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From "abandoned people" to "stealth entrants": a genealogy of identity shifts of Chinese migrants

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ABSTRACT

The Sea Ban policy in China since the seventeenth Century and the Chinese Exclusion Acts in the United States and other western countries since the nineteenth Century have cast diasporic Chinese as pioneers of "irregular migration." These individuals were among the first group of people to be designated as *qimin* (abandoned people) and *touduke* (stealth entrants) in Mandarin, as well as "illegal aliens" in the English-speaking world. The rise of the modern inter-state system has increasingly restricted certain forms of trans-border movement, thereby producing specific forms of life existence as "immoral," "illegitimate," and "illegal." Through a lens combined with Nietzschean genealogy, Foucauldian biopolitics, and Benjaminian philosophy of language and translation, this essay investigates the transformative terms denoting these diasporic [irregular] migrants, exploring the dynamic tensions between sovereign power and human life.

As an anthropological and historical essay grounded in both archival and ethnographical research, this essay analyzes six key terms that signify the identity/shenfen of [irregular] Chinese migrants: *tianxiaren* (people of the world under heaven); *qimin* (abandoned people); *huaqiao* (overseas Chinese, or Chinese sojourners); *guomin* (citizen, or state-people); *Zhongguoren* (Chinese, or people of the Central States); and *touduke* (illegal migrants, or strangers stealing across borders, stealth entrants). Through these key terms, the essay illuminates how political inequality is constructed and maintained through the sovereign act of designation, and how human life, conversely, seeks to navigate, circumvent, or subvert the deployment of sovereign power.

KEYWORDS

Chinese diaspora; irregular migration; illegality; nationalism; state-formation; genealogy; biopolitics; identity; citizenship

1. Introduction

Words are froth swinging on the surface of sea waves, which disappear transitorily into the onrush of historical torrents. Yet, words are also pearls lying at the ocean's depths, which crystallize historical memories, etch traces of the past, and as actants, participate in historical formations. At the same time, the web woven by words does more than circumscribe the boundaries of the space of signification. Since actions are linguistically structured, this symbolic terrain not only delineates the periphery of actions but also creates the conditions for loosening, subverting, and remapping the boundaries of this space of signification.

This essay aims to investigate several key terms central to the formation of modern China and the historical shifts in the identities of the Chinese diaspora. Framed as a Nietzschean genealogy of words and world order (Nietzsche 2006), this essay addresses the following questions: For overseas Chinese

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who crossed geopolitical borders, what forms of identity did they acquire throughout history? How are the transformations of these identities intertwined with the emergence of the modern nation-state system? Furthermore, what insights into the relationship between sovereign power and human life can be drawn from examining the history of identity shifts among the Chinese diaspora?

This essay examines several key terms that have historically represented the identity shifts of the Chinese diaspora. These terms, along with other related historical concepts, not only reflected but also contributed to the formation of the modern Chinese state, and with this, the modern inter-state system, in which the Chinese diaspora had to navigate geopolitical borders, whether lawfully or irregularly. The keywords explored in this essay include: *tianxiaren* (people of the world under heaven; section 2); *qimin* (abandoned people; section 3); *huaqiao* (overseas Chinese, or Chinese sojourners; section 4); *guomin* (citizen, or state-people; section 5); *Zhongguoren* (Chinese, or people of the Central States; section 6); and *touduke* (illegal migrants, or strangers who steal across borders; section 7).

This investigation into the identity shifts of the Chinese diaspora focuses not on the English concept of "identity," but on the Chinese concept of "*shenfen*." While the translative equation "*shenfen* = identity" is widely accepted, this equivalence tends to obscure the nuanced surplus meanings each term holds in relation to the other.

The meanings of "essence," "oneness," and "self-identification" associated with the English term "identity" are absent in the Chinese concept of "*shenfen*." For example, "identity as oneness" would correspond to *tongyixing* in Chinese, while "identity as self-identification" aligns with *rentong* (recognize sameness) in Chinese; they are different concepts in Chinese thought. Conversely, *shenfen*, which refers to an exterior social status rather than the interiority of the self, finds no direct equivalent in the English concept of identity.

The term *shen* can signify "body," "life," or "self," while *fen* denotes "the scope of position, duty, and rights one possesses in a society." Together, *shenfen* encompasses meanings such as "posture," "identity," and, most commonly, "the social and legal status one holds in a society."[1] This concept of exterior social status contrasts with, yet remains intrinsically connected to, the interior nature of the self. By prioritizing "*shenfen*" over "identity," this approach avoids the confines of identitarian politics and directs our attention to the operation of power/knowledge that manufactures various identities. It demonstrates that the supposed dichotomy between exteriority and interiority is, in fact, both a process and a product of power's operation, prompting us to interrogate how political and linguistic apparatuses produce varying subjects and identities.

2. *Tianxiaren* (people of the world under heaven)

The Chinese people have a long history of being recognized as "*tianxiaren*." The literal translation of this three-syllable term is "heaven, down, people," meaning "the people of the world under heaven." In classical Chinese literature, it often appears as *tianxia zhi min*, a term closely associated with other concepts such as *pingmin* (common people), *shenmin* (living people), *qiumin* (field people), *shumin* (multitude), *baixing* (a hundred surnames), *buyi* (cloth outfit), and, as we will explore, Liang Qichao's *bumin* (tribal people).

The concept of *tianxiaren* embodies two major traditions, each revealing an internal tension within the term that will be investigated later in this essay:

(1) **The Sovereign-Centric Tradition**: This tradition is encapsulated in the saying, "Under the wide heaven, all is the king's land. Within the sea-boundaries of the land, all are the king's servants."[2] The sovereign is referred to as *tianzi* (Son of Heaven), signifying that all land under

heaven belongs to the sovereign, and all who dwell on it are his subjects. This perspective renders *tianxiaren* a concept beyond geographical borders—wherever one goes, one remains a subject under the universal authority of the sovereign.

(2) **The Autonomous Tradition**: This perspective is captured in the proverb, "When the sun rises, I go to work. When the sun goes down, I take my rest. I dig the well from which I drink. I farm the soil that yields my food. *What does the emperor's power have to do with me?*"[3] A similar saying, "Heaven is high and the emperor is far away," also underscores this view. In other words, as long as one is "*anfen shouji*" (remaining in one's proper sphere and minding one's own business), the sovereign power is irrelevant to daily life and can be disregarded.

The sphere between heaven and earth is filled with a series of ideas and practices that underpin ethical-political principles. Consider, for instance, the philosophy of Mencius (372-289 BC). Mencius stated, "The root of *tianxia* is in the State. The root of the State is in the family. The root of the family is in the person of its Head."[4] This reflects the Rule of Virtue principle recorded in *The Great Learning* (*Daxue*), which asserts, "The person cultivated, the family regulated, the state rightly governed, and the world made peace." Additionally, while all people under heaven are considered the sovereign's subjects, the sovereign does not possess absolute, unchallenged authority. When asked by one of his disciples how a ruler comes to power, Mencius replied, "Heaven gave the throne to him. The people gave it to him."[5] Above the sovereign is the Mandate of Heaven (*tianmin*), which confers legitimacy upon the sovereign and is intimately connected with the support of the people. Mencius further cited the words in *The Great Declaration*, "Heaven sees according as my people see; Heaven hears according as my people hear."[6] If a sovereign fails to uphold the Mandate of Heaven, the people have the right to rebel against this immoral ruler and support a new one who is virtuous enough to replace him. But how is the Mandate of Heaven to be observed? Mencius emphasized, "The people are the most important element in a country; the spirits of the land and grain are next; the sovereign is the lightest. Therefore, gaining the support of ordinary people is the way to become sovereign."[7] That is to say, the sovereign's primary duty is to ensure that his people live prosperous and contented lives: "Males have their proper work, and females have their homes."[8] Thus, protecting and promoting the livelihoods of ordinary people according to the Rule of Virtue is both the kernel of the Mandate of Heaven and the cornerstone of good governance.

To sum up, the concept of *tianxiaren* has three major characteristics: (1) *Tianxiaren* is a concept that transcends geographical borders. (2) For *tianxiaren*, neither the sovereign nor the State represents the highest ethical-political principle. As we will explore, the State—specifically the dynastic state—is considered to belong to the family of a particular surname. In other words, the State is regarded as private property. (3) The highest ethical-political principle is that of the Mandate of Heaven and the Rule of Virtue.

Tianxiaren is a form of "*shenfen*," but not necessarily a form of "identity." Traditionally, Chinese people have tended to identify themselves based on the boundaries of dialects and languages, of surnames and kinship, and/or of territorial or native-place communities (Duara 1997, 40). As a type of *shenfen*, *tianxiaren* both highlights a Confucian ethical-political universe and signifies one's position relative to the sovereign and the State.

