expand, the human resources of international criminal networks.<sup>214</sup> Criminal networks can be seen as forming through the circulation of members in and out of prisons, just as epistemic communities develop through circulation of members in and out of universities, think tanks, and governments.

Criminal networks have been known to employ the language and conceptual vocabulary of international relations. When, for example, U.S. District Court Judge Joan Humphrey Lefkow’s husband and elderly mother were murdered in her Chicago home, suspicions first centered on Matthew Hale, a leader of the white supremacist group World Church of the Creator, whom Lefkow had jailed for contempt in connection with a trademark lawsuit that the “church” lost. Although experts indicated that it was unlikely that Hale had engineered or otherwise assisted the murders from his jail cell, he had publicly declared that “a state of war” existed between members of his

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<sup>213</sup> Ibid. 210.

<sup>214</sup> See, for example, Sheridan and Cho, “MS-13 Crackdown,” (noting that several of the area men caught up in a sweep of illegal immigrants suspected of Latino gang activities were already in jail on other charges).

organization and Judge Lefkow, had posted her address and other particulars on the church's website, and had solicited a church security chief (who was in fact a federal informant) to murder Lefkow.<sup>215</sup> As a result, Hale was, if not a suspect, very much a target of the initial investigation into the murders, even though he was in prison. Experts on hate groups have noted that they are experiencing a resurgence as a result of mass communications technologies, particularly the Internet, which allows them "with the click of a mouse, [ ] immediately [to] access tens of thousands of like-minded people around the world. . . . and feel empowered."<sup>216</sup>

The internal politics of prisons also plays a significant role in connecting inmates, sometimes while inmates, and sometimes only upon release, to international criminal networks, including various white supremacist groups, ethnic gangs, and radical Muslims. Illustrations of this can be seen in two recent cases. The first involves the tragic mauling to death of a San Francisco woman, Diane Whipple, by her neighbors' Presa Canario dog, Bane. Bane's owners, Marjorie Knoller and Robert Noel, were caring for the dog on behalf of its owner, Paul "Cornfed" Schneider, who was and is serving a life sentence in a California prison for attempted murder. Schneider is a member of the Aryan Brotherhood, a white supremacist prison gang, and was adopted by Knoller and Noel, who are criminal defense attorneys, as their son. Knoller and Noel were helping Schneider raise Presa Canarios for a website known as "Dogs of War."<sup>217</sup> Of greatest significance to this thesis are that Schneider, a member of a criminal gang with international reach, though imprisoned for life, was still able (through others) to act outside prison walls in furtherance of gang objectives (i.e., raising vicious dogs). Other examples of imprisoned criminals using personal and computer

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<sup>215</sup> Peter Slevin, "Relatives of U.S. Judge Slain in Chicago Home: White Supremacist Had Ordered Judge Killed," *Washington Post*, 2 March 2005, A3. Hale turned out not to have been connected to the murders, which were carried out by another man who had lost a case before Lefkow.

<sup>216</sup> Peter Slevin, "Supremacists Suspected in Killings at Judge's Home," *Washington Post*, 3 March 2005, A2.

<sup>217</sup> Sharon Waxman, "Dogs' Owners Faulted in Mauling-Death Trial: L.A. Court Is Told of Earlier Incidents," *Washington Post*, 20 February 2002, A3.

networks to act beyond their walls are easy to produce. Castells, for instance, has described how, through technology, child pornography has been brought into the homes of pedophiles, “making it difficult to police,” with the Internet now a prime means used by adults to solicit opportunities for sexual encounters with children. “Thus,” according to Castells, “an impoverished, deindustrialized town in Northern Minnesota found their [sic] children specifically targeted in the records confiscated by police of a pedophile network *operated from prison by inmates.*”<sup>218</sup>