3. *Qimin* (abandoned people)

In 1740, about 10,000 ethnic Chinese were killed by Dutch East Indies soldiers and native collaborators in the port city of Batavia (now Jakarta). So many dead bodies were dumped into the river

that its color soon turned red. Chinese historians called this pogrom the "Angke" massacre (in Hokkien dialect, the "Red River" massacre).[9] When the news reached the Qing court, courtiers debated whether the empire should protect the overseas Chinese and take revenge on the Dutch. However, the Qianlong emperor expressed little interest, saying, "They are abandoned people (*qimin*) of the Celestial Empire, who deserted their ancestors' tombs to seek profits abroad. The Court thus does not concern itself with their lives and deaths."[10]

The Qing court's attitude toward the Chinese diaspora as "abandoned people" or similar subjects was repeated many times throughout history. Consider another historical record: when the Viceroy of Fujian heard that many ethnic Chinese had been killed in Java, he responded, "The victimized Chinese had lived in barbarian lands for a long time. Several times the Court offered amnesty in an attempt to repatriate them, but they still voluntarily abandoned the virtuous civilization of the Emperor. Now they have been slaughtered; the calamity was, in fact, self-induced."[11]

English historical sources also note that until the end of the nineteenth century, Qing mandarins often treated emigrants not as nationals but as "vagabonds," "fugitives," and "outlaws."(Wang 2000, 43) W.A.P. Martin (1827-1916), the translator of Henry Wheaton's *Elements of International Law* into Chinese, recorded a conversation in his *A Cycle of Cathay* between a Chinese Viceroy and Captain Dupont in 1858. During this conversation, Captain Dupont suggested that the Qing court should send consuls to the United States to look after its people there.

> Viceroy: It is not our custom to send officials beyond our own borders.
> Dupont: But your people on the farther shore of the Pacific are very numerous, numbering several tens of thousands.
> Viceroy: When the emperor rules over so many millions, what does he care for the few waifs that have drifted away to a foreign land?
> Dupont: Those people are, many of them, rich, having gathered gold in our mines. They might be worth looking after on that account.
> Viceroy: The emperor's wealth is beyond computation; why should he care for those of his subjects who have left their home, or for the sands they have scraped together? (Martin 1900, 160)

Referring to the Chinese sources, the terms the Viceroy used to describe the overseas Chinese subjects should be *langmin* (waifs) and *youmin* (vagrants) in the original.[12] These records reflect the Qing government's indifference toward, and contempt for, the Chinese diaspora during that period.

Historians have often regarded these unresponsive and even hostile attitudes as evidence of Qing Dynasty's conservatism regarding sea policies, foreign trade, and emigration. Indeed. After all, the Qing's Sea Ban policy, which prohibited Chinese subjects from going abroad and engaging with foreign nations, remained in place from 1658 until 1893, only changing after a series of defeats, unequal treaties, and pressure from Western imperialist powers. Some historians interpret the transformation of Qing's attitude towards the Chinese diaspora—from treating them as "abandoned people" to establishing consulates in Southeast Asia and North America in 1878 to recognize and protect their overseas "nationals"—as a sign of progressive historical development. Perhaps. However, my concern here is not with the "linear progression" of the Qing government's emigration and foreign policies, but with the ethical-political relationship of the "*qimin*" (abandoned people) with regard to sovereign power.

As discussed in the previous section, *tianxiaren*, in both its definition and its ideal, is a borderless concept. Wherever one goes, one remains under heaven and thus still a *tianxiaren*. On the one hand, this allows the sovereign to assert that wherever a *tianxiaren* goes, he remains the sovereign's subject. On the other hand, a *tianxiaren* can also hold that "a hermit does not serve either king or

feudal lord,"[13] thereby disregarding the emperor's power. This duality reveals an internal tension within the concept of *tianxiaren*. To address this tension, the emperor can wield another tool to reaffirm his sovereignty: he can, under specific circumstances, actively proclaim certain people as *qimin* (abandoned people or outcasts). In other words, *the state of* qimin *is not a result of passive disregard and abandonment by the emperor, but an active assertion of the sovereign order*. Through this proclamation, *qimin* then become the people who can be killed with impunity, at least by foreigners or "barbarians." Significantly, the *raison d'être* of the proclamation of *qimin* is not due to their violation of certain law, such as breaking the Sea Ban regulation. Instead, it arises from perceived violations of ethical principles central to Confucian ideology—acts such as "deserting their ancestors' tombs" or "abandoning the virtuous civilization of the Emperor." Thus, *the idea behind the proclamation of* qimin *is precisely the espousal of the Confucian ethical ideal of* tianxiaren.

In short, *qimin*, the abandoned people, serves as a mirrored negative image of *tianxiaren*. Put differently, *qimin* reinforces the concept of *tianxiaren*, albeit in a negative way, by delineating the boundaries of those who fail to embody its ethical and cultural ideals.

4. *Huaqiao* (overseas Chinese, or Chinese sojourners)

For most of the Qing Dynasty, the Chinese diaspora occupied a lowly social and legal status. As previously discussed, they were regarded as *qimin*, and the Celestial Empire displayed indifference toward their lives and deaths. However, during and after the First Opium War (1839-1842), China was compelled to combat against, and later to trade with, Western imperialist powers. Many overseas Chinese who settled in Western colonies, due to their native-place connections and bilingual capabilities, were mobilized as indispensable guides, spies, interpreters, or compradors for Westerners engaging in warfare or commerce with local Chinese communities. These overseas Chinese, who served Western interests, spoke foreign (or "barbarian") languages, and even adopted foreign ("barbarian") attire and behaviors, were often viewed with suspicion and hostility, being treated as traitors. During the Opium War, the term *hanjian* (traitor to the Han people) gained widespread usage to label overseas Chinese who collaborated with Westerners (Yan 1990, 18–24).

Two factors further complicated the situation. First, following the Opium War, the Treaty of Nanking (1842) not only opened five treaty ports to foreign merchants, thereby increasing the likelihood of East-West encounters, but also granted extraterritoriality to Britain—a privilege subsequently extended to other Western powers through later treaties. Second, in 1844, the British Government declared that all Chinese born in the Straits Settlements were official British subjects, thereby granting them protection under British laws and consulates (Wang 1987, 124; Yan 1990, 21–24). As a result, an overseas Chinese accused of committing a crime in China or involved in conflicts with local Chinese, could seek refuge and protection from the British consulate rather than being subjected to Qing laws and jurisdiction. This development further heightened the animosity of both Chinese mandarins and local communities toward the overseas Chinese. It also clashed with the traditional Chinese belief, rooted in the ideology of *tianxiaren*, that a Chinese person, regardless of where they went, remained a subject of the Chinese sovereign and owed allegiance to China. Lacking any framework to address issues of "dual citizenship," the Celestial Empire could only perceive such overseas Chines as *hanjian*—traitors to the Han people.

It was only after the 1880s that the status of the Chinese diaspora began to improve and gain recognition. During this period, their expertise and, particularly, their economic contributions were increasingly acknowledged (Wang 2000, 43–44; Yan 1990, 270–272). Moreover, with the advent of the newly rising nationalism, different nationalist groups all strived to garner support

from the Chinese diaspora. The late Qing imperial state, for example, attempted to sell brevet ranks and titles while soliciting investment. Similarly, constitutional monarchists and reformers led by Kang Youwei and his followers, on one side, and the republican revolutionaries led by Sun Yat-sen, on the other, vied for political influence and financial contirbutions, in order to contribute to the reform of Qing dynasty, or to the overthrow of Manchu rule, respectively (Duara 1997; Wang 2000, 67; Shen 2002b, 66–72). Despite their ideological and political differences, all these nationalist fractions shared a common goal: to re-sinicize overseas Chinese, fostering a renewed sense of identification with China and its cultural heritage.

It is noteworthy that, until this period, there was no single unified term to denote "overseas Chinese" or "Chinese diaspora." The concept, as we understand it today, simply did not exist. Instead, these individuals were often categorized using various organizing principles, many of which reflected their marginalization. Derogatory terms such as *qimin* (abandoned people), fugitives, and vagabonds, as previously discussed, were prevalent. Otherwise, they were referred to according to their native place or province (*Quanzhou ren*¸ *Guangdon ren*), language and dialect (*Hakka*, *Hokkien*), and class (*huashang*, *huagong*—Chinese traders or labors), among other distinctions (Duara 1997, 40; Wang 2006, 36). However, the recognition of the economic strength of overseas Chinese, combined with the rise of modern Chinese nationalism, set the stage for the advent of a new, more inclusive, and appreciative term. This neologism aimed to unify the diverse Chinese diaspora under a single collective identity, transcending regional, linguistic, and class-based divisions. It encouraged them to identify not only with their local origins but also with China and Chinese civilization as a whole, fostering a sense of pride and solidarity within the global Chinese community. This linguistic and ideological shift marked a crucial step toward integrating the Chinese diaspora into a reimagined framework of national and cultural identity.

Thus, the term *huaqiao* was first coined in the late 1880s, gaining traction and widespread use during the first decade of the twentieth century among various nationalist groups. It was warmly embraced and extensively popularized after the founding of the Republican of China in 1911 (Wang 1987, 125–129). Sun Yat-sen's famous declaration, "*Huaqiao* is the mother of revolution," further imbued the term with a patriotic connotation, portraying the Chinese diaspora as vital contributors to the revolutionary cause and national rejuvenation (Wang 2004, 197).

The term *huaqiao* remains in use today and is commonly translated as "overseas Chinese." However, a more accurate rendering might be "Chinese sojourners" (Wang 1987, 121). The term's components emphasize this nuance: "*hua*" is shorthand for "*Zhonghua*," a traditional term for China or Chinese people, while "*qiao*" means "to reside temporarily away from home." Hence, "*huaqiao*" refers to "Chinese who reside temporarily in places outside regions traditionally considered China." This idea of "temporariness" embedded in the term implies that, under favorable or necessary conditions, these *huaqiao* are expected to return to China and contribute to the defense or development of their mother country. Yet, even before such a return might occur, the concept of *huaqiao* has fostered a new form of solidarity among the Chinese diaspora—a solidarity that transcends the traditional parochial affiliations based on the place of origin, dialect, and kinship. Instead, this new solidarity is grounded in a broader and more primordial association of "blood and race"—that is, the "nation." This evolving identity reflects a shift from localized ties to a collective consciousness of belonging to a global Chinese nation.

In summary, the formation of the *huaqiao* identity provides a unified signifier to encompass the Chinese diaspora of diverse backgrounds and locations. This signifier transcends differences based on language, dialect, native-place connections, kinship, and class, enabling overseas Chinese to conceive themselves—and to be perceived—as members of a shared imagined community. In

essence, *huaqiao* inscribes the *national order of things* into the lives of the Chinese diaspora. Put differently, "*huaqiao*" *in fact packs* tianxiaren *into the framework of modern nationalism; it reflects and contributes to a broader movement of "transnational nationalism,"* wherein the diasporic experience is aligned with and serves the goals of nation-building.

5. *Guomin* (citizen, or state-people)

Its defeat in the Opium War forced the Qing Empire to transition from the traditional tributary system of *tianxia* (the world under heaven) to the "family of nations" (*wanguo*, ten thousand nations), marking a profound shift in China's worldview and diplomatic framework. The subsequent loss in the First Sino-Japanese War (1894-1895), in which China was defeated by an Asian power and former tributary state, further stoked the flames of Chinese nationalism and urgency for reform.

In 1897, Thomas Henry Huxley's *Evolution and Ethics* was translated into Chinese by Yan Fu as *Tianyan Lun* (Heavenly Evolution), profoundly influencing a generation of Chinese literati. The work introduced the worldview of competition and evolution, elevating the motto "the fittest survive" to the status of a historical truth. Under the overarching trend of "international competition"—perceived as a life-and-death struggle for the Chinese "race" (*zhong*, seeds)—Chinese intellectuals now assumed a critical mission: to transform the Celestial Empire into a modern nation-state and to reconfigure its populace from imperial "subjects" into a modern "citizenry."

However, the primary hindrance to achieving the dual task of building a nation-state and creating a modern citizenry arose directly from the enduring legacy of *tianxiaren*. As outlined earlier, the core ethical-political principle of *tianxiaren* is the Rule of Virtue, which begins with the "cultivation of the self" (*xiushen*) and culminates in "world peace" (*ping tianxia*). Within this framework, the "governance of the state" (*zhiguo*) occupies merely a transitional stage. To be more precise, the traditional Chinese understanding of the "state" (*guo*) was markedly different from the modern nation-state. Huang Zongxi (1610-1695), a renowned intellectual of the late Ming dynasty, argued that the state belongs to the realm of "big selfishness" (*dasi*), meaning that it is intrinsically tied to a dynasty and the family of a particular surname, rendering it essentially private property (Mizoguchi 1999, 9). Similarly, Gu Yanwu (1613-1682), another prominent scholar and a contemporary of Huang, also asserted, "Protecting the state is the duty of the king and the courtiers; it is meat-eaters' business. As to protecting *tianxia*, however, even the inessential ordinary men bear the responsibility."[14] This distinction indicates that, while *tianxia*—a universal and inclusive ideal—was seen as the responsibility of all people, the state was narrowly associated with the rise and fall of specific dynasties and their ruling families. Consequently, ordinary *tianxiaren* felt little connection to the state and its affairs.

At the turn of the twentieth century, this disconnection posed a critical challenge as China faced imperialist encroachment and the pressures of international competition. Liang Qichao (1873-1929) articulated this cultural and ideological defect, lamenting that the Chinese people traditionally lacked an understanding of the state, and imputed this ignorance to *tianxiaren's* "knowing *tianxia* but not knowing the state," and "knowing the self but not knowing the state" (Liang 1902, 21). Similarly, Chen Duxiu (1879-1942), a key figure in the May Fourth Movement and co-founder of the Chinese Communist Party, reflected in 1904 on his own delayed awareness of the modern concept of the state:

> Until I was in my 20s, I did not know that the people of the whole world are in fact divided into different nations (*guo*), each of which has territories and borders exclusive to one another. We, China, too, are

> one of the ten-thousand nations (*wanguo*) in the world, and I am an individual belonging to the Chinese state (*guo*). (Chen 1993, 55)

Liang Qichao articulated the grave implications of the traditional Chinese view of the state as the private property of a ruling dynastic family, emphasizing the urgent need for transformation:

> Nowadays, our Chinese territory belongs to the private property of one family; foreign affairs belong to the private matters of one family; national crisis belongs to the misfortune of one family; and national humiliation belongs to the scandal of one family. The people do not know the state, and the state does not know the people. In the past, when we had not encountered this world of international competition, we could still survive. Today, the competition between different citizenries is most furious—how can we endure the situation! How can we endure the situation! (Liang 1899b, 60)

This critique highlighted the deep disconnection between the people and the state, as well as the inadequacy of the traditional worldview of *tianxiaren* in addressing the exigencies of imperialist encroachment and international competition. Liang Qichao and his contemporaries recognized this disconnection as a critical obstacle to China's survival in the new world order, and argued that the most pressing mission was to reconstruct the Chinese Celestial Court into a modern nation-state and to transform its subjects into a modern citizenry. In other words, it was exigent to "redefine the state as the terminal community," rather than treating *tianxia* as the ultimate concern (Liang 1902, 17–22; see also Chang 1971, 157).

After the failure of the Hundred Days Reform in 1898, Liang Qichao was exiled to Japan, where he delved deeply into Western social and political sciences translated by Japanese intellectuals. This period of exile proved transformative, as he was profoundly influenced by contemporary movements such as Social Darwinism, nationalism, and statism, which were prominent in Japan at the time. He concluded that the key hinge to achieving the intertwined goals of these three creeds—the survival of the fittest, nation-building, and state-making—was the creation of a new humanity, whose vital spirit can be encapsulated by the term *guomin* (citizen). As the most prominent intellectual of his era, Liang played a pivotal role in introducing the Japanese *kanji* and political concept "国民" (*kokumin*) into Chinese political discourse.[15] The concept of *guomin* quickly resonated and gained widespread traction. It became one of the most popular political concepts among progressive newspapers, intellectual associations, and reformist thoughts (Shen 2002a, 693). More significantly, its appeal even extended beyond intellectual elites, penetrating the lower classes and influencing the consciousness of ordinary people (Shen 2002a, 706; Li 2001).