The second case connects US prisoners, radical Islam, and al Qaeda. In 2002, Jose Padilla, also known as Abdullah al Muhajir, was arrested for allegedly planning to set off a radioactive “dirty bomb” in Chicago. Padilla, it turned out, had been in and out of various US jails on charges relating to (Latino) gang activity, drugs, and illegal possession and use of weapons. Though it is not known whether or to what degree he was directly exposed to radical Islamic teachings while incarcerated, he eventually converted from Catholicism to Islam, and shortly thereafter traveled to Egypt, Pakistan, and Switzerland, meeting with al Qaeda operatives along the way, before allegedly taking initial steps toward specific terrorist activities.<sup>219</sup> From Padilla’s point of view, undoubtedly, his native government, the United States, was essentially an enemy – one that had repeatedly (if justifiably) sentenced him to confinement. His loyalties, then, were not to his repeated captors, but rather to those who sought to do harm to them; and his experiences in prison informed his understanding and facility in navigating criminal networks, including al Qaeda.

Finally, before proceeding to subject prison nation to the functional tests set forth above, it is worth considering that in the ongoing conflict in Iraq, prisons, including most infamously Abu Ghraib, have played a central role. Beyond the documented mistreatment of those imprisoned there by US forces, which demonstrably hardened Iraqi insurgents’ opposition to US goals and actions in

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<sup>218</sup> Castells, *End of Millennium*, 159 (emphasis added).

<sup>219</sup> Manuel Roig-Franzia and Amy Goldstein, “A Bomb Suspect’s Search for Identity: In Padilla’s Metamorphosis into al Muhajir, Fla. Proved a Turning Point,” *Washington Post*, 15 June 2002, A1.

Iraq, Abu Ghraib and other American-operated prisons in Iraq have become flashpoints for violence.<sup>220</sup> US soldiers have become prison guards, and find themselves literally at war with an imagined nation comprising a community of prisoners.

Does prison nation demonstrate sufficient behaviors to pass the tests set forth above for functional equivalency with nation-states? The first asks whether prison populations communicate using “private language,” such that a dictionary would be necessary for a nonmember of the nation to understand it. They do, as demonstrated by dictionaries of “prison slang.”<sup>221</sup> Whether prisoners in different states, using different native languages can do so is highly questionable, but recall that prisoners in different facilities do not generally communicate directly with one another, but rather through proxies on the “outside.” It is sufficient, then, that those members of prison nation incarcerated in the same facility can communicate with one another in code, and that such code can also be used to carry “private” messages to the outside, and can be used by former prisoners (still members of “prison nation” in many cases) once they themselves are freed.

We have seen that the second test, identity as a member of a group, is easily met. Here, even if one wished to deny former or current membership in “prison nation,” one’s stigmatizing record as an ex-convict nevertheless would follow one through life.<sup>222</sup> Moreover, some do not even seek to shed this stigma: having been incarcerated is a badge of honor among many gang members, and increasingly is even a matter of pride for others who view themselves as having an outgroup

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<sup>220</sup> See, for example, Bradley Graham, “Prisoner Uprising in Iraq Exposes New Risk for U.S.: Nonlethal Weapons Proved Ineffective as Chaos Spread,” *Washington Post*, 21 February 2005, A1; Ellen Knickmeyer, “Zarqawi Said to Be Behind Iraq Raid: Assault on Abu Ghraib May Signal New Tactics,” *Washington Post*, 4 April 2005, A1.

<sup>221</sup> See, for example, The Other Side of the Wall, “A Prisoner’s Dictionary.” <http://dictionary.prisonwall.org/> (accessed 15 April 2005).

<sup>222</sup> On the subject of stigma and criminality, see Steven L. Neuberg, Dylan M. Smith and Terrilee Asher, “Why People Stigmatize: Toward a Biocultural Framework,” in *The Social Psychology of Stigma*, ed. Todd F. Heatherton, Robert E. Kleck, Michelle R. Hebl and J. G. Hull. (New York: Guilford, 2000), 37-39 (noting that freeriding and other forms of theft from the community constitute violations of the social contract of reciprocity, and thus those who participate in these activities are stigmatized by the community). Cf. text accompanying notes 190 to 192.

identity.<sup>223</sup> As prison populations grow larger, this trend is likely to continue. Clearly prison nation passes the (relatively easy) functional test of self-conscious identity.