Liang Qichao remarked, "At the primitive stage of a human group, there were only tribal people (*bumin*) and no citizenry (*guomin*). The evolution of the tribal people into a citizenry is the distinction between civilization and barbarism." (Liang 1902, 16). Hence, for Liang, this evolution of the Chinese "tribal people" into a Chinese "citizenry" was not only historically inevitable but also an imperative mission for China. Questions remained: what is "citizenry" and how is it established? Liang thus stressed in 1899:

> The state is an aggregation of the people as a whole. Without the people, there will be no state. If it is the people of a state who govern, legislate, and plan for the interest of the whole state and stave off the troubles which might afflict the state, the people then cannot be bullied and the state cannot be overthrown. This means citizenry. (Liang 1899b, 56; see also Chang 1971, 164)[16]

This vision necessitated a profound shift: the Chinese people had to evolve from passive "subjects" into modern "citizens"—individuals who were not merely ruled but also actively participated in governing and defending the state. This transformation entailed cultivating public morality

(*gongde*) or civic virtue, which Liang argued was rooted in the recognition of shared responsibility for the state. He proclaimed, "What is called monarchy is nothing but selfishness; what is called democracy is nothing but public-mindedness" (Liang 1896, 109; see also Chang 1971, 104–105). He also drew a critical distinction between a dynasty and a state: "Did we China traditionally have a State? No, we only had dynasties. … A dynasty is the private property of one family; the State, on the other hand, is the public property of the People" (Liang 1900, 9–10). For Liang, this recognition—that the state, rather than *tianxia*, was the collective responsibility of all citizens—was pivotal. It marked the transition from the traditional notion of *tianxiaren* to the modern concept of *guomin*¸ embodying the spirit of civic engagement and national responsibility essential for building a modern nation-state.

Liang also offered a pointed critique of Mencius's "*minben*" (people-oriented) thought, which, as discussed above, prioritized the people's well-being over the sovereign authority. While acknowledging that people-oriented thought differed from despotism, Liang argued that it was still centered on the sovereign rather than genuinely empowering the people. He likened this institution to a "pastoral regime" (*muyang zhengti*), where the sovereign acted as a shepherd to the people but without granting them true liberty or rights; this fell short of democracy. Liang thus remarked, "What is the People? It values independence, honors rights, and its existence cannot be infringed" (Liang 1899a, 41). To further elaborate his vision of the new humanity required for nation-building, Liang authored the influential book *Xinmin Shuo* (Liang 1902), which can be translated as "The Renovation of the People or On the New Citizen."[17] In this work, Liang discussed many civic virtues and moral qualities essential for modern citizens, including awareness of freedom, rights, self-respect, autonomy, and a commitment to the idea of the state, etc. These virtues, he argued, were critical for transforming the Chinese people from passive subjects into active, engaged modern citizens capable of participating in and sustaining a democratic nation-state.

Although Liang emphasized individual rights and liberty, his ultimate concern—under the intense pressure of "international competition," where the annihilation of the state equates to the annihilation of the nation—was, in fact, the rights and freedom of the state. He remarked, "The citizenry is an assemblage of individual citizens. The national right is the collection of individual rights. … The strong citizenry then make up a strong state; the weak citizenry make up a weak state; … the citizenry in possession of rights makes up a state with national right" (Liang 1902, 39; see also Chang 1971, 195). Since the citizenry is the constitutive element of the state, only a vigorous citizenry can sustain a strong state. Hence, the creation of citizenry is merely a means to the ultimate end of establishing a strong and independent state. Liang further asserted, "Freedom means freedom of the group, not individual freedom. In the age of barbarism, individual freedom prevails and no collective freedom develops. In the civilized age, the freedom of the group develops while individual freedom decreases" (Liang 1902, 44–45; see also Chang 1971, 202). Thus, when individual freedom conflicts with national freedom, it is both permissible and necessary to prioritize the latter, even at the expense of individual liberty.

Similar to the process of creating *huaqiao*, the making *guomin* also seeks to subsume *tianxiaren* into the framework of the nation-state. The distinction, however, lies in the context of the dominant trend of "international competition." Within this framework, "*guomin*" further explicitly situates *tianxiaren* within the order of the modern inter-state system, where the survival of the new China hinges on becoming a strong and independent state by fostering a collective of vigorous *guomin*. Historians and sinologists often translate *guomin* as "citizen," a relatively suitable rendering, since both "*guomin*" and "citizen" share connotations of rights, duties, and civic virtues. In contrast, alternatives such as "national" emphasize only the attribute of belonging. However, considering the

situation when a *guomin* is under the exigencies of "international competition"—or, when a "citizen" faces the "state of exception"—where individual rights and liberties would be subordinated to the needs of the state, it may be worth reconsidering the term *guomin* through its literal meaning (*guo*, state; *min*, people) as "state-people," the people *of* the state, in which the "of" signifies not only belonging but also subordination.

Apart from the shared meanings of the two terms, historians and sinologists have noted key distinctions between Liang Qichao's concept of *guomin* and the Western notion of citizenship. They observe that the former places greater emphasis on collective rights, while the latter prioritizes individual rights. Similarly, "*guomin*" regards constitutionalism as a means of fostering public mobilization, whereas "citizen" views it as a safeguard against governmental abuse (see, e.g. Chang 1971; Shen 2002a). These observations are significant, as they highlight the internal limitations within Liang's conception of *guomin* concerning *demo*cratic principles. If this analysis holds, it also implies that Chinese intellectuals and reformers still had much to learn from the institutions and ethos of Western citizenship and constitutionalism.

I have no objection to this kind of remark. However, beyond identifying sameness, difference, or progression, how might we approach comparison through alternative principles? Moreover, beyond offering insights into similarities and distinctions between elements of different languages, what broader perspectives might the act of translation offer to both the translator and the audience? Could it not also serve as a medium for cultivating alternative understandings that transcend conventional frameworks of translative equivalence?

In "The Task of the Translator," Walter Benjamin proffers the idea of "the complementarity of translation," which offers valuable insight for addressing our questions. He remarks, "all suprahistorical kinship of languages rests in the intention underlying each language as a whole—an intention, however, which no single language can attain by itself but which is realized only by the totality of their intentions supplementing each other: pure language" (Benjamin 1968, 74). Although elements in different languages may be mutually exclusive, they supplement one another at the level of intention. This distinction, Benjamin argues, requires us to separate a word's "intended object" from its "mode of intention," in order to grasp the "basic law of a philosophy of language" (74). Using the example of bread, Benjamin explains that while the German "*brot*" and the French "*pain*" (and the English "bread") intend the same object, their modes of intention differ. For a German or a Frenchman, these words signify different cultural and linguistic experiences. Thus, their modes of intention are mutually exclusive. Yet, for their intended object, they in fact supplement each other by offering distinct linguistic pathways to denote the same reality. Hence, Benjamin remarks,

> While the modes of intention in these two words are in conflict, intention and object of intention complement each of the two languages from which they are derived; there the object is complementary to the intention. In the individual, unsupplemented languages, meaning is never found in relative independence, as in individual words or sentences; rather, it is in a constant state of flux—until it is able to emerge as pure language from the harmony of all the various modes of intention. (Benjamin 1968, 74)

From this perspective, Benjamin writes poignantly that translation is "so far removed from being the sterile equation of two dead languages that of all literary forms it is the one charged with the special mission of watching over the maturing process of the original language and the birth pangs of its own" (73).

In terms of the complementarity of translation, what insights can we distill from the translative relation between "*quomin*" and "citizen"? As previously noted, one carries a stronger collectivist

ethos and statist orientation, while the other emphasizes individualist spirit and autonomy. Beyond such comparisons, what deeper understanding might we glean from examining the translative equation "*quomin* = citizen" by observing the "maturing process" of each language?

If we accept Benjamin's idea of the complementarity of translation—that is, if we agree that while "*guomin*" and "citizen" embody distinct modes of intention, they nonetheless share the same intended object—then we may conclude: *within every* guomin *lies an intrinsic urge to become a free individual; conversely, within every* citizen *resides a latent pressure to be subjugated as a "state-person."* Put differently, within every citizen, within every *guomin*, there is always an internal tension, an incessant struggle, between "the State and the non-State (humanity)" (Agamben and Hardt 1993, 85)—that is, between sovereign power and human life.

6. *Zhongguoren* (Chinese, or people of the Central States)

So far, I have used the terms "China" and "Chinese" uncritically. At times, I use these two terms to denote "*Zhongguo*" and "*Zhongguoren*" respectively, with the translations "China = *Zhongguo*" and "Chinese = *Zhongguoren*" being widely accepted. However, these translations neither follow the principle of phonetic transliteration nor adhere to semantic equivalence. Phonetically, "China" would correspond to "*Zhina*" (支那), not "*Zhongguo*." Semantically, "*Zhongguo*" should translate as "the Central State (or States)," although Sinologists have often inappropriately rendered it as "the Middle Kingdom" (see, e.g. Twitchett and Fairbank 1978). Thus, calling *Zhongguo* "China" and *Zhongguoren* "Chinese" does not align with the way Chinese traditionally refer to themselves. To investigate the question "What does it mean to be Chinese?" we must look beyond the veil of translation and critically examine both sides of the translative equation to uncover the origins and historical evolution of "Chinese/*Zhongguoren*."