The third functional test asks whether members of a putative prison nation share common goals. In terms of Castells's tripartite schema,<sup>224</sup> prisoners certainly share a resistance goal: that of resisting the authority of their captors. And as discussed in reference to the case of Jose Padilla, such resistance may well lead particular members of prison nation to pursue project-oriented goals. It would not be accurate, however, to speak of prison nation as a whole as having particular goals apart from resisting the authorities who incarcerate them.

Predictably enough, prison nation engages in substantial economic activity, both inside the confines of jailhouses, and, through smuggling, with the outside world. Any society whose access to goods (and services) is deliberately limited (as it is in prison) will suffer from serious scarcity with respect to thereto, and through scarcity are markets born. Unsurprisingly, restrictions on the movement of currency and goods into, out of, and throughout prisons notwithstanding, prison nation is rife with economic activity.<sup>225</sup>

Finally, we must ask whether prison nation is able to perform the security function with respect to its members. To this question, the answer is a resounding yes. Criminal networks are definitionally criminal in part because they resist states' legal monopoly on uses of force. As the tale of Matthew Hale and Judge Lefkowitz illustrates, criminal networks are commonly understood to use force to protect their members, to exact revenge, and to instill fear. And as the story of "Cornfed" Schneider illustrates, activities prefatory to (and tantamount to) use of violence can be orchestrated

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<sup>223</sup> For the premise that prisoners view themselves as a group with a degree of solidarity, particularly as against guards, see generally Ted Conover, *Newjack: Guarding Sing Sing*. (New York: Random House, 2000). A very interesting discussion of an ex-con turned criminologist, turned recidivist, see Associated Press, "Robber: Prison Will Help My Crime Research," 2 March 2005. Available at <http://apnews.myway.com/article/20050303/D88J59BO0.html> (accessed 10 April 2005).

<sup>224</sup> See text accompanying note 172.

<sup>225</sup> See, for example, Conover, *Newjack*, 131, 153-54, 275, 296 (undercover journalist prison guard relating stories regarding various kinds of contraband found and traded in prison, from weapons to cigarettes).

by inmates from their cells. Prison nation readily engages in the security function. And having met all five parts of the test for functional equivalency with states, under the rubric of this thesis, prison nation is a functional imagined nation.

### *The Functional Approach Applied: Queer Nation*

This thesis will now examine, briefly, a second imagined nation – queer nation – with a view to determining whether it too can be considered a functional imagined nation. Recalling the five-part test for functionality, we ask first whether queer nation can properly be said to have a language – the sort that would require outsiders to consult a dictionary. The answer here again is that yes, sexual minorities engage in coded communication that only insiders can understand, but that as with prison nation the same language is not used among all queer communities (though some terms may transcend such communities). Paul Baker has conducted substantial research into one such queer language, Polari, “a secret language used by gay men and lesbians, in London and other UK cities with an established gay subculture, in the first 70 years or so in the twentieth century,”<sup>226</sup> and has compiled a dictionary of Polari specifically, and slang used among queer populations in English-speaking countries generally.<sup>227</sup> Sexual minorities within other linguistic communities have also developed coded language.<sup>228</sup> Clearly queer nation has functional language.

Queer nation also easily meets the test for self-conscious functional identity. Indeed, sexual minorities are united fundamentally by only one thing: the stigma that is brought to bear against them because of their sexual orientation. Gay men and lesbians, for instance, facially have little in the way of common interests, other than the fact that many societies revile them equally, and usually

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<sup>226</sup> Paul Baker, *Polari – The Lost Language of Gay Men*. (London: Routledge, 2002), 1.