Historians widely agree that the term "China" originates from the Sanskrit root "*Cina*," which was later transcribed as the Persian "*Chini*" and the Latin "*Sina*." Most modern Indo-European terms—such as the English "China," French "*Chine*," German "*China*," and Italian "*Cina*"—derive from the Latin "*Sina*," which, in turn, traces back to the Sanskrit "*Cina*." Similarly, the Japanese *kanji* "支那" (*Shina*) was introduced to Japan with the spread of Chinese Buddhism during the Tang dynasty, while the Chinese term "支那" (*Zhina*) also appears as a transliteration of the Sanskrit "*Cina*" in Buddhist literature. Thus, although "*Shina*" is not a direct translation of "China" and has a distinct etymology, the term "支那/*Zhina*/*Shina*" can ultimately trace back to the Sanskrit "*Cina*" (Liu 2004, 77–79). Yet, what does this "*Cina*" refer to? Some historians argue that it is linked to the Qin (Ch'in) dynasty (221-206 B.C.), the first dynasty to unify China. Others suggest that it derives from a local toponym, though there is no consensus on which specific place it denotes. In short, the term "China" may trace back either to the name of an ancient dynasty or a local place. In either case, "China" does not correspond to "*Zhongguo*" nor to any name Chinese traditionally call themselves. As Indologist Patrick Olivelle comments, "The term 'China,' like 'India' itself, is not a term of self-identification by Chinese" (cited from Liu 2004, 78).

As to "*Zhongguo*," the earliest archeological evidence of the term dates to the early Western Zhou dynasty (1046-771 B.C.), where it initially referred to the capital city and its immediate environs. By the Warring States period (476-221 B.C.), "*Zhongguo*" had become a common term of self-identification for the Chinese, often associated with other expressions such as "*Zhuxia*", "*Jiuzhou*", "*Huaxia*", and "*Zhonghua*" (Wang 2003). Throughout Chinese history, "*Zhongguo*" primarily appeared as both a "geographical concept" and a "cultural concept" (Chang 2009, 161–171). As a geographical concept, it originally referred to the Central Plain (*Zhongyuan*) region. Over

time, as the empire expanded, its scope broadened to include the Yangtze River basin and gradually encompassed the Jiangnan area (south of the Yangtze River), and ultimately corresponding to what modern Sinologists describe as "China proper." In short, historically, "*Zhongguo*" as a geographical concept did not have fixed boundaries, and its meaning paralleled "*tianxia*" in a narrower sense, referring to the inhabited realm of the Chinese people.

On the other hand, as a cultural concept, the "*zhong*" in "*Zhongguo*" signified not only centrality but also a cultural-political doctrine of righteousness (*zhongdao*), closely tied to the Rule of Virtue principle of *tianxiaren*—"the person cultivated, the family regulated, the state rightly governed, and the world made peace." The character *zhong* (中), along with *hua* (華), featured a central upright stroke that symbolized precisely this doctrine of righteousness—this vertical axis represented the same moral-political doctrine of righteousness that could be practiced across all levels, from the most personal scale, through the family and the state, and ultimately towards *tianxia*. In other words, *Zhongguo* or *Zhonghua* was not a proper name, but a doctrine of ethical-political orthodoxy to which various states and dynasties in China aspired. Any regime that successfully upheld and inherited this cultural doctrine and orthodoxy could be considered "*Zhongguo*," regardless of the racial or ethnic background of its rulers.

Based on the above two senses of "*Zhongguo*," "*Zhongguoren*" referred either to the people inhabiting the geographical ambit of *Zhongguo*, or to those who resided within the civilization that identified with the cultural-political orthodoxy of *Zhongguo*, regardless of their racial or ethnic descent. In contrast, those not considered *Zhongguoren* were typically categorized as "*yidi*", or "barbarians". To sum up, "*Zhongguoren*" was both a geographical concept and a cultural concept, characterized by its inherent instability and flexible boundaries. Its connotations intersected with terms such as "*tianxiaren*," "*Hanren*" (people of Han), "*Tangren*" (people of Tang), and "*Huamin*" (people of *Zhonghua*), etc. Importantly, "*Zhongguoren*" traditionally was not a "racial" concept, nor did it signify the modern notion of state-based nationality or citizenship; Zhongguoren *were not "state-people."*

This situation persisted largely unchanged until the mid-nineteenth century. However, the 1842 Treaty of Nanking, signed between the United Kingdom and the Qing dynasty following the First Opium War (1839-1842), marked a turning point as China transitioned from the previous *tianxia* tributary system to the treaty relationships of the modern inter-state system. The treaty was drafted in both English and Chinese, and a comparison of the two versions would shed light on key distinctions in political and cultural conceptualizations.

In the English version,[18] the parties to the treaty were identified as "the Queen of the United Kingdom of Great Britain and Ireland" and "the Emperor of China." In the Chinese version,[19] however, the parties were "大清大皇帝" (*Da Qing Da Huangdi*¸ the Emperor of the Great Qing) and "大英君主" (*Da Ying Junzhu*, the Sovereign of the Great Britain). That the two parties in the Chinese version were the "Emperor" and the "Sovereign" (rather than the "Queen") seemed to illustrate that the Qing Emperor considered it inappropriate to explicitly acknowledge a female counterpart in diplomatic documents. While this gendered aspect is notable, it will not be our focus here. What is crucial for this investigation is another significant issue of titles: the designation of the state and ruler. In Chinese, the state that signed the treaty with the United Kingdom was neither "China," "Chinese Empire," nor "*Zhongguo*"; the official name of this state is "*Da Qing Guo*" (the Great Qing State). In addition, the sovereign who represented the signer on the part of China was neither "the Emperor of China" nor "the Emperor of *Zhongguo*," but "the Emperor of Great Qing." This also confirms that the state name was "the Great Qing" rather than "*Zhongguo*." Although the treaty did reference "*Zhongguo*" and "*Zhongguoren*" on a few occasions, these

terms did not denote a state and a state-people, but, as aforementioned, retained their historical meanings as geographical and cultural concepts. Hence, "*Zhongguo*" was neither the official name of "the Great Qing State,"[20] nor synonymous with the so-called "Chinese Empire," a term retroactively applied by Sinologists to Chinese polities that never used such nomenclature historically. Instead, a simplified scheme helps clarify the relationship among these terms:

- The Emperor of the "Great Qing" reigned over a cultural-geographical region identified as "*Zhongguo*."
- The inhabitants of this region, "*Zhongguoren,*" were defined by their association with this cultural and geographical area, not by a modern notion of nationality or state citizenship.

In short, the Chinese version of the Treaty of Nanking preserves this multifaceted understanding of "*Zhongguo*" and "*Zhongguoren*." In contrast, in the English version, the multifarious meanings of "Qing," "*Zhongguo*," and "*Zhongguoren*" are all indiscriminately flattened out into the English concepts of "China" and "Chinese" (the treaty used terms such as "the Emperor of China," "Chinese Empire," "the Subjects of China," "Chinese Subjects," etc.). This reveals that the terms "China" and "Chinese" were in fact utilized as a "racial" concept and a concept of a state, which exemplified the dominant political cosmology of nineteenth-century Westerners.

Before the twentieth century, "*Zhongguo*" and "*Zhongguoren*" were neither racial concepts nor concepts of a state, but primarily functioned as cultural or geographical terms. This distinction becomes evident when examining another key historical moment.

As discussed earlier, when China was compelled to transition from the *tianxia* tributary system to the modern inter-state system, many Chinese intellectuals during the late Qing era were struck by an unsettling realization: the Chinese people had only dynasties, but they lacked a unified concept of a State. Faced with the pressures from Western imperialist invasions and the demands of "international competition," Chinese intellectuals recognized that their urgent task was to transform China into a modern nation-state. Thus, creating a decent name for the new Chinese state became an integral part of this exigent mission.

When reflecting on an appropriate name for the new Chinese state, Liang Qichao expressed his lament and deliberation,

> There is no shame greater than our country being deprived of a name. The names that people ordinarily think of, such as *Zhuxia*, *Han*, or *Tang*, are the titles of bygone dynasties. Foreigners call our country "*Cina*" or "China," but that is not how we view ourselves. To use *Xia*, *Han*, or *Tang* as the name of our country violates the principle of respect for the state-people. As for using "*Cina*" or "China" as our name, this also violates the principle that the name should align with how its owner views themselves. To use "*Zhongguo*" or "*Zhonghua*," this seems overly arrogant and conceited, and may incur the ridicule of bystanders. (Liang 1901, 3)

Liang's remark clearly demonstrates that "*Zhongguo*" or "*Zhonghua*" had not yet become the proper name of the Chinese state during his time. From this passage, it is evident that the intellectuals of Liang's generation were acutely aware that the names "*Cina*" or "China" reflected a foreign perspective, rather than their own self-identification. Although Liang initially considered "*Zhongguo*" or "*Zhonghua*" overly arrogant and conceited, after further deliberation, he ultimately chose "*Zhongguo*" as the name of the new Chinese state. While "*Zhongguo*" (the Central State) might appear excessively self-important, Liang nonetheless argued, "If our compatriots can scrutinize

the relationship between the name and the substance, this may serve as a means to inspire our people's spirit!" (Liang 1901, 3).

The naming of the new Chinese state was an urgent issue not only for Liang Qichao but also for many other late Qing intellectuals. For instance, the constitutionalist and reformer Kang Youwei favored "*Zhonghuaguo*", while the scholar and diplomat Huang Zunxian advocated for "*Huaxia*," as the name for the new China. Eventually, it was the proposal of the republican revolutionaries—Sun Yat-sen and Zhang Taiyan—to adopt "*Zhonghua Minguo*" as the formal name of the new Chinese state established in 1911. Its English translation was "Republic of China," and its Chinese shorthand remained "*Zhongguo*" (Liu 2004, 76–77). After 1949, the People's Republic of China inherited this legacy and orthodoxy, incorporating "*Zhonghua*" into its official name, with "*Zhongguo*" continuing as its shorthand. In this context, "*Zhonghua*"— originally a term tied to cultural doctrine—and "*Zhongguo*"—initially a geographical and cultural concept—were now both transformed into the proper names of a modern state.

From that point onward, "*Zhongguoren*" has gradually shifted from being primarily a cultural and geographical concept to being increasingly understood as a concept of state-people. In other words, "*Zhongguoren*" has become less associated with *tianxiaren* and more explicitly constructed to signify the state-people of the Republic of China and the People's Republic of China. In short, originally a term characterized by its geographical and cultural connotations—whose boundaries and meanings were flexible, elastic, and unstable throughout history—"*Zhongguoren*," alongside the transformation of "*Zhongguo*" into a modern state, has evolved into a concept of state-people. This evolution has narrowed the meaning of "*Zhongguoren*," imposing increasingly rigid racial and statist boundaries and granting it a more definitive signification.

According to phonetic translation, the official English title of the modern Chinese state should be rendered as the "[People's] Republic of *Zhonghua*." Alternatively, the semantic translation would produce "[People's] Republic of *the Central Florescence*." However, neither of these translations has been adopted. Instead, the official English title of the Chinese state is the "[People's] Republic of *China*." Once again, this English designation fails to align with the way Chinese people view themselves. This discrepancy raises critical questions: How did the English translation of the state's name come to be? What historical and political factors shaped the adoption of "China" as the state's official English title?

In discussing the naming history of the modern Chinese state, Lydia Liu argues that we should consider "the possibility that the referent for 'China' and 'the Chinese' has always been missing from the picture"(Liu 2004, 76). That is to say, before "*Zhongguo*" became a concept of a modern state, the terms "China" and "Chinese" already functioned primarily as racial and state-based constructs, used to refer to various dynasties in this region and their people. Western countries referred to this civilization as "the Chinese Empire," even though no such Empire ever existed in history. The region had dynasties such as the Han, Tang, the Great Ming State, the Great Qing State, etc., but there was never a "Chinese Empire." Similarly, while there were terms such as *tianxiaren*, *Zhongguoren*, *huamin*, etc.—all of which were fluid in meanings and boundaries—there was no definitive "race" called "Chinese."

However, when China entered the modern inter-state system and late Qing intellectuals endeavored to come up with a name for the new Chinese state, these intellectuals had become acutely aware of the existence of the foreign terms "China" and "Chinese," whose referent lacked a direct equivalent in their own lexicon. In other words, "China" and "Chinese" in fact represented signifiers for which the corresponding referents did not exist yet—an "absent" signifier that was awaiting creation. This missing signifier was waiting for a name bestowed by late Qing intellectuals and

revolutionaries. Regardless of which name was ultimately adopted as the official title of the new modern Chinese state, "China" and "Chinese" already existed as racial and state-based constructs waiting for translative equivalence. Put differently, the terms "China" and "Chinese" actually offered a scaffolding that squeezed "*Zhongguo*" and "*Zhongguoren*" into the framework of the modern nation-state.

As China transitioned from an empire to a modern state, the term "*Zhongguo*" gradually evolved from a cultural-geographical concept into a modern state concept. Concurrently, "*Zhongguoren*" also shifted from being primarily a marker of cultural identity to one of state identity. Furthermore, as the People's Republic of China increasingly seeks to assert control over Chinese people's identity through oppressive state violence and ideological state apparatuses, identification with *Zhongguoren* has significantly declined in regions such as Taiwan and Hong Kong. Globally, this decline of *Zhongguoren* identification is also evident among overseas Chinese populations, influenced by the rising nationalism of their host countries. Since "*Zhongguoren*" has come to represent the state-people of PRC, many members of the Chinese diaspora no longer identify themselves as *Zhongguoren*, but rather as citizens of the nation-states in which they reside.

Ironically, because "Chinese" has historically functioned as a "racial" concept, many members of the Chinese diaspora, while disavowing *Zhongguoren* identity, may still retain a "Chinese" identification in terms of ethnicity (e.g. "Chinese American," "Chinese Malaysian," etc.). This form of "Chinese" identification, however, no longer corresponds to the identity of *Zhongguoren*, but instead reflects the racial concepts of "*Huaren*" (ethnic Chinese) and "*Huayi*" (people of Chinese descent). That is to say, the term "*hua*"—as discussed above, traditionally symbolizing the florescence of the ethical doctrine of righteousness—has also been reinterpreted as a racial concept, adapting to the ethnic dimensions of mainstream multiculturalism within nation-states.

7. *Touduke* (strangers stealing across borders, or stealth entrants)

We have discussed five concepts or figures representing the identities of the Chinese diaspora throughout history: *tianxiaren* (people of the world under heaven), *qimin* (abandoned people), *huaqiao* (Chinese sojourners), *guomin* (state-people), and *Zhongguoren* (Chinese). What kind of anthropo-*logy* can be distilled from these figures? From these identities, we can observe two dimensions of forces that constitute tensions between life and sovereignty in various ways. On the one hand, there is the sovereign power that asserts its supremacy over human life; countering this, there is life's counterpower, which seeks to disregard or elude the claims of sovereign authority. On the other hand, there is the sovereign power that seeks to confine human life within a specific geopolitical framework; opposing this, there is life's counterforce, which strives to transcend such geopolitical constraints.

These five figures exemplify various modes of struggle and antagonism between these two dimensions of force and counterforce. Among them, "*huaqiao*," "*guomin*" and "*Zhongguoren*" reveal the predominance of movements tied to nation-building and/or state-making. In contrast, "*tianxiaren*" and "*qimin*" signify an opposing movement, wherein life seeks to evade or distance itself from sovereign power, even as sovereign power endeavors to reassert its superiority over life. Within this latter dynamic, another figure emerges with a long history in the context of Chinese migration, that is, "*touduke*."

The literal translation of this three-syllable term "*tou-du-ke*" is "steal, across, stranger." Thus, "*toudu*" means "stealing across [borders]," while "*touduke*" denotes the "stranger who steals across [borders]." Many sociologists translate "*touduke*" as "illegal migrant" or "clandestine migrant."

However, I prefer the renderings "stealth entrant" or "stealth migrant." In the official documents of the Qing Court, the term frequently appears as "*toudu zhi ren*," "*toudu renfan*," or "*toudu kemin*," signifying the "people," "criminals," or "strangers" who steal across borders. Similar to the concept of "*qimin*," these terms were used to designate individuals who violated the Qing's Sea Ban policy (1658-1983) by clandestinely crossing borders to other countries or offshore islands. As with "*qimin*," "*touduke*" is considered not only illegal but also immoral.

Chinese people have a long history of clandestine migration, often referred to as "*toudu*." Since the initial implementation of the Sea Ban policy during the Ming dynasty (1368-1644), these regulations have consistently proven ineffective in curbing Chinese outmigration. When the Qing dynasty succeeded the Ming in 1644, it largely inherited the Ming's Sea Ban policy and related legal restrictions. Nevertheless, Chinese individuals—especially those from Fujian and Guangdong provinces—continued migrating to Southeast Asia despite these prohibitions. Similarly, after Qing incorporated Taiwan in 1684, it also strictly restrained people from ferrying to the island (1684-1874); yet many people still managed to migrate there illegally (Cao 1997).