<sup>227</sup> Paul Baker, *Fantabulosa: A Dictionary of Polari and Gay Slang*. (London: Continuum, 2002), vii.

<sup>228</sup> See, for example, Jeremy Seabrook, *Love in a Different Climate: Men Who Have Sex with Men in India*. (London: Verso, 1999) (describing Farsi and Hindi slang used by men engaging in homosexual activity in Delhi, India).

revile them as one group rather than as distinct subgroups.<sup>229</sup> The very fact that these groups ordinarily unite under such labels as “queer,” “homosexual,” or “sexual minorities” (not to mention various unwieldy constructions using the first letters of categories of sexual minority, such as “GLBT”) demonstrates sufficient functional self-conscious identity for queer nation to pass this test.

Does queer nation have goals? Certainly it has Castellan “resistance” goals: it seeks to resist the stigmatization and accompanying denial of rights of its members by states and informally by substate communities and individuals. Whether queer nation can claim project goals is less clear: certainly the worldwide AIDS epidemic has mobilized sexual minorities worldwide to work to find a cure, to limit the disease’s spread, and to educate populations about its dangers. But individual gay men, lesbians, transgendered people and other members of queer nation are often quick to point out that their sexual orientations do not mean that they share broadly political viewpoints or societal goals, apart from resistance to discrimination against themselves. Queer nation probably passes the telos test, but whether it can be said truly to be united behind particular project goals is unclear.

It is dubious that queer nation engages in substantial economic activity internal to itself as a network. In the US, the “homosexual lobby” has raised a good deal of money to promote its (diverse) project goals and to support various candidates for political office (though there are prominent queer supporters of both major political parties). Queer nation does not appear to engage in anything akin to diasporas’ remittances, though there is substantial mutual aid practiced among its members. Queer nation may well fail the economic functionality test.

Finally, does queer nation fulfill the security function for its members? Here the answer appears to be yes. Indeed, at least three illustrations of this function in action can readily be provided. First, there is significant evidence that sexual minorities will, facing sufficient threats to their safety, seek out more tolerant states in which to live, even when the most readily available

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<sup>229</sup> See Neuberg, et al., “Why People Stigmatize,” 46.

tolerant state alternative is the mortal enemy of the emigrant's homeland. As a specific example, Palestinian gay men have for many years fled to Israel, crossing one of the world's least porous borders in the face of serious danger should they be caught and returned to their homes. These typically young men are able to survive in the land of their "natural" enemies only because of internal networks of gay men who assist them with housing, inculcation of survival skills, and even sometimes financial support.<sup>230</sup>

Additionally, as queer nation becomes increasingly visible, and its members are increasingly "out of the closet," sexual minorities who are by profession keepers of the peace have begun to focus their efforts on ensuring that other members of the queer community are adequately protected through official means. A case in point is Washington DC's police "Gay and Lesbian Liaison Unit," which both educates rank-and-file police officers about the needs and characteristics of DC's queer community, and provides a ready means for that community to bring its security needs to the attention of Washington's constabulary.<sup>231</sup> Finally, Theo van der Meer's scholarship on "sodomite networks" in eighteenth century Europe demonstrates, among other things, that as long as three centuries ago gay men were willing to shelter petty criminals who were willing to engage in homosexual conduct, demonstrating an exchange of security for membership.<sup>232</sup> Queer nation did, and does, provide sufficient security to its members to conclude that it passes this fifth part of the functional test for imagined nations. But in sum, we have a mixed result at best: queer nation will require more study in order to determine its degree of functional equivalence to nation-states.

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<sup>230</sup> Dan Baron, "Focus on Issues: For Homosexual Palestinians, Israel Is Their Best Shot at Safety," *JTO: Global News Service of the Jewish People*, 31 December 2003. Unfortunately, such assistance as is rendered is often accompanied by demands (explicit or otherwise) for sexual favors.