Even after the founding of the People's Republic of China in 1949, clandestine migration persisted. From the 1950s to 1980s, over two million people stole across borders to Hong Kong, driven by poverty, famine, or political persecution; many of these migrants subsequently migrated to Southeast Asia, Taiwan, or the United States (Chen 2011). The irregular migration waves from the Fuzhou area following the Reform and Opening-Up policy of the 1980s, as well as the phenomenon of "*zouxianke*" (line-walkers) emerging after the COVID-19 pandemic, merely mark the latest stages in this enduring pattern of Chinese clandestine migration, rather than representing a distinctive new phenomenon. It is as if *tianxiaren*, when circumstances become favorable or urgent, would transcend geopolitical borders to seek residence elsewhere, regardless of whether their journey is permitted or prohibited.

Take the journey to the United States as an example. Since the passage of the first Chinese Exclusion Act in 1882, which rendered all Chinese laborers inadmissible to the United States, Chinese migrants have continuously sought entry through various lawful or unauthorized channels (E. Lee 2003). During this period, the majority of Chinese illegal migrants entered the United States by clandestinely crossing borders with Canada, Mexico, and the Caribbean. While precise numbers of clandestine migrations are difficult to determine, reports indicate the scale of these movements. For instance, in 1908, the Mexican legation in China reported that 48,000 of the 60,000 Chinese migrants in Mexico had entered the United States illegally, with thousands estimated to cross U.S. borders clandestinely each year during the exclusion era (1882-1943) (Young 2014, 171–172).

Chinese migrants also found ways to exploit legal loopholes to evade or challenge exclusion laws. For instance, the 1906 San Francisco earthquake and subsequent great fire destroyed all local birth records, giving many Chinese an incredible opportunity to claim native-born U.S. citizenship, as no documentation survived to refute their assertions. Immigration officials at the time frequently joked that each Chinese woman in the United States prior to the 1906 earthquake would have had to give birth to 800 sons to account for the sudden surge of native-born claims (Ngai 1998, 6). Later, in the first half of the twentieth century, tens of thousands of Chinese entered the United States by fraudulently posing as the sons or daughters of Chinese with American citizenship by native birth. These migrants were called "paper sons" or "paper daughters"(Lau 2006; Ngai 1998). Additionally, because merchants were exempted from exclusion, many Chinese companies regularly sold partnerships (and thus the merchant status) to Chinese who would otherwise be prohibited from entering the United States. Chinese migrants in the United States also used the restaurant business to create a sophisticated rotating partnership system to maximize the number of

people who could acquire the status of merchants and thus the privilege of entering or sponsoring relatives into the United States. This loophole encouraged many Chinese to enter the restaurant business to enhance, not only economic, but geographical mobility. The legacy of exclusion thus partially explains the proliferation of Chinese restaurants across the United States (H. R. Lee 2014).

Despite sixty years of exclusion, Chinese migrants continued to arrive through clandestine border crossings, forged documents, or the exploitation of legal loopholes. By the time the exclusion era ended, the U.S. Immigration and Naturalization Service estimated that at least 25 percent of the Chinese American population in 1950 was "illegal" (Ngai 1998, 3).

It is noteworthy that the Chinese Exclusion Act was the first law implemented to prevent a specific ethnic group from entering the United States, making the Chinese the first population to be labeled as "illegal aliens" in U.S. history.

Now we return to the Chinese concept of "*toudu*." As mentioned above, the Qing dynasty inherited the Ming's Sea Ban policy and its associated legal regulations, which were not officially lifted until 1893. However, in *the Great Ming Legal Code* and the initial revisions (1644-1730) of the *Great Qing Legal Code*, the term "*toudu*" does not appear. Instead, the terms "*sidu*,"[21] "*yuedu*,"[22] and "*maodu*"[23] were used to denote various forms of unauthorized crossings in the Qing Code. The earliest recorded use of the term "*toudu*" appeared in a 1710 report by an official of Taiwan, which detailed the severity of unauthorized migration to the island.[24] From that point onward, "*toudu*" frequently appeared in official documents to refer to persistent clandestine migrations to Taiwan. In the 1740 revision of the *Great Qing Legal Code*, the term was formally incorporated to address two legal precedents established in 1730 concerning cases of illegal migration between Fujian and Taiwan.[25] Following its inclusion in the Qing Code, "*toudu*" became one of the most commonly used terms in official documents to describe various acts of irregular migration.

"*Toudu*" remains a frequently used word in contemporary Mandarin. Today, the word encompasses a wide range of practices, including smuggling, stowing away, clandestine entry into a country by boat or overland routes, the use of false identities or documentation, deliberately overstaying visas, etc. In contrast, the terms originally employed to describe unauthorized crossings in the Ming and Qing Codes—such as "*sidu*," "*yuedu*" and "*maodu*"—have long fallen out of use. How did this evolution in langue—the "life and death" of these terms—occur? A highly plausible explanation lies in the widespread and persistent phenomenon of clandestine migration to Taiwan during the Qing dynasty, which helped to popularize the word "*toudu*." Initially tied to the specific social problem of unauthorized migration to Taiwan, the word's meaning gradually expanded to encompass various illicit crossing practices in different contexts. Moreover, the enduring prevalence of *toudu* throughout history, continuing unabated into the present, has likely contributed to its sustained relevance in contemporary Chinese language. Hence, if there exists a historical "Taiwan spirit"—frequently invoked by contemporary Taiwanese politicians—that has bestowed its legacy upon modern Chinese language, the practice and concept of "*toudu*" arguably exemplify this enduring legacy.

Toudu is not merely a relationship between human life and a sovereign state; with the establishment and consolidation of the system of states, it also gets entangled in a relationship between life and the inter-state system. For instance, when a Chinese laborer migrated from China to the United States in the late nineteenth century, his [non-]identity in fact shifted from a "*touduke*" (under the Qing's Sea Ban policy) to an "illegal alien" (under the U.S. Chinese Exclusion laws). In the Qing context, the designation of "*touduke*"—similar to "*qimin*"—actually represented the sovereign inclusion of life by means of exclusion: by labeling individuals physically outside its borders, the sovereign incorporated those lives symbolically, asserting its authority through exclusionary

designation. Conversely, in the U.S. context, the designation of "illegal alien" reflected the sovereign exclusion of life by means of inclusion: by labeling those physically within its borders as outsiders, the sovereign excluded them through an inclusive designation as "strangers"—what Simmel (1972, 143) described as those "who comes today and stays tomorrow."

In both cases, life was simultaneously included and excluded by sovereign power. What was included was the designation of life itself; through the act of designation, the sovereign power exhibited its own supremacy. Conversely, the life in question was excluded from national membership; through this exclusion, the sovereign power produced illegal and illegitimate forms of life. Synthesizing these two dimensions, "*touduke*"—as well as "illegal alien"—functions as the insignia of law and sovereign power imprinted upon the *tianxiaren*. This dual mechanism of inclusion and exclusion underscores the paradoxical relationship between sovereign power and life, wherein the act of designation both enforces containment and denies belonging.

To summarize, the Sea Ban policy produced the figure of "*qimin*"; the stringent restrictions on migration to Taiwan gave rise to the concept of "*touduke*"; and the Chinese Exclusion laws brought about the notion of "illegal alien." These examples manifest the fact that figures like "*touduke*" are products of the legal and linguistic apparatus of the sovereign state, and, as such, are incorporated into the sovereign order. However, from the perspective of life, "*touduke*" on the contrary signifies a locale where the sovereign power struggles to fully capture or penetrate. To revisit the thesis proffered at the beginning of this section, "*touduke*" thus constitutes a contested terrain where the forces of sovereignty and the counterforces of life collide—sovereign containment vs. life's transcendence; sovereign imperatives vs. life's defiance—each striving to exert and assert its own power.

8. Conclusion

Let me end this essay with an ethnographic vignette, documenting a conversation between a *touduke* and me about the contemporary usage of the term "*toudu*."

A Fuzhounese informant who clandestinely crossed borders to the United States in 1991 told me that when he was still in his home village in the 1980s in China, although the term "*toudu*" existed in his dialect, it was rarely used. When describing the journey to America, regardless of its (il)legality, people commonly employed terms such as "*chuguo*" (to go abroad), "*qu Meiguo*" (to go to America), "*songchuqu*" (to send out), "*zouxian*" (Fuzhounese: *giangxiang*, to walk the line), etc. It was after the *Golden Venture* incident in 1993—when a tramp freighter carrying approximately 300 undocumented migrants from the Fuzhou area ran aground off the Rockaway coast in Queens, New York, resulting in the deaths of ten individuals attempting to swim ashore—that the term "*toudu*" began to gain widespread usage among the Fuzhounese villagers both in China and the United States. This incident, which shocked mainstream American media by revealing the severity and pervasiveness of illegal Chinese migration, also drew the attention of the Chinese government, which feared its potential impact on China's national reputation. In response, both the Chinese and American governments implemented stricter policies aimed at aggressively "cracking down on criminal activities related to human trafficking and clandestine migration." Extensive coverage by Chinese-language media, both within China and in overseas communities, further popularized the use of the term "*toudu*." My informant recalled that it was only after the *Golden Venture* incident that his people began using "*toudu*" to describe their journeys and came to regard themselves as "*touduke*."