<sup>231</sup> Anne Hull, "The Stewards of Gay Washington," *Washington Post*, 28 March 2005, A1.

<sup>232</sup> Theo van der Meer, "Sodomy and the Pursuit of a Third Sex in the Early Modern Period," in *Third Sex, Third Gender: Beyond Sexual Dimorphism in Culture and History*, ed. Gilbert Herdt. (New York: Zone Books, 1994), 154-58.



## Conclusions and Horizons

We have just seen that under a reasonable test, at least one imagined nation appears to be the functional equivalent of a nation-state, without, of course, international legal recognition as such. There may be many more, and some obvious next steps along this path of research involve asking what other imagined nations might bear analysis, and how the five-part test for functionality might be improved. In the meanwhile, it remains for this thesis to fit functional imagined nations into theories of world politics.

International relations theorists commonly evaluate international actors according to “levels of analysis” designating as units of study individuals, states, and the global system; most theorists thus far have focused their work on the latter two.<sup>233</sup> The study of imagined nations operates at all three levels of analysis. Significantly, it investigates how individuals aggregate to form relatively anarchic societies that are not bounded by geographic borders, and are not in possession of land (and thus are not legally sovereign). But it also, by insisting that at least some imagined nations are the functional equivalents of states in important ways, focuses on the state level without focusing on “states” as such, and seeks to examine the effects of these networked, transstate actors within the global system. This is all to the good, for as John Burton has noted:

It is because of the past preoccupation with relations between nations that “International Relations” is the title that is usually given to the discipline concerned with the study of world politics and world society. . . . The general idea that most of us have of world society is one that is based on maps of the world which emphasize state boundaries, on historical studies which concentrate on relations among governments. We are familiar with a set of national symbols, customs and institutions that make us feel different from peoples in other states. For this reason we think about world affairs as though they were confined to relations among states or state authorities.<sup>234</sup>

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<sup>233</sup> Dougherty and Pfaltzgraff, *Contending Theories*, 28.

<sup>234</sup> Burton, *World Society*, 19.

And although “[s]tate boundaries are significant, [ ] they are just one type of boundary which affects the behavior of world society.”<sup>235</sup>

Indeed, as we move from the Westphalian order into an increasingly networked world, where people are ever freer to choose their identities and their identifications as members of various states, groups, organizations and nations, we will need new theoretical perspectives and new bases for ordering world society that take account of these developments. In his last book before his death, political philosopher John Rawls applied his theories of social justice to the international context. In so doing, he specifically addressed his proposed system of justice not to states, but to liberal *peoples*, i.e. those having “a reasonably just constitutional government that serves their fundamental interests; citizens united by what Mill called ‘common sympathies’; and finally, a moral nature.”<sup>236</sup> Notably missing from his definition is that key characteristic of states: sovereignty as a matter of international law:

I use the term “peoples” [ ] to distinguish my thinking from that about political states as traditionally conceived, with their powers of sovereignty included in the (positive) international law for the three centuries after the Thirty Years’ War (1618-1648).<sup>237</sup>

He continues:

The powers of sovereignty also grant a state a certain autonomy . . . in dealing with its own people. From my perspective this autonomy is wrong.<sup>238</sup>

Rawls may have been ahead of his time: Hedley Bull’s “new medievalism” is not yet obviously upon us. But a consensus is growing among international relations theorists that the state as we know it may have run its course; a similar consensus is growing among people that the state is increasingly

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<sup>235</sup> Ibid. 20.

<sup>236</sup> John Rawls, *The Law of Peoples*. (Cambridge, MA: Harvard University Press, 1999), 23.

<sup>237</sup> Ibid. 25.

<sup>238</sup> Ibid. 25-26.

failing to serve their needs.<sup>239</sup> This thesis has begun the project of identifying and evaluating some of the emerging alternatives to sovereign states, in particular those that might have the capacity to act on behalf of their members as functional substitutes for states. It now concludes with proposals for areas of further research, and with a recapitulation of themes important to this investigation.

### *Proposals for Further Research*

Allison Brysk has begun the work of examining the potential for transstate actors to engage in “private” violations of human rights that are not subject to direct regulation by state authorities.<sup>240</sup> To the extent that imagined nations engage in similar human rights violations, it will be the task of new forms of international law to determine how best to curb these actions of these fundamentally unaccountable interstate actors.

Meanwhile, states continue what may be ultimately futile attempts to restrict interstate circulation of people, goods, and ideas. Identification cards are increasingly required of all citizens in order to transact business, but especially in order to transcend political borders.<sup>241</sup> And the world’s last superpower is considering designating classroom knowledge a “deemed export” when transmitted from university professors to students whose identification cards state that they are citizens of states upon which the US imposes export restrictions.<sup>242</sup> More work is needed to determine what the effects might be of such attempts to turn back the clock on global flows.

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<sup>239</sup> Köchler, “Self-Determination,” 141 (concluding that “[i]t is not the *state* that is ‘eternal’ and that enjoys ‘inalienable rights,’ but the *people* as a collective social and cultural reality. The will of the peoples constitutes the source of political legitimacy and the normative basis of any national or international system. Only a peoples-centered, not a state-centered, framework of international law will be in conformity with the requirements of human rights and democracy as propagated in the global political discourse.”).

<sup>240</sup> Allison Brysk, *Human Rights and Private Wrongs: Constructing Global Civil Society*. (New York: Routledge, 2005), 1.

<sup>241</sup> See Anderson, *Imagined Communities*, 185 n. 37 (discussing Indonesian identification cards “isomorphic with the census.”) Cf. *Hübel v. Sixth Judicial Dist. Ct. of Nevada, Humboldt County*, 542 U.S. 177 (2004) (holding that US states may require citizens to present photographic identification upon demand).

<sup>242</sup> *University of Chicago Magazine*, “Q&A: Research Post-9/11,” vol. 97, no. 4 (April 2005): 17-18.

Decades ago, Karl Deutsch outlined a research agenda to test communities for “we-feeling” and communicative capacity, as a way of determining which constituted functional nations. His proposals for such tests should be extended and applied to members of imagined nations and other identity groups, as a way of coming to understand better how functional languages develop, and can be mobilized to limit messages to intended audiences, as well as how such linguistic devices construct functional national identities.<sup>243</sup>

The role of stigma in constructing “outgroup” identities and potentially imagined nations with Castellan resistance agendas also needs further investigation. Though there has been much recent work on stigma generally in human psychology, this has not yet been applied in any direct way to the interactions of peoples, nations, and states, much less to imagined nations. Issues of stigma are closely bound up with identity, and involve individual and group reactions to deviance and category membership.<sup>244</sup> Consequently it would appear that the application of stigma can have a constructive effect on identity. Since identity is at the core of nation-ness, in an age of increasing identity fluidity, stigma’s role will be of increasing importance to the study of international relations.

Finally, there are numerous other colorable imagined nations awaiting study and analysis. Further research in this area should help to determine whether these are now or are becoming the functional equivalents of states, the nature of their power, and the trajectories of their development.

### *The Inevitability and Desirability of Change*

Roberto Unger has warned of “the subversive effect a disabled institutional imagination

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<sup>243</sup> See, for example, Deutsch, *Nationalism and Social Communication*, 91, 94, 111.