When an ordinary person begins to utilize "*toudu*" to describe a form of journey, this suggests that they are, perhaps unconsciously, adopting the state's perspective to interpret certain types of movement. The popularization of the concept of "*toudu*" within everyday language thus reveals the deep infiltration of state power into the daily lives of ordinary people, shaping how they perceive and articulate certain experiences of migration and mobility.

Once, this same informant conducted a kind of "reverse anthropology" on me, questioning why I was so interested in the phenomenon of *toudu*. As I earnestly tried to explain my research interests in the relationship between life, sovereignty, and the modern state, he interrupted me, saying,

> In fact, it doesn't matter whether it is *toudu* or not. There is no difference between *toudu* and not-*toudu*. Whether it is *toudu*, fake marriage, traveling by boat or by airplane, crossing the desert, or even official immigration, there is no difference between them. The point is, everybody is just trying to find ways to go out; the only difference lies in the means. People might think that traveling by airplane is much more expensive, but it is much safer than traveling by boat or crossing the desert. What really matters is this kind of consideration. So, it doesn't really matter whether it is *toudu* or not; there is no difference between them.

When explaining the rationale of their illicit journey, my informant did not appeal to a universalist claim of human rights to freedom of movement. The assertion that "there is no difference between *toudu* and not-*toudu*"—no difference between legal and illegal forms of movement—is not rooted in a rights-based discourse, nor is it a universalist statement grounded in the notion of "humanity." Instead, it represents a neutralizing testimony, rather than a positive declaration of universalism. Through this particular judgment of "there is no difference," the life effectively suspends the sovereign logic of discrimination, which relentlessly seeks to differentiate between permitted and forbidden forms of movement, between legitimate and illegal forms of life.

Notes

1. *The Chinese Dictionary, Revised Edition*, by Ministry of Education, R.O.C, entries of "身" "分" and "身分." http://dict.revised.moe.edu.tw/cbdic/search.htm
2. *Book of Poetry*, Minor odes of the Kingdom, Beishan. Translated by James Legge.「溥天之下，莫非王土；率土之濱，莫非王臣。」
3. "Ground-Thumping Song," a popular poem of ancient China.「日出而作，日落而息，鑿井而飲，耕田而食，帝力於我有何哉。」My translation.
4. *Mencius*, Li Lou I. Translated by James Legge. Translation modified.「天下之本在國，國之本在家，家之本在身。」
5. *Mencius*, Wan Zhang I. Translated by James Legge.「天與之，人與之。」
6. *Mencius*, Wan Zhang I. Translated by James Legge.「天視自我民視，天聽自我民聽。」
7. *Mencius*, Jin Xin II. Translated by James Legge. Translation modified.「民為貴，社稷次之，君為輕。是故得乎丘民而為天子。」
8. *The Classic of Rites*, Li Yun.「男有分，女有歸。」My Translation.
9. The term "Angke" is still preserved as a river name of "Kali Angke" in today's Jakarta, Indonesia.
10. 「天朝棄民，不惜背祖宗廬墓，出洋謀利，朝廷概不聞問。」My translation. This quote appears many times in historical records, such as (Li 2003, 151; Shen 1985, 156; Cao 2000, 128–131; Yan 1990, 18).
11. 「被害漢人，久居番地，屢奉招徠，而自棄王化。今被其戕殺，孽由自作。」My translation. Wei Yuan魏源: 《海國圖志》，卷13 [Illustrated Treatise on the Maritime Kingdoms, Vol. 13]. Cited from Wang (2004, 567)
12. For the Chinese version, see Li (1937, 293) and Wu (1984, 6–7). It is not certain whether the Chinese record was from primary source or was translated from English source as cited in the text. The conversation in Chinese version is recorded as follows:
    總督：敝國向不遣使國外。

杜普：但貴國人民在太平洋彼岸者，人數甚多，不下數十萬。
總督：敝國大皇帝撫有萬民，何暇顧及此區區飄流外國之浪民？
杜普：此等華人，在敝國開掘金礦，頗有富者，似有保護之價值。
總督：敝國大皇帝之富，不可勝計，何暇與此類游民，計及錙銖？

13. 「逸民不事王侯。」My translation. The quote is from the *Book of Later Han*, "Biographies of hermits."
14. 「保國者其君其臣，肉食者謀之。保天下者，匹夫之賤亦有其責。」From Gu Yanwu, *Records of Daily Knowledge* (*Rizhilu*), Vol. 13. My Translation. Cited from Mizoguchi (1999, 97).
15. In fact the character-compound "國民" already existed in classical Chinese, but its meaning was closer to "ordinary people" or "subjects of a certain feud" rather than the modern concept of "citizens." It was only after Liang Qichao's encountering the Japanese *kanji* "国民*kokumin*" and the political ideas it conveyed, and subsequently reintroducing the term into Chinese world discourse, that "國民*guomin*" acquired its modern significance. In this new context, *guomin* embodied ideals of public morality and civic virtue, and thus became a brave new modern concept. Lydia Liu refers to such classical Chinese-character compounds that were used by Japanese to translate modern European concepts and then reintroduced into Chinese as "return graphic loan" words; she also describes the modernity engendered by this translingual practices as "translated modernity." See Liu (1995). As to the previous life of "國民" or "国民," they were initially used to translate the German political concept "*Volk*," especially that of the works by the European jurist and politician Johann Caspar Bluntschli (1808-1881). See Shen (2002a, 700 no. 61) and Bastid (1997).
16. 「國者積民而成，舍民之外，則無有國。以一國之民，治一國之事，定一國之法，謀一國之利，捍一國之患，其民不可得而侮，其國不可得而亡，是之謂國民。」Translated by Chang Hao (1971, 164), translation modified.
17. As Chang Hao remarks, "Laing's concept of *hsin-min* [*xinmin*] must be understood in two senses and hence should be translated in two ways. When *hsin* is used as a verb, *hsin-min* means and must be translated as 'renovation of the people.' When *hsin* is used as an adjective meaning 'new,' *hsin-min* should be translated as 'new citizen'" (Chang 1971, 150 no. 2).
18. https://en.wikisource.org/wiki/Treaty_of_Nanking.
19. https://zh.wikisource.org/zh-hant/南京條約.
20. Some historians view differently. They argue that in the international treaties signed in the late Qing, the Chinese government often used the term "*Da Qing*/Great Qing" and "*Zhongguo*" interchangeably, and thus both "*Daqing*" and "*Zhongguo*" referred to the same polity, the same state. This opinion overlooks the fact that "*Zhongguo*" in history always played the role as a geographical and cultural concept, not a concept of a state. It is precisely the omission of this fact that these historians consider "*Da Qing*" synonymous with "*Zhongguo*." See, for example, Zhao (2006).
21. 《大清律例》律220，「私越冒度關津」:「凡無文引，私度關津者，杖八十。」(Ma and Yang 1992, 608). "Whoever, without being provided with a regular license or passport, proceeds either by land or water-carriage, clandestinely through any barrier station, shall be punished with 80 blows" (Staunton 1810, 232).
22. 《大清律例》律220，「私越冒度關津」:「若關不由門，津不由渡，別從間道。而越度者，杖九十。若越度緣邊關塞者，杖一百、徒三年。因而潛出交通外境者，絞。」(Ma and Yang 1992, 608). "Whoever, in order to avoid examination at the barrier, passes it by any other than the customary road, channel, or ford, shall be punished with 90 blows. Whoever in a similar manner passes, without submitting himself to examination, any of the barriers or posts of government at the frontier, shall be punished with 100 blows, and banished for three years. If such individual proceeds afterwards so far as to have communication with the foreign nations beyond the boundaries, he shall suffer death by being strangled, after the customary period of confinement" (Staunton 1810, 232).
23. 《大清律例》律220，「私越冒度關津」:「若有文引，冒他人名度關津者，杖八十。」(Ma and Yang 1992, 608). "Whoever fraudulently obtains leave to proceed through a barrier station, by presenting a license intended for another person, shall be punished with 80 blows" (Staunton 1810, 233).
24. The earliest record of the term *toudu* in official documents was found in 陳璸：《臺廈條陳利弊四事》，康熙49年 (1710). See Chen (2011, 77–78).
25. 《大清律例》「私出外境及違禁下海」，條例第20、21條 (Ma and Yang 1992, 622–623).

Special terms

guomin	國民	shenfen	身分
hanjian	漢奸	tianxiaren	天下人
huaqiao	華僑	touduke	偷渡客
qimin	棄民	Zhongguoren	中國人

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