<sup>244</sup> John F. Dovidio, Brenda Major and Jennifer Crocker. “Stigma: Introduction and Overview,” in *The Social Psychology of Stigma*, ed. Todd F. Heatherton, Robert E. Kleck, Michelle R. Hebl and J. G. Hull. (New York: Guilford, 2000), 5.

exercises upon our normative political ideas.”<sup>245</sup> As we approach an era of new possibilities for the structuring of world politics and international power, we would be wise to reenable our institutional imaginations, so as not to try endlessly to shoehorn new verities into old categories. Fortunately, “[w]e can acknowledge the replaceability of inherited institutions without giving credence to the idea of a foreordained sequence that predetermines what can or must come next.”<sup>246</sup> The goal of a single mechanism of world government, for instance, modeled on the sovereign state, has long been the dream of international statesmen. But there is no foreordained sequence of governments, for the world or any other polity.

The future may be surprising, and we should be preparing the theoretical capacity to understand its substance, no matter what forms it brings. For his part, Unger recommends the joining together of contractarian autonomy of individuals from government, and corporatist principles of unitary classification, in order to further the project of empowered democracy, recommending, for instance, adoption of a unitary structure of semisovereign neighborhood associations for his native Brazil (not unlike the panchayat system of local village governance in present-day India).<sup>247</sup> “[S]uch open-ended associational experiments complement rather than replace an associative structure established by law and made, by law, independent from government. This antistate helps keep the state humble and the people proud, inquisitive, and restless.”<sup>248</sup> Such is Unger’s vision for the future.

Another vision emphasizes the role of anarchy, itself a major theme of this thesis. If, as John Burton concludes, the fruits of observation and analysis at the international level can have practical applications at the domestic level, and vice-versa, and throughout the levels of analysis, and,

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<sup>245</sup> Roberto Mangabeira Unger, *False Necessity: Anti-Necessitarian Social Theory in the Service of Radical Democracy*. (London: Verso, 2004), 21.

<sup>246</sup> Ibid. 39.

<sup>247</sup> Ibid. 479.

<sup>248</sup> Ibid. 480.

as is the consensus among theorists of international relations, the interactions among sovereign states are governed by their existence in anarchy, then the study of anarchic interactions among imagined nations, and of the development of societies from the bottom up, should be of interest to all such theorists.<sup>249</sup> Internet communities and other anarchic, ad hoc, identity groups provide fertile ground for studies of anarchy that do not start from the Hobbesian premise that anarchic society is always bad or dangerous for its members.

Finally, it should be kept in mind in analyzing and contributing to the development of new forms of international order (anarchic or otherwise) that not all *people* wish to belong to states.<sup>250</sup> Castells, for instance, predicts that although nation-states will survive, they will be stripped of their sovereignty, and “will band together in multilateral networks, with a variable geometry of commitments, responsibilities, alliances, and subordinations.”<sup>251</sup> As it is increasingly possible for people to turn to functional equivalents of states – imagined nations – for their security and other needs, we can surmise that people too will band together in multilateral networks with variable geometries. We should be prepared to see these networks for what they are – autonomy-enhancing improvements on the rigid forms of states – rather than prematurely fitting them for Westphalian coffins.

[H]ere in the Zone categories have been blurred badly. The status of the name you miss, love, and search for now has grown ambiguous and remote, but this is even more than the bureaucracy of mass absence – some still live, some have died, but many, many have forgotten which they are.

— Thomas Pynchon, 1973<sup>252</sup>

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<sup>249</sup> Burton, *World Society*, 5.

<sup>250</sup> See note 81 and accompanying text.

<sup>251</sup> Castells, *End of Millennium*, 386.

<sup>252</sup> Thomas Pynchon, *Gravity's Rainbow*. (New York: Penguin, 1973), 303.

Since commands from the state cannot be fully enforced, and since some of its fundamental promises, embodied in the welfare state, cannot be kept, both its authority and its legitimacy are called into question.

Power, however, does not disappear. In an informational society, it becomes inscribed, at a fundamental level, in the cultural codes through which people and institutions represent life and make decisions . . .

— Manuel Castells, 2000<sup>253</sup>

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<sup>253</sup> Castells, *End of Millennium*, 386.

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